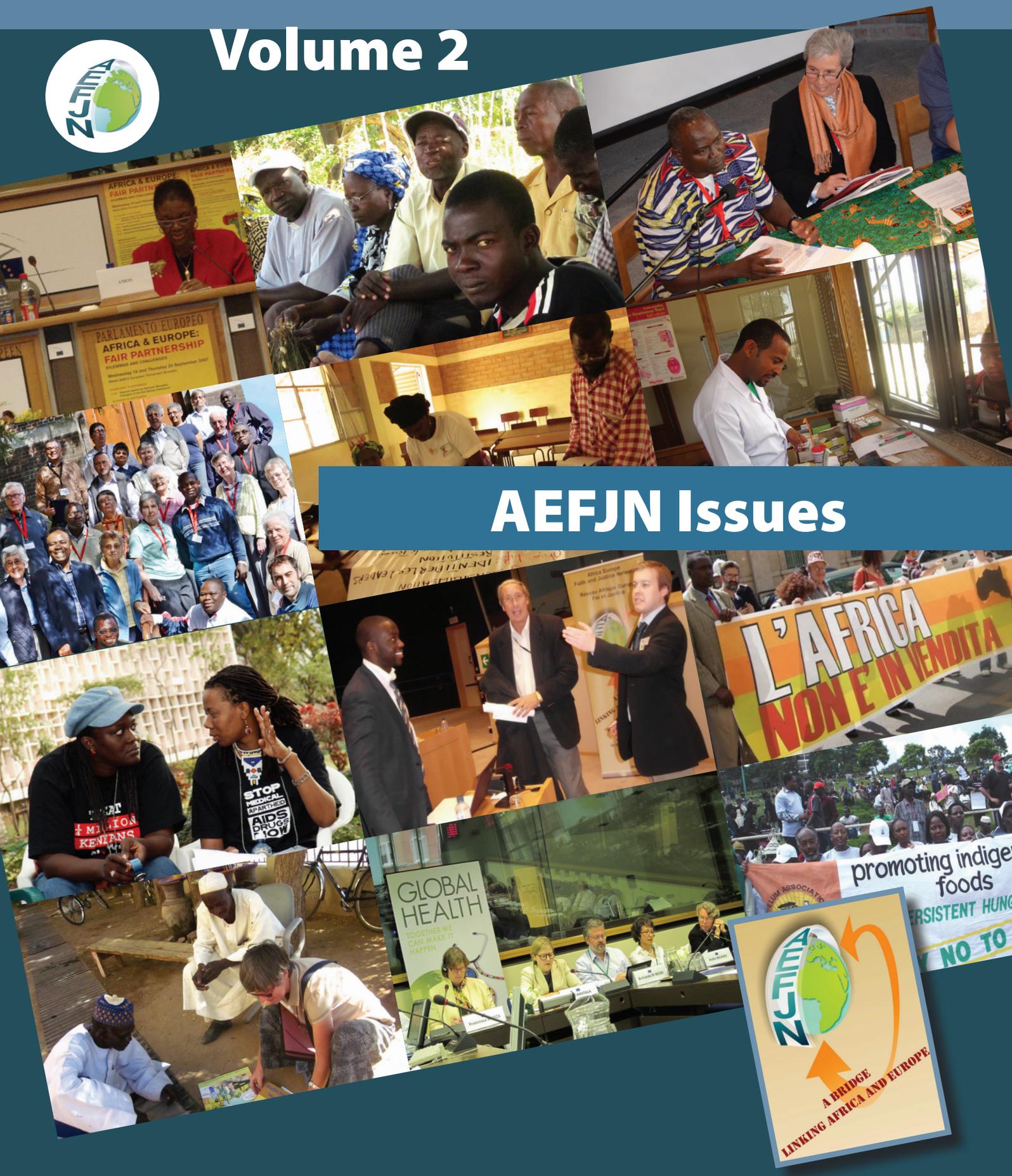


# MANUAL ON ECONOMIC JUSTICE

For Justice Peace and Integrity of Creation Groups



## Volume 2



## AEFJN Issues





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For Justice Peace and Integrity of Creation Groups



## Volume 2

# AEFJN ISSUES

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## AFRICA-EUROPE FAITH AND JUSTICE NETWORK (AEFJN)



The Africa-Europe Faith and Justice Network (AEFJN) is a bridge linking Africa and Europe. It works for greater equity and economic justice in dealings between Europe and Africa so that the African peoples may enjoy a better future.

AEFJN is a Christian, international not-for-profit network most of whose members (European and African, religious and lay) live or have lived in Africa. With their first-hand knowledge of life in Africa and some of the great injustices the people suffer there, AEFJN's members aim to develop fairer relations between the European Union (EU) and Africa. Their faith nourishes a deep respect for the dignity of each human being and a wish see the earth's resources shared more equitably.

AEFJN promotes sustainable development in Africa, listens to the voice of the people and echoes it to the European institutions. It pays special attention to the voices of the poor and most vulnerable. Given the links between financial systems and social injustice, AEFJN combats poverty by focusing on establishing more just economic relations.

To do this, AEFJN carries out advocacy and lobbying on economic issues related to Africa on both continents. The international secretariat in Brussels does research into the underlying causes of poverty and the impact of EU policies on Africa. It shares this information and suggests possible action – campaigning and advocacy – for christian lay-groups, missionaries and religious so that they can influence the thinking of decision-makers and the public at large. AEFJN is also alert to crisis situations and recommends ways of helping.

AEFJN is present in all African and European countries with active groups (Antennae) in countries on both continents.

### AEFJN'S MAIN THEMES

#### ***Access to Quality Medicines***

AEFJN promotes access to quality medicines at affordable prices for all in Africa.

#### ***Climate Change***

AEFJN studies the impact of EU climate change policies on Africa.

#### ***Trade and Economic Partnership Agreements (EPAs)***

AEFJN calls for EPAs that are fair to Africans and really support Africa's economic development.

#### ***Food Sovereignty***

AEFJN focuses on access to resources (land, water and seeds) for African family farmers and on the negative impact of land grabbing promoted by some EU policies and investments.

#### ***Exploitation of Raw Materials and Corporate Justice***

AEFJN is committed to holding Transnational Corporations exploiting raw materials in Africa accountable for their activities in the continent.

#### ***Small Arms Control***

AEFJN calls on the EU and UN for strong and effective legislation on arms transfers to limit the proliferation of small weapons in Africa.

## **INTRODUCTION TO THE AEFJN MANUAL**

### ***PURPOSE OF THIS MANUAL***

The idea of this manual was born from the experience of AEFJN's contacts with religious, Justice Peace and Integrity of Creation (JPIC) teams and other people and groups in Africa.

In it, we offer ideas to help overcome:

- o The difficulty that may exist in Africa in relating AEFJN issues (with their economic bias) to the life of the people and the injustices experienced locally.
- o The shortage of time and skills available to AEFJN members and JPIC groups of religious.
- o The trouble understanding the link between local, national and international policies.
- o The situation of the world is changing at great speed. Poverty is increasing in Africa and elsewhere. As Christians, we are duty bound to try to improve the lot of the most vulnerable.

### ***THE TWO PARTS OF THE MANUAL***

Two needs relating to our work have surfaced: the need for Christian groups (mainly JPIC teams) to discover how to let their faith work through them to transform unjust situations and the need for Christians in general and others in sympathy with our aims to discover how best to work on AEFJN issues.

For this reason, the manual is divided into two parts:

Part I aims at helping Christian groups organize themselves in order to be effective agents for change.

Part II focuses on AEFJN's current issues: access to quality medicines, climate change, raw materials and corporate justice, food sovereignty and land grabbing, and small arms control.



# CHAPTER 1

## LAND GRABBING

### ABBREVIATIONS

AEEP	Africa-Europe Energy Partnership
AU	African Union
CAP	Common Agriculture Policy (in European Union)
CDB	Convention on Diversity of Biology
Ditto	Same source than previous one
EU	European Union
FAO	Food and Agriculture Organisation (of United Nations)
GHG	Greenhouse gases
Ha	Hectares (10,000 square metres)
IMF	International Monetary Fund
REDD Program	Reducing Emissions from Deforestation and Forest Degradation Program led by UN
UN	United Nations
USA	United States of America
WB	World Bank
WTO	World Trade Organization



## VOCABULARY

**Agrofuel:** name given to fuel produced from agriculture and forestry products (plant, waste biomass). Ex: Jatropha (= Pourghère), palm oil, sugar cane, maize but also rice, cassava, millet, canola, wood etc. This name refers to production techniques. Agrofuels and biofuels are the same. The name 'biofuel' is contested because while 'bio' refers to life while the production practices used threaten the ecosystems life. For that reason the name of 'agrofuels' is preferred. The large-scale cultivation of agrofuels is usually accompanied by intensive use of water, chemicals, fertilizers and pesticides. These practices often result in polluting and depleting water resources and fertile soil, threatening food resources.

**Biofuel:** fuel produced from plant or biomass. 'Bio' refers to live raw material. Promoters of such fuels argue that these fuels emit much less greenhouse gases than fossil fuels. But in their calculations, the emissions released during production, as a result of land-use change, fertilizer application, drainage of peat soil, processing the fuel and transport of products from field to consumers are not taken into account.

**Carbon Credits and Carbon Markets** are components of national and international attempts to mitigate the growth in concentrations of greenhouse gases (GHGs). A Carbon Credit is a generic term used for any tradable certificate or permit representing the right to emit one tonne of carbon dioxide or its equivalent. This virtual market allows industry to pollute under tradable conditions without tackling GHG emissions. Carbon market is the trading in Carbon Dioxide (CO<sub>2</sub>) emissions and currently makes up the bulk of emissions trading.

**Carbon Stock:** quantity of carbon contained in a system which has the capacity to accumulate or release carbon such as plant, soil, biomass.

**Ecosystem:** biological environment consisting of all the organisms living in a particular area and linked together through nutrient cycle and energy flow.

**EU Directive:** legislative act of the European Union which requires member states to achieve a particular result. The member states have to implement the Directive in their laws.

**Food Sovereignty:** concept claimed by family farming's movements who require the right of peoples to choose which food to produce and how to produce it according to health and cultural habits and to the protection of environment for future generations. They claim for their right to define their own food system and agriculture systems. These are on the opposite of the food system led by global business that is unsustainable for the environment, as well as for the economy and social aspects. Food Sovereignty prioritises local and national economies and markets. It empowers peasant and family farmer-driven agriculture to guarantee a just income to all people. At the same time, it empowers consumers to control their food and nutrition in a sustainable way.

**Food Security:** exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life. Household food security is the application of this concept to the family level, with individuals within households as the focus of concern.

**Free, Prior and Informed Consent:** individual or community has been previously provided sufficient information to form a reasoned decision and is free to give consent.

**Greenhouse Gas:** gas in the atmosphere that absorbs and emits infrared radiation, contributing to warm climate. This process causes the greenhouse effect. The primary greenhouse gases in the Earth's atmosphere are water vapour, carbon dioxide, methane, nitrous oxide, and ozone. Greenhouse gases greatly affect the temperature of the Earth and play a big role in keeping a temperature where life is possible.

**Greenwashing:** name done to marketing that promotes the perception that a company's policies or products are environmentally friendly, but are, in fact, unsustainable. This word is modelled on 'whitewashing.'

**Impact Assessment:** also called 'impact study:' an assessment of the possible positive or negative impact that a proposed project may have on the environment, together consisting of the environmental, social and economic aspects. In the case of land acquisition this should be done by independent consultants in order to try to avoid distorted conclusion.



**Right to use:** the right of persons to use one piece of land for activities such as: growing, hunting, collecting firewood or medicinal plants, pastoral farming, etc.

**Reducing Emissions from Deforestation and Forest Degradation (REDD):** UN program designed to use market/financial incentives in order to reduce the emissions of greenhouse gases from deforestation and forest degradation. Its original objective is to reduce green house gases but it is claimed that it can deliver 'co-benefits' such as biodiversity conservation and poverty alleviation. But it has been criticised for ignoring the rights of local peoples, for relying on failing carbon markets for its success, and for depending on uncertain science in setting levels of compensation. It provides economic incentives to rainforest nations to keep their tropical forests intact. But often people living in the forest receive virtually no benefits from the REDD project. What's more some are displaced and their rights are not recognised.

**Sustainable:** responsible management of resource use that aims at maintaining the biological systems diverse and productive over time, able to meet human needs at present and for generations to come.

**Private Property:** is the employment, control, ownership, ability to dispose of, and donate land, capital, and other forms of property by persons and privately owned firms. Private property is distinguishable from public, community or government property, which refers to assets owned by a state, community or government.

**Privatisation:** process of transferring ownership of a business, enterprise, agency, public service or property from the public sector (the state or government) to the private sector (businesses that operate for a private profit) or to private non-profit organizations.

**Water Grabbing:** involves the diversion of water resources and watersheds by domestic and transnational companies, governments, and individuals, which deprives local communities who depend on the water and ecosystems for their livelihoods. It also can have damaging environmental effects as watersheds are made unsustainable by overuse of limited water. Water grabbing is often linked to land grabbing when great amounts of water are used for agricultural production, or where water is derived or polluted.





## CHAPTER 1

# LAND GRABBING

## 1. INTRODUCTION TO LAND GRABBING

The new phenomenon of Land grabbing, or land acquisition in order to produce food or AGRO-fuels for export, is a cause of great concern as it constitutes a serious threat to Food Security and Food Sovereignty in the communities of the countries concerned. Yet in the countries where land is being sold or leased regularly, you find that emergency food relief is often needed there since a immense part of their population live below the poverty line.

Climate Change, water scarcity, high food prices and increasing demand for non-food crops like agro- fuels make the competition for land greater, aggravating the phenomenon of land-grabbing.

Currently Land Grabbing raises a lot of controversy. There is an urgent need to analyse its real nature, and to get a proper, clear and broad understanding of its consequences and implications, so as to take appropriate initiatives at all levels. Objectively speaking, the necessary conditions for land acquisition had been prepared for years by the World Bank Group (WB-G).

Most of these farmland acquisitions are occurring in low-income and middle-income countries, often in settings where land property rights are weak, unclear, and poorly governed – creating very serious risks for the local population and their governments. The phenomenon has taken huge proportions in Africa.

## 2. WHAT IS LAND GRABBING

Land grabbing is the purchase or lease of vast areas of rural and agricultural land by foreign governments and multinational corporations as well as local rich citizens of holdings for commercial or industrial agricultural production (food, animal feed, agro-fuel, etc.) to be exported to the country of the investor or to the international market. The use of the land is given in exchange of capital, promises of jobs or construction of certain infrastructures. The size of land (in most cases over 10,000ha) is disproportionate in comparison to the average land holding in the region. In many cases the local elites, domestic companies, or wealthy nationals living abroad, are acting as intermediaries: they buy land, to be sold later to foreign investors or for direct exploitation. The fact that locals are acting as intermediaries makes the phenomenon more dangerous.

Investors and governments ignore the people who live on the land from generation to generation that rely on it to survive. Affected communities are not being informed nor consulted, hence, consent is not given which more often than not, leaves them homeless and without land to grow enough food to eat and to make a living. This is why it is called 'land grabs'.

### 2.1. Factors and Policies Inducing Land Grabbing

Various political and economic policy choices made by specific countries relating to land grabbing have greater impact on other countries even in other continents.

In 2007-2008 the huge increase in the price of agricultural products, like wheat, rice, corn, and other cereals, provoked a serious food crisis. Since then the combination of higher and more volatile global commodity prices, growing demand for agro-fuels, population growth and urbanization, as well as globalization, have renewed the interest in plantation-based agriculture in order to guarantee access to basic food supplies in countries like South Korea, Saudi Arabia, including India and China. In that line, large-scale acquisitions of land to produce food are becoming a priority investment for the future.

Another factor increasing land-grabbing is the big push for agro-fuels for transport, manufactured from crops and materials rich in cellulose. Certain countries (in the EU, USA, and Brazil) have set targets on the use of renewable energy to reduce their dependence on foreign oil and address the climate change. As most of those countries, except Brazil, do not have enough arable land, nor water available to produce them, governments offer financial incentives (subsidies) to their companies and stimulate private investment to produce biomass for agro-fuels overseas. This is a key reason for the boom in the production of agro-fuels in Africa. A negative



factor of agro-fuels is their cultivation may push food prices up threatening the food security of local communities.

In Europe, the Common Agriculture Policy (CAP) promotes food production at low price, thus encouraging investment in big farms in African countries where the costs of land, water and labour are low and so the cost of production is very much reduced. The European Union and many Western countries may have facilitated land acquisitions in Africa through its conditionalities and support to land, investment policies, and trade policy reforms, in collaboration with the WB- G.

Attracted by the availability of what has been described as large portions of 'unutilized fertile land' in Africa, several countries and corporations have secured deals with governments, in an effort to outsource their agriculture, in deals that have been widely contested because of their ambiguous legitimacy.

Some 'land-grab' deals are a new way to meet the food security needs of countries dependent on external markets to feed themselves, while others deals are bluntly exposed for what they really are: business deals and new profit opportunities. 'Farming abroad' is the new strategy to ensure food supply in many food-importing countries, such as Saudi Arabia, Qatar, India, China, South Korea, Japan, Norway, etc, that do not attain enough arable land and water resources to produce their own food. Governments or national companies have decided to produce food, animal feed, agro-fuel in other countries instead of importing them at a higher cost and, sometimes, with export limits established by traditional food-exporting countries. Therefore they target African countries where the needed land and water resources exist and governments are ready to lease arable land to get some investments or financial benefits.

Many of those transactions are done in countries where the law on land is weak. Despite the involvement of food importing states, most of these transactions are between host governments and private corporations. Usually these deals have little oversight and lack transparency regarding issues for instance; amounts paid for land, regulation regarding conditions and monitoring, environmental safeguards and protection of smallholder farmers or traditional communities from losing their customary rights to use land.

International investors are gradually moving away from minerals and oil and focusing on food. The record price of commodities such as wheat and rice reached in 2008 made nations become aware of the importance of secure long-term food supplies. The economic crises have contributed to making land a key commodity (product) to be bought and sold at the best possible price and to be acquired whatever the consequences for its long-term occupants. Farmland has become an ordinary economic and financial asset, replacing other sectors in crisis, such as real estate, hedge funds, etc. Today's investors look at land acquisition as a secure and profitable investment and a new source of income. Majority of the investors have recognized the scarcity of land in the near future and therefore want to increasingly acquire land for the mere purpose of future profits.

Investments in both food and land are new opportunity to harvest great benefits. The main investors on farming land are investment funds such as: pension funds, sovereign wealth and private equity, hedge funds, agro-business, universities, bankers, countries and others. Furthermore, the financial sector interest in arable land is rapidly growing.

For African countries agreeing to such deals, the possible advantages are attractive. Till now African agriculture did not attract significant investments or external aid. The current global economic downturn has made external financing even more scarce. So leasing 'idle' land to foreign governments and companies for large-scale cultivation is often seen like a way to boost the agricultural sector and create new job opportunities. Investors often promise a substantial numbers of jobs for the local population, use of high-tech and high-production farming techniques. In reality both promises are contradictory, as high-tech and high production devices reduce labour. Investors often do not hire significant numbers of people. Based on previous experiences, when they demand unqualified personnel, often they create low-paying jobs and poor working conditions. So the promises relating to jobs and technology do not usually materialize.

The UN, REDD + programs presented as a solution for climate adaptation encourage the acquisition of land (mainly forests) in order to profit from the REDD financial advantages. These initiatives represent an added pressure to the available land resources and encourage land grabbing.



### 3. CONSEQUENCES OF LAND GRABBING

Since mid 2008, land acquisitions have drawn widespread criticism from United Nations agencies, certain governments, and Civil Society groups concerned that land grabs threaten food security and access to land for the poor and vulnerable populations. The World Watch Institute recently reported that rural populations have been pushed off prime land in 25 sub-Saharan countries for the production of AGRO-fuel crops for foreign nations. The late Peace Nobel Prize, Wangari Maathai, consistently pointed out the devastating impact of big land acquisitions that threatens precious environments, and even more the lives and wellbeing of hundreds of thousands of ordinary people living on these lands. The 2010 World Bank report about large-scale land acquisitions did not find any convincing examples of 'wins' for poor communities or countries, only a long list of losses.

Christine, a farmer in her mid 40s, who lived in Kiboga district (Uganda), said that due to the land grabbing, all their plantations were cut down. "We lost the banana and cassava. We lost everything we had. The company's casual labourers would attack us - they beat and threatened people. Even now they won't let us go back to look for the things we left behind. I was threatened - they told me there were going to beat me if we didn't leave."

Farmers lose their land, and way of life that has been drawn from generations, losing their access to resources such as; areas for farming, grazing, fishing, hunting, gatherings (mushrooms, herbs, nuts, fruits, honey and other foods), collecting firewood and materials for various activities. Without land they are obliged to become daily labourers or tenants if they are lucky, but most of them are forced to migrate into urban areas where they will not find a job, and will have a difficult and marginal life. Women are often those more affected as they are the main food producers (80 per cent in Africa) and have weaker land rights. What is even more painful for local communities is the loss of the land of ancestors and of some spiritual places where they perform traditional ceremonies.

The vast majority of locals receive no compensation. When compensations is provided, it rarely covers the true value of the land and the sources of income and production lost. The compensation received does not allow farmers to survive beyond two years, maximum three years. Corruption plays a role in the unfair compensations.

Land and water are the main resources of family farmers. Land grabbing induces water grabbing too, as industrial agriculture needs huge amounts of the precious liquid. The use of this water by investors, results de facto in the privatization of water, as locals, including those downstream cannot use it. Added to that is the fact that the large irrigation canals, deplete the deep layers of water and may permanently destroy swamps that are crucial for both the region's biodiversity and traditional ways of life.

People are displaced or evicted from their farmland, communal areas and ancestral land often to areas far from public services and infrastructures such as roads, water, schools, health centres, etc. Ultimately the only solution left is to become labourers or to migrate to urban areas as mentioned above.

Land grabbing constitutes a violation of international human rights law through forced evictions, the prevention of meaningful local participation in political decisions that affect their lives, the flagrant denial of information to those affected, the silencing and imprisonment of critics, the introduction of non-sustainable models of land use and agriculture that destroy natural environments and deplete natural resources. Every government is responsible of the respect of human and socio-economic rights of its population and no public policy that disregards them is justifiable by the part of the government, even if presented as public policy or state regulation.

The food sovereignty movement, comprising a network of NGOs, demands the removal of agriculture from the international trade system and rejects agricultural biotechnology and industrial agriculture in favour of localised food production and the protection of rural livelihoods across all nation-states.

Land grabbing threatens the human right to food security and food sovereignty as it makes it increasingly hard for communities and countries to feed themselves. Land grabbing takes vast stretches of lands and ecosystems that were used previously by peasants, local population, hunters, fisher folk and pastoralists for local food production. This, together with the diversion of the food produced at industrial level to foreign countries; jeopardize seriously the right to food and livelihood security of the local population. Added to that is the fact that many countries suffering from food insecurity are leasing or selling their land without mechanisms to ensure that the investments contribute to improved food security. The case of Ethiopia where investors receive numerous incentives to ensure that food production is exported out of the country, in order to get foreign currency, is one of the most striking. The Ethiopian government lists transfer of technology as a major outcome of land investment, even if it has not established any mechanism for such transfers to take

place. The choice of getting foreign exchange at the expense of local food supplies is a political choice.



These unethical foreign land acquisitions have the potential to hurt domestic efforts to raise food production and could limit broad-based economic growth. Land investment may have the potential to help countries work themselves out of poverty but the current rush for land is leaving people worse off. The policy of leasing huge amounts of land works in opposite direction to policies supporting Family Farming that many governments affirm they want to support.

This also puts in danger the urban population who depend on imported food and for whom the volatility of prices may represent a heavy load, as they spend from 50 to 75 per cent of their income on food. For example, in Sierra Leone, nearly half a million hectares of the country farmland had been leased or were under negotiation in 2011 while about half the population remained food insecure.

Large-scale mechanised agriculture often associated with land grabbing is not sustainable, as it uses chemicals that spoil the soil, makes neighbouring lands more vulnerable to contamination, uses large amounts of water depleting groundwater and rivers, harms the environment, destroys the ecosystems, causes the loss of biodiversity, and contributes to climate change from which Africans already suffer.

**Total lack of transparency in the way the deals are done.** The authorities not only do they not consult those affected by the land deal but even worse those affected are not even informed. There is no respect of the rule of law, no communication or participation of those affected by the deal and agreements have very little demands on the investors regarding social and environmental aspects in order to minimize the negative impacts.

**A threat to security.** The acquisition of land by foreigners or nationals, have security implications due mainly to the unresolved land question in African states. The loss of control of the territory, land, resources and means of life, relocations and restricted or reduced livelihood opportunities is a potential source of conflicts and a threat to security. Land use and ownership is very important in most African countries and land disputes can become violent and increase due to the growing pressure on land. Unemployed young people are a time bomb.

There are large discrepancies between publicly stated positions, laws, policies and procedures and what is actually happening on the ground. The Ethiopian government insists that for all land deals, consultations are being carried out, no farmers are displaced and the land being granted is 'unused land.' However, communities affirm not to have been consulted, even if each 'investment', as land grabbing is called in Ethiopia, means the loss of some local farmland, and land used for other socio-cultural/ecological activities by the local people prior to land investment.

Being a recent phenomenon, few impact-studies have been undertaken to see the impact of land grabbing on the local population living from this land. These studies need to take into account different levels: social, economic, cultural, environmental, as well as the impact on farmers, development, food security and sovereignty, as well as production. There is need to realize many more studies in different African countries, to see the benefits and losses associated with these land investments, and to fill the information and knowledge gap that actually exists on the phenomenon of land grabbing.

### **3.1. Land and Water Appropriation**

In Africa land grabbing is accompanied by a major 'water grab' which raises serious concerns over the future of freshwater resources when the vast areas of newly acquired land come under cultivation. The volume of water required to cultivate crops on the 40 million hectares of land acquired in Africa in 2009 poses an unsustainable stress on the continent's freshwater supply, when nearly three billion people live in areas where demand for water outstrips supply. Estimates see that 300 to 500 cubic kilometres (km<sup>3</sup>) of water per year would be used to produce crops on this land, approximately twice the volume of water (184.35 km<sup>3</sup>) that was used for agriculture in all of Africa in 2005. In the event that the annual rate of land acquisition continues at 2009 levels, demand for fresh water from new land investments alone will overtake the existing supply of renewable fresh water on the continent by 2019. Farmers, pastoralists and fishermen will be the losers. This can jeopardize Africa's fragile river systems.

African governments and international development programs neglect investments in sustainable water management systems, including water harvesting, storage, use of wastewater and small-scale irrigation that would benefit smallholders while managing land and water resources in a durable way. Yet, investing in such systems is the only way forward to effectively address the challenge of food and agriculture on the continent.



Sugarcane, corn, and jatropha grown to produce agro-fuels are some of the thirstiest crops. The cultivation of agro-fuel crops is already having a negative impact on local communities. In Tanzania, a large agro-fuel project operated by the Swedish company EcoEnergy has raised questions about the potential negative impacts the company's sugarcane plantations will have on the Wami River, a source of food and water for many Tanzanians. As long as the surface of land for agro-fuel cultivation in Africa grows, the impact of water extraction in the continent will also grow.

### **3.2. The Land Deals: Governments and Investors**

National governments hold the real power, yet most governments and their bureaucracy are not prepared to handle these complicated processes adequately. Land for these projects is legally acquired in consistency with local land law. The problem is that the local law regarding land ownership and land tenure is often vague, out of date, or does not sufficiently protect the rights of small-holder farmers, particularly women. The majority of these investments are in areas where, there are no land certification processes under way, or where land rights are weak. Most transactions on land acquisition are done between host governments and private corporations.

The land deals must be understood under the investment treaties that protect investments against expropriation. Many African countries have been encouraged to sign these investment treaties in order to open the door to foreign investments. These investment treaties have clauses such as 'national-treatment', 'most-favoured-nation', 'fair and equitable treatment' and 'full protection and security' that protect the investors and make that any unilateral termination of land deal by host governments is considered as an expropriation of the investor's assets that will require payment of compensation.

The host country selling or leasing the land considers the benefits of the deal mainly in the form of employment creation, agricultural development and infrastructure that would come from the investors and will help the economic development of the country. Governments often bet on big producers using labour to work the land instead of small family farmers. The reality is that many of those expectations are very weak in the contracts and often do not come to be realized. They are more "oral promises" than legal obligations.

The conditions of the land deals are very advantageous to the investors while the people affected are not taken into consideration. Government pays little attention to patterns of shifting cultivation, shepherds, or communally used areas, and therefore claims all these lands to be "unused." Land prices offered by governments are often lower than private-to-private deals. In most cases the amount paid by the acquisition of the land is not disclosed. In quite a number of cases the investor does not pay the water consumed, while in others the investor is required to pay an annual water fee, often independent from the quantity of water used. Many investors get tax incentives and pay none or very little taxes. For instance in Ethiopia the profit tax (estimated at US\$ 20 per hectare per year) is usually exempted for a period of 5 years. The exemption of this tax may cost the Ethiopian government about US\$ 60, 2 millions. In Ghana and Sierra Leone land rentals are split among different entities. In the case of Sierra Leone the local landowners get (50%), local government (20%), national government (10%) and administration (20%).

In most cases, contracts are not made public but on the few where studies have been made<sup>1</sup>, contracts tend to be short and simple compared to the economic reality of the transaction. Key issues like mechanisms to monitor or enforce compliance with investor commitments, maximizing government revenues and clarifying their distribution, promoting business models that maximize local benefit (such as employment creation and infrastructure development), as well as balancing food security concerns in both home and host countries are dealt with by vague provisions if at all. Often these contracts do not have clauses ensuring the use of local labour. In Mozambique, local opposition to a Chinese project to develop 100,000 hectares was based on plans to import Chinese labour.

The local population who are the most affected is absent from the land deals, because they are not invited to participate. The impact of the deal on the local population is often not even mentioned. Yet more and more farmers and producer associations and community-based organisations are making its voice heard with regard to the negotiation process and the policies regarding land-grabbing.

There is also need to put in place mechanisms to favour transparency in the negotiations and the deals and to monitor the agreement to make sure that the social and environmental safeguards are in place.

<sup>1</sup> Land grab or development opportunity? L. Cottula, S. Vermeulen, R. Leonard, J. Keeley (FAO, IFAD, IIED)  
[http://www.ifad.org/pub/land/land\\_grab.pdf](http://www.ifad.org/pub/land/land_grab.pdf)



An added problem is that a good number of investors do not have experience on agriculture, while others lack knowledge of farming at that huge scale. This can have terrible consequences for the local people, for the environment and for the future of the area.

## 4. LAND GRABBING IN AFRICA

Africa has been a particular target for investors searching for land and water. Cheap land and fairly easy access to water make Africa attractive for industrial agriculture as this reap substantial profits for investors. More than 70 percent of the investors' demand for farming land for agricultural production at industrial scale is done in the continent. Investors see Africa as a space of opportunities, with the prospect of accessing abundant water resources which is important in business plans. Some firms are explicit that they are as much agricultural land investors as they are investors in water supplies.

Land grab is not new in Africa as during the colonization, the peoples of Africa were deprived of their own land, forests and mines. During that time vast plantations of tea, coffee, cotton, cacao, spices, peanuts, tobacco, timber and mining activities were developed at the service of the colonial interests. The traditional systems of food production were disrupted or marginalized. After independence African agriculture has been neglected by national governments.

Today after 50 years of independence some African governments are selling big portions of their territories, of their food security and food sovereignty in exchange for money and without almost any obligation in relation to the farmers' communities affected by the land grabbing. Since 2006, more than 30 million hectares of African land have been acquired by investors for projects greater than 1000 hectares. This represents about two and a half times the size of a country like Malawi. Yet in many of the countries where land is being sold emergency food relief is needed regularly and many people live below the poverty line.

### 4.1. The Extent of the Land Grabbing

Firms involved estimate that US\$25 billion have already been committed globally, and this figure will boast to triple in the near future. While precise details are hard to come by, it is clear that at least 60 million hectares of good agricultural land – enough to feed 50 million families – have been transferred from farmers to foreign entities in more than 20 African countries during the last few years alone, and each day more investors join the rush.

The World Bank reported that, in 2009 alone, deals were announced that concerned some 56 million hectares of large-scale farmland, and that the most attractive countries for such investment were in Sub-Saharan Africa: Sudan, Mozambique, Liberia, Tanzania, Ethiopia, Zambia, DRC, Kenya, Senegal, Mali, etc.

Oxfam "Land and Power Report," reveals that as many as 227 million hectares have been sold, leased or licensed in large-scale land deals since 2001, mostly by international investors. Lack of transparency and the secrecy that surrounds land deals makes it difficult to get exact figures; hence to date up to 1,100 of these deals amounting to 67 million hectares have been cross checked. Half of these deals are in Africa, and cover an area nearly the size of Germany.

Examples of the leases - 99 years at \$1.00 per hectare - are unbelievable deals! But they are only available to a select few. Local farmers - who struggle to feed their families, gain access to fertile land and secure water for both personal consumption and agricultural activity - are not eligible for the deals being promoted in countries where millions of people remain dependent on food aid.

As many as 114 million hectares have been sold, leased or licensed in Africa in large-scale land deals since 2001, mostly by international investors. This covers an area equivalent from Poland to the French border.

Most investors only select land, which has access to water for large-scale irrigation, and that land only has value if water is available. The availability of water gains becomes more important as estimates show that the increased requirements for food to feed the world's population - exceeding 7 billion - will outpace existing water resources by 40 % by 2030. At least 2.5 million hectares of land has already been acquired (in parcels of 1,000 hectares or more) in just five countries: Ethiopia, Ghana, Madagascar, Mali, and Sudan from 2004-2008 (IIED).

Africa needs to learn the lessons from tragedies elsewhere, like the desiccation of the Aral Sea that resulted from similar developments to produce much more cotton, but created far reaching consequences of unimaginable proportions.



## **4.2. Land Grabbing a Chance or a Curse for Africa?**

Foreign companies and investors are attracted to Africa by the abundance of cheap arable land, water and labour. In the last decade the World Bank Group has been working with African governments to open their economies to foreign direct investment (FDI) particularly in agribusiness and tourism. As part of this trend, governments are offering fertile land to investors, often at giveaway prices.

Governments influenced by the World Bank, donors and investors consider big extensions of land as 'idle' and see in the leasing of this land an opportunity to get investments, development and jobs. The reality on the ground is seen differently.

African governments need money for development, infrastructures and services. In countries where there are not many natural resources, the leasing or selling of land is seen as an opportunity to get investments for development, as well as an opportunity for developing modern agriculture. For them it is a 'win-win' story. They get the money for infrastructures and development; farmers get jobs and learn modern agricultural techniques. The reality is quite far from that, as land acquisition is a danger to food security and food sovereignty, as production is in the hands of foreigners. Most of the deals concluded up to now are very meagre regarding the obligations of the investors.

Land in Africa is the fundamental asset for the poor, and both social and economic empowerments are linked to it. Land has a strong economic value because both wealth and survival are tied to the access and control of land. Changes in the patterns of access and control to land have a significant effect on conflict. The relationship of people to land is associated with identity and citizenship. The historical, cultural and symbolic value of land, as a legacy from the ancestors, makes land an important issue that can fuel conflicts. The distribution of land may therefore create a political problem often aggravated by agents of the state who have heavily invested in land.

While many local farmers do not have enough land to feed their family, millions of hectares of good farming land have been transferred from farmers to corporations in the last few years. Each day new investors join the rush for land grabbing. The amount of 'arable' land that is claimed to be available for actual cultivation should first and foremost be allocated to local farmers.

Foreign companies deprive people of land they have used for centuries. There is no consultation with the local population using the land. The deals are done secretly. The only thing the local people see is people coming with lots of tractors to invade their lands. Many governments have the perception that agro-investment is good for development and economic growth yet the grievances of family farmers are many as they are unjustly deprived of the land they were using. Land acquisition by big enterprises may result in numerous potentially negative externalities such as unemployment, environmental problems, and destruction of old social network.

## **4.3. Land Policies, Land Rights and Land Grabbing in Africa**

In most parts of Africa, rural populations depend on access to common property resources (traditional land use) such as fields, pastures, water surfaces and forests for their survival. Securing local rights of access to such resources is key to protecting the livelihoods of local people.

Land ownership is a core issue in the continent. Only a relatively small portion of land in Africa is subject to individual titling. Much land is community-owned, and in some countries state-owned. Even land that is officially categorized as 'under-utilized' is subject to complex patterns of 'customary' usage. At the local level, land rights may be hotly disputed. The local tenure situation may be very complex, involving customary rights.

The co-existence of a multiplicity of legal systems within a state is a product of Africa's history, and the processes around land regulation and reform are challenging. Many countries do not have the means or capacity to develop participatory policy-development strategies, yet the failure to do so can result in land related grievances.

Since independence, African governments have adopted policies and programs aimed at increasing land tenure security for farmers, so as to foster agricultural investment and productivity. These policies have usually been based on systematic registration of land rights, ignoring existing customary and local institutions and largely disregarding the distributive issues underlying tenure security. The 'benefits' have been very limited for the poorer groups, and registration has often served to re-distribute assets towards the wealthier and better-informed. The 'registration' has become a 'privatization' of the land. The outcome has been often the expropriation of the rights of weaker groups and greater ease to acquire land by companies or capital owners. Only a system



that allows for collective registration of community lands that protect 'customary' land rights can be adapted to Africa.

Often title ownership to secure the land doesn't take into account the African customs where the same piece of land may be used by several users: hunters, fishers, collectors of honey, farmers, shepherds, etc. indeed, the title gives all rights to the owner who may sell the land without taking care of the users. The title facilitates the selling of land to foreign investors who have no link with the population surrounding it so they have no interest in taking care of the environment and of future generations. Most business investors see the soil just like a factor of production for money in the short term, which is quite different from the African concept of "the land of the ancestors" that provides food and resources for the enlarged family.

In several African countries, land is nationalized or controlled by the state, like in Ethiopia, Chad, Mozambique, and Tanzania. Most African countries allow private land ownership, acquired through land registrations like in Kenya, Madagascar and Mali. In other countries part of the land belongs to the state, but another part is private: traditional chieftain families, business and individuals. Some countries have introduced private ownership or enabled transfers of 'underdeveloped' state lands, even if the ownership remains with the state. In Mali, Ethiopia, Mozambique most projects are leases for about 10, 30, 50 years, but that go till 99 years in Tanzania.

Investors get land mainly in countries where there is not clear land legislation. Many African countries do not have in place legal or procedural mechanisms to protect local rights and take account of local interests, livelihoods and welfare. Even in the few countries where legal requirements for community consultation are in place, processes to negotiate land access with communities remain unsatisfactory. Lack of transparency and mechanisms for monitoring in contract negotiations enable corruption and make that the deals do not foresee the public interest. Insecure use rights on state-owned land, inaccessible registration procedures, vaguely defined productive use requirements, legislative gaps, and compensation limited to loss of improvements like crops and trees (thus excluding loss of land) all undermine the position of local people.

Often (with the exceptions of Ethiopia and Sudan) the basic data on the size, nature and location of land investments are not accessible through the national land registry or other public sources. Even the countries where there are official 'land banks' available for investment, records may be incomplete, contradictory or not communicated to the relevant district administrations. The local population affected (farmers, shepherds, fishermen, forest dwellers, etc.) are not invited to participate at the negotiations and so are absent from the deals. This lack of transparency facilitates corruption and deals that favour the investor and that are not in the public interest.

Land negotiations are generally done in a very opaque fashion, with negotiations usually conducted secretly between investors, government and private sector officials. The lack of transparency and accountability within the structures, processes and institutions governing land issues allows predatory actors to take advantage of the system.

In the Annex 1 you can find data on the land grabbing in different African countries.

## **5. THE WORLD BANK A MAJOR PLAYER IN THE PHENOMENON OF LAND GRABBING**

In most African countries the 'rush for land' has been well prepared by the World Bank Group, through its investment promotion agencies that focus on helping investors. These agencies have played an essential role in facilitating access to land to investors in developing countries.

Since end of the nineties agencies of the World Bank Group (WB-G), mainly the International Finance Corporation (IFC), the private sector branch of the World Bank Group, and the Foreign Investment Advisory Service (FIAS) have been active in Africa. These agencies have worked as advisors offering technical assistance and advisory services to African governments while imposing their strategies with the pretext of facilitating and attracting investments to the country. African governments have accepted these conditionalities to receive aid from the WB and other donors that channel their aid through the World Bank. In that way the WB-G agencies have promoted policies to facilitate the possibility of foreign investors to acquire land for agriculture in developing country markets.



The Foreign Investment Advisory Service (FIAS) of the WB-G advised in the drafting of bills that it would allow investors greater investment mobility. The benefit provided to foreign investors has facilitated greater interest in African land markets in recent years.

The result of this WB-G strategy has been an increased investor access into land markets. This may seem good for the African countries, unfortunately, it has another hidden face: those investments undermine the well-being of local communities, both in terms of land rights and of access to food. This is a perverse trend as it threatens global food security and livelihoods of small-scale and family farmers.

All throughout Africa the IFC/FIAS of the WB-G have established National Access Leasing Companies to encourage investors to take advantage of acquiring 'idle, available' land. The first of such national companies in Africa was the Ethiopia Access Leasing Company, but since then many others have been established in other African countries with investment from IFC/FIAS. These agencies provide to potential investors information about the 'availability' of land in African countries, outlining the strengths and weaknesses of their investment climates and the relative ease of accessing land to establish export production in the country.

## 6. FALSE SOLUTIONS

There are some who believe that promoting transparency in land acquisition deals can somehow lead to 'win-win' outcomes. However, even if done 'transparently,' the transfer of large tracts of land, forests, coastal areas and water sources to investors is still going to deprive smallholder farmers, pastoralists, fisher folk and other local communities from crucial, life sustaining resources for generations to come.

A large number of inter-governmental and non-governmental agencies have proposed various sets of principles aimed at making land acquisitions more responsible.

Nor will any set of 'voluntary principles' bring remedy to the violation of the human and socio-economic rights of the population. This is the case of the FAO's "Voluntary Guidelines on the Responsible Governance of Tenure of land and other natural resources"<sup>2</sup>(2010) and the "AU Framework and guidelines for land policy in Africa" (2010). There has been an extensive consultation during the formulation processes, but these documents receive strong criticism due to the fact that they are 'voluntary' and as they are not binding they will have a very limited effect. These frameworks also fail to emphasize the aggravating effect that the escalating number of large-scale land acquisitions have on food sovereignty, food security and on security threads.

The *Principles for Responsible Agricultural Investment (RAI) that Respect Rights, Livelihoods and Resources (RAI)*, guidelines for 'responsible investment' done by the World Bank, in association with FAO<sup>3</sup>, IFAD<sup>4</sup>, UNCTAD<sup>5</sup>, have been done to face the growing opposition to the global land rush. The RAI consist in seven principles that investors may wish to voluntarily subscribe to, when conducting large-scale farmland acquisitions. These guidelines are totally separated from reality and from what is happening in the countries where land is being acquired by investors (either nationals or foreigners). RAI is an attempt to cover up power imbalances so that the land grabbers and state authorities who make the deals can get what they want by calling them 'responsible agro-investment.' In reality they are 'voluntary' rules without any consequence and no obligation. Civil society and human rights groups, smallholder farmer associations and many scientists disagree with the principles. They argue that land-grabbing threatens food security, and human rights to food and land.

In April 2010, some 130 organizations and networks from across the world, including some of the most representative alliances of farmers, pastoralists and fisher folk, denounced the RAI initiative. Their statement debunked RAI as a move to try to legitimize land grabbing and asserted that facilitating the long-term corporate (foreign and domestic) takeover of rural people's farmlands is completely unacceptable no matter which guidelines are followed.

The UN's Special Rapporteur on the Right to Food, Olivier de Schutter, publicly criticized RAI for being 'woefully inadequate.' He said, "It is regrettable that, instead of rising to the challenge of developing agriculture in a way that is more socially and environmentally sustainable, we act as if accelerating the destruction of the global peasantry could be accomplished responsibly." Mr. De Schutter

<sup>2</sup> <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>

<sup>3</sup> FAO, Food and Agriculture Organization of the United Nations (UN).

<sup>4</sup> IFAD, International Fund for Agriculture Development, specialized agency of the UN

<sup>5</sup> UNCTAD, United Nations Conference on Trade and Development.



is sceptical that such a code can be negotiated or enforced. He instead emphasizes the existing body of human rights laws, which can be applied to large-scale land acquisitions and used to get governments to meet their obligations to citizens.

## **7. SMALL VICTORIES OF CIVIL SOCIETY**

Some governments, such as Argentina, Brazil and New Zealand, are responding with promises of legislation to stop or put strong conditions on foreigners' abilities to acquire domestic farmland. Others, such as Cambodia, Ethiopia and Ghana, are using legal and brute force to suppress local contestation. In the run-up to the 2012 elections in Mali, the opposition Party for National Renewal has challenged President Touré to disclose all details of land leases amounting to several hundred thousands of irrigated hectares granted in the Office du Niger. In Sudan, the most 'land grabbed' country in Africa, villagers are now rising up against the government in Khartoum for having seized their lands.

During the World Social Forum in Dakar, Senegal, in February 2011, farmers' representatives from Africa, Asia, Europe and the Americas, social movements, organizations of small food producers and other civil society organizations (CSOs) released a collective appeal against land grabbing<sup>6</sup>. Over 650 organizations endorsed it.

When organised in groups or networks connected among them and at international level groups and people are stronger to claim their rights and to call upon the obligation of governments, investors and negotiators. We present some examples of actions endorsed by citizen groups to defend themselves from the consequences of land grabbing, and to demand the respect of rights and law and the participation of the communities affected.

In Ghana (Kpachaa, Northern region), in 2008, RAINS, a local NGO intervened in favour of villagers. Using the legal recourse, RAINS forced BioFuel Africa to stop its operations and to restart the negotiations legally and with all stake holders concerned. Previously, BioFuel Africa, a subsidiary of Biofuel Norway, had acquired 38000 hectares of land owned by villagers. The Agreement had been initially signed with illiterate chief's thumb print without consultation of members of the community. This induced on a loss of land, loss of incomes and of resources from forest. Biofuel Norway started to operate before having got all authorizations required by law in Ghana. It ignored its promises of employment, income and compensation<sup>7</sup>.

In Mali, in 2011, some farmers' organisations joined efforts to retrieve the cropland - subject of unilateral demarcation by the Chinese company COVEC - without informing or including the users of the land. Currently they can cultivate it and they obtained compensation for farmers whose fields had already been affected by the foreign company<sup>8</sup>.

In Senegal, Enda-Pronat took the opportunity of land reform to reinforce and securing women's access to land. Even if national legislation is favourable to women, the practice is quite another. Enda-Pronat demands to integrate land grabbing concerns in the land reform<sup>9</sup>.

In Congo-Brazzaville, in a context of bad governance, the Committee of Justice and Peace of Pointe Noire (Congo-Brazzaville) chose to discuss with the people in charge in the company instead of discussing with the government. They organised visits at the villages for the company and they obtained a partnership with the company to survey the social impact of the investment.

## **8. LAND GRABBING IS A CHRISTIAN ISSUE**

Land is both a socio-economic resource and a source of cultural identity. Therefore, access to land is necessary to human life and to social peace.

The prophets of old as well as Jesus left no doubt about the scandal of land accumulation in the hands of a few. The accumulation of resources, while others lack the necessities of life is in contradiction with the purpose of creation: God created abundance for every human being to enjoy His gifts.

<sup>6</sup> Dakar appeal against land grab: [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)

<sup>7</sup> Source: <http://ghanabusinessnews.com/2009/05/23/update-any-lessons-for-ghana-in-india%e2%80%99s-jatropha-failure/>; [http://www.biofuelwatch.org.uk/files/biofuels\\_ghana.pdf](http://www.biofuelwatch.org.uk/files/biofuels_ghana.pdf)

<sup>8</sup> "Mali, Victoire des mouvements sociaux sur l'entreprise chinoise COVEC" <http://farmlandgrab.org/post/view/18893>

<sup>9</sup> « Plaidoyer pour une prise en compte de l'accapement des terres dans la réforme foncière" <http://farmlandgrab.org/post/view/18896>



The Christian Social Ethics is based on clear principles: the universal destination of goods, the common good, solidarity, sustainability, participation and subsidiarity. The socio-economic and cultural rights proclaim the right to the means of life.

AEFJN has a booklet on the “The Ethical and Biblical View on Land Grabbing in Africa” where you can find texts and reflections from the Scriptures, the Catholic Social Teaching, the socio-economic and cultural rights and an invitation to a commitment with those who suffer from land grabbing. You can find it on AEFJN website: Food sovereignty/resources.

## **9. WHAT CAN BE DONE**

Action is required by host governments, investors, aid donors, civil society, and land owners.

Many of the countries where land is being sold or leased are countries that regularly need food aid. The question in these countries should not be to sell land to foreigners but how to make this land ‘available’ to local farmers.

Overall support to family farmers, investing in rural areas and local markets, improving infrastructures, irrigation, soils and seeds. In addition:

- o Support and develop social movements.
- o Asking for a moratorium on land grabbing until policies and regulations are put in place to make sure that local people: participate in the negotiations, are treated fairly, and give their consent before the acquisition of the land.
- o The local population should have consultants to help them in the negotiations to make sure that their social, economic and environmental rights are protected.

### **9.1. Civil Society**

Global action is vital to support the efforts of local people in protecting the little they have, and thus contributing to a future where everyone has enough to eat.

- o Support family farmers in Africa. The support to millions of family farmers in the continent would deliver greater returns than those coming from land acquisition investments. Yet, many of these farmers are being driven off their land. In agriculture, bigger isn’t always better. Small family farms are often more productive than large labour-intensive farms in developing country settings.
- o Work towards securing local land rights.
- o Create awareness and foster training and legal aid programs to help communities understand the challenges and protect their land rights and to represent their interests in dealing with investors and governments.
- o Demand Independent Impact Assessments. Assist governments, local population and farmers to develop expertise in impact assessments.
- o Work for greater government and investor transparency. Promote information sharing on land deals; contribute to the creation and implementation of monitoring systems.
- o Support local communities and governments in monitoring.
- o Empower local communities and involve national parliaments.
- o Strengthen systems that protect land tenure of peasants and small-scale food producers.
- o Legal support to people affected by investment projects. Look for lawyers that will defend them for pro-bona or at low cost. This can help the community to obtain better deals from incoming investors – for instance, through providing land as in-kind contribution to a joint venture in which both investor and community have a stake; or through better compensation regimes and investor-community partnerships.
- o Reclaiming the commons - resources and services that are owned in common or shared among communities and over which people have certain traditional rights - such as common land, clean water, etc. The protection of the commons is necessary for a better distribution of resources and wealth.

### **9.2. What we can ask Governments for**

#### **At the EU**

Demand the elimination of policies such as the EU agro-fuels targets, of 10 per cent of fuels from renewable sources by 2020, in



order to curb the rush on land to meet agro-fuel demand. As it is the national governments that subsidize the production of agro-fuels, the demand to eliminate subsidies on agro-fuel production has to be directed to the single national governments of the EU member states.

If subsidies are given to investors for the production of agrofuels in third countries, the EU should demand:

- o Free, prior and full participation and agreement of all local communities concerned — not just their leaders.
- o Protection of the environment, based on thorough impact assessments that demonstrate the project's sustainability.
- o Full transparency, with clear and enforceable obligations for investors, backed by specific sanctions, and measures to protect human, labour and land rights as well as the right to food and development.

## In Africa

Demand governments for:

- o Transparency in the deals opening them to public scrutiny to ensure their long-term sustainability. Clarity about the costs and benefits of the business transactions, and the commitment of investors e.g. in terms of numbers and types of jobs, formation, infrastructure and other positive and negative project impacts.
- o Policy reform for greater transparency in decision-making and greater consideration of social and environmental conditions. Mechanisms to discourage purely speculative land acquisitions and to enforce compliance with the conditions contained in contracts.
- o Clear principles, mechanisms and procedures for free, prior and informed consent of the affected local communities.
- o Public debate to clarify the kind of investments the government wants to attract. Strategic thinking is needed. Increased agricultural productivity does not always benefit the population. There is a necessity to balance the conditions of production, the sharing of benefits and the gains for the local population. Make sure that sustainable development is at the centre of investment decision-making. Prioritize projects that work with existing smallholders to increasing agricultural production and providing them with secure, legal rights to land.
- o Enquire about the capacity of investors to manage large-scale agricultural investments effectively.

### 9.3. Where AEFJN can Intervene?

AEFJN acknowledges and defends the right of small farmers and local communities to cultivate their own land, as an important contribution to food sovereignty. The right to food should always have priority over land investments.

AEFJN lobbies the EU Institutions and Member States in order to protect the access to land, water and seeds for family farmers in Africa, as part of the right to food and food sovereignty.

AEFJN brings concrete situations from Africa to the EU level to underline the necessity to change EU policies that have negative consequences for the living condition of Africans and mainly of small farmers.

AEFJN works for European Union (EU) policies on climate, energy (biofuels), development, agriculture and trade that protect the resources (land, water, seeds) of family farmers in Sub-Saharan Africa.

AEFJN supports African groups working for greater justice and protecting the livelihood of small farmers. When possible, AEFJN works with African groups and AEFJN's antenna in the country where the company concerned is headquartered in the EU. This networking at national and international levels reinforces our voice.

AEFJN sends information on EU policies and on investments influencing land grabbing in Africa to people interested both in Africa and in EU.

AEFJN participates in the international campaign promoting family farming.

AEFJN demands a 5 years moratorium on large land acquisition until impact studies are done and mechanisms to defend the rights of the local population are put in place.



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## 11. TOOLS FOR ACTION ON LAND GRABBING

A general introduction on how to carry out an action following the various steps of the Pastoral Circle can be found in the first part of this manual. Below, you will find specific suggestions and tools for an action on land grabbing. These will complement those guidelines found in the section of the Pastoral Circle.

### 11.1. Knowing the Situation

Go to volume 1 The Pastoral Circle, chapter 3, 4.11 What we need to know about the issue.

Define the problem you want to work at.

When mapping the situation, pay attention to the diverse functions of land and resources on it. People may be directly and indirectly affected by land deprivation.

#### COLLECTING INFORMATION

Some questions to help you to gather information on the land grabbing and its consequences:

1. How will the production impact on the food sovereignty in the region?
2. How will the wages and working conditions specified in the contract affect people's lives?

Here are some possible questions to know more about the situation.

#### ***The deal on land acquisition***

- the land acquisitions in your area and the individuals and communities affected.
- how have they been informed, consulted or implicated in the negotiations ? and in the project?
- Which company, government or organisation requests the land? Who are the intermediaries?
- Who are those negotiating the land deal in the name of your government or local authority?
- Is there transparency about the negotiation and the contract?
- Where is the piece of land (to be) taken and what resources were (are) on it?
- Which authorizations, approvals are required for that piece of land to be exploited? Which ministries and agents are involved? Which legislations regarding that exploitation?
- Have impact studies been done? By whom? What are the conclusions? How are they followed?
- What kind of investment is the object of the land acquisition?



- What are the 'obligations' of the investor in in clear terms (jobs, technics, building of infrastructures, etc) and pre-defined sanctions in case of non-compliance? what are the timings?
- Do the contracts provide for clearly defined and legally enforceable compensation for losses incurred by individuals and by communities? Does compensation include commitments related to issues relevant for long-term sustainability of investment such as water, employment, environment etc.?
- Are the wages and working conditions of employees in the project specified in the contract? Are they satisfying enough?

### ***Impact of the land grabbing on the community***

- Since when people are affected by the acquisition of the land by investors? How are they affected? What are the resources they are deprived of? What is the impact in their daily life and means of living?
- What will happen if nothing is done against this injustice?
- What is the most serious problem of injustice induced by land grabbing?
- How land issues are integrated in the pastoral work in your region?

### ***Land ownership***

- What about the women' right to access to land?
- What is the situation of land ownership and land deals in your country? How is the 'traditional or customary law' respected in the legislation? Does the law on land protect the interests of villagers?
- How do values interfere with people interests: cultural, social (ancestral land), economical (areas for growing, grazing, fishing, hunting, gathering, for collecting firewood and materials for various activities), financial (land as factor of speculation or capitalist investment)?
- How does the government promote the biofuels production, the mining exploitation, the crops for exportation, the food production for citizens, the small farmers?

### ***The company or the investor***

- In which country is the parent company? Who are the owners? Who is the director in our country? What is its policy regarding social, environmental aspects? References of its behaviour in other countries and projects where it has been involved.

**To look for information at four levels:**

- 1 **In the village:** women and men using or occupying the land in question, chief and groups:  
=> What happens? Who can act? Who may influence the decision? Which contacts do we have?
- 2 **At provincial level:** authorities of administration for land, agriculture, forest, fishing, environment and education (if school in question), employment. Religious authorities.  
=> What are your rights and obligations? What are the rights and obligations of the investor?  
Identify some other groups facing a similar problem or with similar aims than yours.  
=> Who may help us? How? When?
- 3 **At national level:** same questions than at regional level and additionally.  
Does the national legislation include some OIT obligations (working conditions), right of local populations, right to food and other rights included in the universal declaration of human rights, right to safe water and sanitation?  
Is there a REDD+ program in our region that prohibits villagers to collect wood or to hunt in forest? If yes, who is in charge of this program?
- 4 **At the company:** What are the rights and obligations of the company? which certificates are required to get contracts (environment, permit of exploitation, impact assessment, free, prior and informed consent of population,...).

**11.2. Social Analysis of the Situation**

Follow the Analysis part in the 1<sup>st</sup> part of the Manual.

Here are some helping elements to know more about the values and the structures that influence the situation:

- o Look at how traditional or customary rights of use of the land are recognised.
- o What kind of cultural, social and spiritual values interfere with people interests?
- o Look at how rights affect women depriving them from land ownership and influencing their working conditions.
- o Are there policies promoted by your government that affect the situation? E.g. land privatisation, agrofuels promotion and production, encouraging mining exploitation, crops for exportation, supporting or hindering family farming practices, supporting local production, or encouraging import of food; supporting the REDD Program, etc.
- o Have your government signed the "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests"<sup>10</sup> of the FAO, WB, etc? If it has signed them, how does the government implement them?
- o How the government implements the article 1§2 of the International Covenant on Economic, Social and Cultural Rights<sup>11</sup> that stipulates that no people may be deprived of its own means of subsistence, and the article 25 of the Universal Declaration of Human Rights on standard of living?<sup>12</sup>
- o How the government implements the requirements on working conditions by the Conventions of the International Labour Organisation Nos 87, 100, 105, 138<sup>13</sup> if it signed them?

**11.3. Christian Reflection on Land grabbing****Bible texts on land tenure**

The prophets of old and Jesus considered land accumulation in the hands of a few a scandal.

The accumulation of resources, while others lack the necessary for life goes against the abundance of creation: God created abundance for every human being to enjoy His gifts.

The powerful who disrespects the dignity and the rights of persons is constantly decried by the prophets. Isaiah proclaims in the face of the rich and the mighty: "Woe to those who join house to house, who add field to field" (Is 5:8) and Micah complains that "they covet fields and seize them" (Mic 2:2).

<sup>10</sup> Adopted in 2012 <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>

<sup>11</sup> <http://www2.ohchr.org/english/law/ccpr.htm#part1>

<sup>12</sup> <http://www.un.org/en/documents/udhr/index.shtml#a25>

<sup>13</sup> No 87- Convention concerning Freedom of Association and Protection of the Right to Organise, No 100- Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No 105- Convention concerning the Abolition of Forced Labour, No 138- Convention concerning Minimum Age for Admission to Employment. <http://www.ilo.org/ilolex/english/convdisp1.htm>



Jesus condemns the accumulation of riches in the face of poverty and deprivation with unusual sharpness: “Woe to the rich...” (Lk 6:24). He dramatizes the fate of such abuses of creation in the parable of Lazarus and the rich man: “they will have no part in God’s promise.”

### **The teaching of the Church on land grabbing**

The Pontifical Commission for Justice & Peace declared in “Towards a better distribution of land”<sup>14</sup> (§44): “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.”

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.

Therefore the Pontifical Commission for Justice & Peace (ditto § 32) condemns the latifundia because they “deprive a vast number of people of the right to take part in the process of production through their own labour and to take care of their own needs.” It also condemns (ditto § 34) the “various forms of exploitation of human labour, especially when it is rewarded with wages or other forms of payment that are unworthy of human dignity” and he points to the destruction of the environment through “ways of exploiting the land.”

Finally, the Encyclical letter “Caritas in Veritate”<sup>15</sup> (§ 49) reminds us that the loss of land is an obstacle to development.

### **The call of Bishops of Africa at the 2<sup>nd</sup> Synod on Africa**

Pope Benedict XVI supports the call of Bishops of Africa by saying in its post-synodal apostolic exhortation ‘Africae Munus’<sup>16</sup> “I call upon the Church in Africa to encourage political leaders to protect such fundamental goods as land and water for the human life of present and future generations and for peace between peoples.”

Effectively, the African Bishops wrote in October 2009: (Proposition 2) “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.”

This is to be put in relation with the Proposition 30 on Land and Water:

#### ***Proposition 30 from the SECOND AFRICAN SYNOD on Land and Water***

“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 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:

- 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.

<sup>14</sup> Pontifical Council for Justice and Peace, “Towards a better distribution of land” (Nov. 1997).

[http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_12011998\\_distribuzione-terra\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_12011998_distribuzione-terra_en.html)

<sup>15</sup> Encyclical letter Caritas in Veritate of the Supreme Pontiff Benedictus XVI to the bishops priest and deacons men and women religious the lay faithful and all people of good will on integral human development in charity and truth (2009). [http://www.vatican.va/holy\\_father/benedict\\_xvi/encyclicals/documents/hf\\_ben-xvi\\_enc\\_20090629\\_caritas-in-veritate\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate_en.html)

<sup>16</sup> Post-synodal apostolic exhortation of his holiness Pope Benedictus XVI to the bishops, clergy, consecrated persons and the lay faithful on the church in Africa in service to reconciliation, justice and peace, November 2011.



- All negotiations on land deals be conducted in full transparency and with the participation of the local communities who may be affected.
- Land alienation deals should not be contracted out nor signed without the free, prior and informed consent of the local communities concerned, nor should people forfeit their land without proper compensation.
- Agricultural workers be guaranteed a fair wage in light of the fact that investments promote the creation of employment.
- Promote the professional formation of youth in farming and the raising of animals as a way to stem the uncontrolled flight from the village to the cities.
- The models of agricultural production respect the environment and not contribute to climate change, soil depletion and the exhaustion of drinkable water reserves.
- Food production for export not endanger food security and sovereignty and the needs of future generations.
- Traditional land rights be respected and recognized by the law.
- Water not be exploited as a private economic commodity without due attention to people's interests."

It would be good to read the previous texts while keeping in mind some questions for deepening the analysis from the Faith point of view such as: What do these mean for our problem of land?



## ANNEXE 1: INFORMATION BY COUNTRIES

Information by countries on:

- Civil organisations working against the land grabbing (NGOs, groups).
- Companies implied in land grabbing.
- Documents on legislation or studies.

### ANGOLA

#### COMPANIES

Lonrho (pan-African conglomerate listed in London)

### BENIN

#### CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING

Réseau JINUKUN, the focal point for « Coalition pour la Protection du Patrimoine Génétique Africain» (COPAGEN) in Benin (06 B. P. 2083 Cotonou).

SYNPA (Synergie Paysanne). <http://synergiepaysanne.org/>

#### COMPANIES

BETEXCO (Nigeria).

GREEN WAVES (Italy).

#### DOCUMENT

'Projet de Fourniture des Services d'Énergie' (PFSE) promoted by government (Directorate General for Energy) includes the biomass component with promotion of the local production of bioethanol and biodiesel. [http://www.unctad.org/sections/wcmu/docs/ditc\\_comb\\_Jatropha012\\_fr.pdf](http://www.unctad.org/sections/wcmu/docs/ditc_comb_Jatropha012_fr.pdf)

### BURKINA FASO

#### CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING

FASONET (Information on policies' impacts on the agro-pastoral communities). <http://www.lefaso.net/>

INADES (Institut africain pour le développement économique et social), partner of COPAGEN. <http://burkina.inadesfo.net/Notre-Histoire,3.html?lang=fr>

#### COMPANIES

SN CITEC (B. Faso) local partner of DAGRIS (France).

Total, Suez (France).

### CAMEROON

#### CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING

ACDIC (Association Citoyenne de Défense des Intérêts Collectifs). <http://www.acdic.net>

PROPAC (Organisations Paysannes d'Afrique Centrale), <http://www.propac.org>

#### COMPANIES

Socapalm (Cameroon), partner of Groupe Bolloré (France).

#### DOCUMENT

Complaint at OECD (2010) by Sherpa, CED, FOCARFE and MISEREOR against Bolloré and its partners in Belgium and Luxembourg because of Environmental and labour violations at SOCAPALM in Cameroon. [http://oecdwatch.org/cases-fr/Case\\_200/view?set\\_language=fr](http://oecdwatch.org/cases-fr/Case_200/view?set_language=fr)



## CHAD

### CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING

CEFOD (Centre d'Etudes et de Formation pour le Développement). <http://www.cefod.org/>

### DOCUMENTS

Legislation in Chad: <http://www.cefod.org/spip.php?rubrique6>

Recueil de textes sur le droit foncier au Tchad (Mars 2004) by Banque Tchadienne de Données Juridiques – CEFOD.

## CONGO DR

### COMPANIES

Aurantia (Spain).

BCI (Banque commerciale Internationale), REDD-Program

Novacel (Belgium), REDD-Program .

Région Bruxelles-Capitale (Belgium), REDD-Program.

Z.T.E. International (China).

### DOCUMENTS

Loi portant principes généraux relatifs au secteur agricole en RDC enacted on December 24, 2011 and taking effect by June 24, 2012. The law : <http://lavoixdupaysancongolais.files.wordpress.com/2012/01/rdc-loi-agriculture-principes-fondamentaux-24-12-2011.pdf>

Guide pour la compréhension de la loi agricole par la FOPAC (Fédération des Organisations des Producteurs Agricoles du Congo) et AgriTerra. <http://uploads.agro-info.net/uploads/34/68/39bd51a89f3e4d39e5342d12878cfa17/guidepourlacomprehensiondelaloiaagricole.pdf>

## CONGO (BZV)

### CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING

CDJ&P-Pointe-Noire (Commission Diocésaine Justice & Paix), président : Mgr Jean Claude MAKAYA LOEMBA.

RPDH (Rencontre Pour La Paix Et Les Droits de L'Homme). [rpdh\\_pn@yahoo.fr](mailto:rpdh_pn@yahoo.fr)

### COMPANIES

Agri SA (government of Brazza).

ENI-Congo, a subsidiary of ENI (Italy).

### DOCUMENT

Energy Futures? Eni's investment in tar sands and palm oil in the Congo Basin (2009) by BOELL and many social & environmental NGOs in Congo and in Europe. [http://www.boell.de/downloads/091109\\_Energy\\_Futures\\_Congo\\_Oil.pdf](http://www.boell.de/downloads/091109_Energy_Futures_Congo_Oil.pdf)

## ETHIOPIA

### CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING

EENGO (Ethiopian environmental NGO). <http://www.eengo.20m.com/>

### COMPANIES

Fri El Green Power (Ethiopian Government associated with Italian company).

Flora EcoPower (Ethiopian Government associated with German company) one part is granted to FloraEP and one part is under contract farming with more than 80,000 farmers.

Sun Biofuels (United Kingdom).

### DOCUMENT

IFPRI Policy Brief 13. <http://www.ifpri.org/sites/default/files/bp013Table01.pdf>

The Status of Bio-fuels in Ethiopia: Opportunities and Challenges, at workshop on biofuels (2009). [http://cmsdata.iucn.org/downloads/04\\_status\\_of\\_biofuels\\_in\\_ethiopia\\_rezene\\_fessehaie.pdf](http://cmsdata.iucn.org/downloads/04_status_of_biofuels_in_ethiopia_rezene_fessehaie.pdf)



## **GHANA**

### **CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING**

CICOL (Ghanaian Civil Society Coalition on Land) No website, Tel. CEO: 0302-240891.

FoodSPAN (Food Security Policy Advocacy Network), Umbrella of civil society organisations in Ghana.

RAINS (Regional Advisory Information & Network Systems), Partner of African Biodiversity Network (ABN). [www.rains.org](http://www.rains.org)

### **COMPANIES**

Anuanom Industrial Bio Products Ltd (Ghana).

BioFuelAfrica (subsidiary of BioFuel from Norway).

Government of Ghana + Brazil (for refinery) + financial and trade support of Sweden company (Sekab - Svensk Etanolkemi AB) in Northern tip of Volta Lake.

Jatropha Africa (United Kingdom/Ghana).

ScanFuel Africa Ltd (subsidiary of ScanFuel from Norway) in Northern region.

Also companies from Italy, Germany, Nertherlands.

### **DOCUMENT**

Biofuel land grabbing in Northern Ghana by Vice Chairman of RAINS, Ghana and ABN Steering Committee member, 2008. [http://www.biofuelwatch.org.uk/files/biofuels\\_ghana.pdf](http://www.biofuelwatch.org.uk/files/biofuels_ghana.pdf)

## **IVORY COAST**

### **CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING**

Animation Rurale de Korhogo, NGO supported by CCFD.

### **COMPANIES**

21<sup>st</sup> Century Energy (Ivory coast/USA): public-private partnership.

## **KENYA**

### **CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING**

ABN (African Biodiversity Network) secretariat based in Kenya. <http://www.africanbiodiversity.org/>

Kenya Land Alliance. <http://www.kenyalandalliance.or.ke/>

Pelum-Kenya (Participatory Ecological Land Use Management). <http://pelum.net/>

### **COMPANIES**

Kenya Jatropha Energy Limited (Italy) for biofuels.

Kenya Biodiesel Association, NGO formed with support from all sectors of the biofuels industry to promote biofuel production.

Bedford Biofuels (Canada) supported by Frank Capital Partners.

### **DOCUMENTS**

Ministry of Energy has developed a biodiesel strategy through its National Biofuels Committee.

National Land Policy: Sessional Paper No. 3 (2009) on National Land Policy.

Sessional Paper, No. 4 (2004) and the Energy Act, No. 12 (2006) to develop bioethanol and biodiesel.

Forest Act 2005.

Unjust Enrichment: The Making of Land Grabbing Millionaires, report (2006) by Kenya National Commission on Human Rights (KNCHR) and Kenya Land Alliance (KLA).

## **LIBERIA**

### **COMPANIES**

Golden Agri-Veroleum, in collaboration with the Inter-ministerial Concession Committee (IMCC ).

Sime Darby in Guthrie.



## **MADAGASCAR**

### **CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING**

BIMTT (Bureau de Liaison des Institutions de Formation rurale). [www.bimtt.mg](http://www.bimtt.mg)

CPM (Coalition Paysanne de Madagascar). <http://www.cpm.mg/>

TANY - Collectif pour la défense des terres malgaches (based in France). <http://terresmalgaches.info/>

### **COMPANIES**

Daewoo Logistics (Korea).

GM Biofuels (United Kingdom).

Varun (India) in coastal region, near harbours.

### **DOCUMENTS**

Pour la défense des paysans et des terres malgaches (2009) by Collectif pour la défense des terres malgaches. <http://terresmalgaches.info/spip.php?article30>

TANY Newsletter n° 15 : Demande de transparence sur le projet Daewoo (2012). <http://terresmalgaches.info/spip.php?article44>

## **MALAWI**

### **CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING**

CISANET - Civil Society Agriculture Network. <http://www.mejn.mw/cisanet.html>

## **MALI**

### **CIVIL ORGANISATIONS**

COPAGEN-Mali.

CNOP (Coordination Nationale des Organisations paysannes). <http://www.cnop-mali.org/>

LJDH - Ligue pour la justice et les Droits de l'homme (Immeuble Madiou Simpara - Route de Koulikoro, Djélibougou – Bamako).

### **COMPANIES**

Malian privates in Niger Delta.

Malibya (join venture of Libyan and Malian governments).

### **DOCUMENTS**

Au Mali, des paysans réclament leurs terres vendues à Kadhafi by D. Thomas in Wordpress, 2011. <http://farmlandgrab.org/post/view/18380>

Mali, Victoire des mouvements sociaux sur l'entreprise chinoise COVEC. by Massa Kone - S.G. chargé des relations extérieures Union «UACDDDD» Mali, 2011. <http://farmlandgrab.org/post/view/18893>

Loi d'Orientation Agricole (2006): website dedicated to LOA. <http://loa-mali.info>

## **MOZAMBIQUE**

### **COMPANIES**

Sekab (Svensk Etanol kemi AB, Sweden).

Sun Biofuels (United Kingdom) in Manica province.

### **DOCUMENTS**

Jatropha a socio-economic pitfall for Mozambique Report by JU (Justiça ambiental) and UNAC(União nacional de Camponeses).

National Policy and Strategy for Biofuels (March 24, 2009) (guidelines for agrofuels industry).

Mandatory of 15 percent blend of agrofuel to petrol and diesel within five years (2009).

## **NIGER**

### **COMPANIES**

IBS Agro Industries.



## **NIGERIA**

### **CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING**

ERA/FoEN (Environmental Rights Action/ Friends of the Earth – Nigeria). [www.eraaction.org](http://www.eraaction.org)

### **COMPANIES**

T4M. (Trans4mation Agric-tech) (United Kingdom) <http://euobserver.com/9/28113/?rk=1>

### **LEGISLATION**

National Food Security Programme (NFSP)(2008) by the Federal Ministry of Agriculture and Water Resources.  
New agricultural policy on agriculture (2001).

## **SENEGAL**

### **CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING**

ENDA-PRONAT. <http://www.enda.sn/equipies.htm> <http://www.endapronat.org/>  
CNCR (Conseil National de Concertation et de Coopération des Ruraux). <http://www.cncr.org/>

### **COMPANIES**

Conseil Rural de Mbane attributed 233 000 ha to Belgium and United Kingdom interests.

### **DOCUMENTS**

LOASP Loi d’Orientation Agro-Sylvo-Pastorale (2004).  
Plaidoyer pour une prise en compte de l’accapement des terres dans la réforme foncière by OID/ESF Agence de Presse Sénégalaise, 2011. <http://farmlandgrab.org/post/view/18896>

## **SIERRA LEONE**

### **CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING**

Green Scenery. <http://www.greenscenery.org/>

### **COMPANIES**

Addax Bioenergy (Switzerland).  
Socfin (Belgium).

### **DOCUMENT**

Oakland Institute report, 2011. [www.oaklandinstitute.org](http://www.oaklandinstitute.org)

## **SOUTH AFRICA**

### **CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING**

EJN (Economic Justice Network) on Food & Justice. <http://www.ejn.org.za/>  
PLAAS (Institute for Poverty, Land & Agrarian Studies). <http://www.plaas.org.za/>

## **SUDAN**

### **COMPANIES**

Abu Dhabi (United Arab Emirates) in Nile region.

## **TANZANIA**

### **CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING**

INADES (Institut africain pour le développement économique et social). <http://www.inadesfo.net/Welcome.html>

### **COMPANIES**

Bioenergy Tanzania Ltd (associated with SEKAB, Swedish company).  
CAMS Group (United Kingdom).  
D1 Oils (UK) Felisa (Tanzania-Belgium company), NGO with government.  
Group UK-USA-Malaysia, funds from USA.  
Prokon (German company).  
SEKAB Bioenergy Tanzania Ltd (a major SWEDISH bioethanol producer).  
Sun Biofuels (United Kingdom).



A joint venture of Malaysia and Indonesia signed exploitation for 30 years in Kigoma.

#### **DOCUMENTS**

Agriculture and Livestock Policy (1997).

Biofuels Task Force, Water policy (2002).

Environmental Management Act (2004).

Environmental Policy (1997).

Livestock Policy (2006).

National Environmental Impact Assessment Audit Regulation (2005).

Water Management (control & Use) Act, Food Security Act (2001).

AGROfuels in Africa – The impacts on land, food and forests - Case Studies from Benin, Tanzania, Uganda and Zambia by African Biodiversity Network. [http://www.biofuelwatch.org.uk/docs/ABN\\_Agro.pdf](http://www.biofuelwatch.org.uk/docs/ABN_Agro.pdf)

Biofuels and neo-colonialism, by Professors in Tanzania. [https://docs.google.com/Doc?id=ac5dcsf2q6km\\_304f2mc4fd4](https://docs.google.com/Doc?id=ac5dcsf2q6km_304f2mc4fd4)

Biofuels, land access and rural livelihoods in Tanzania, IIED study. <http://pubs.iied.org/pdfs/12560IIED.pdf>

### **TOGO**

#### **CIVIL ORGANISATION INTERSTING IN LAND GRABBING**

MAPTO (Mouvement pour une alliance paysanne au Togo).

### **UGANDA**

#### **CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING**

ABN (African Biodiversity Network). <http://www.africanbiodiversity.org/>

HOCADAO (Hoima Caritas Development Organisation). <http://www.hocadeo.org/>

UBN (Uganda Biodiversity Network), P.O. BOX 19098, Kasangati, Uganda.

Pelum (Participatory Ecological Land Use Management). [www.pelumuganda.org](http://www.pelumuganda.org)

#### **COMPANIES**

API (African Power Initiative) takes profit from Carbon credit and agrofuels promotion by national government to produce oil from Jatropa.

Kaweri coffee plantation Ltd. and Mubende Coffee plantation, local partners of Neumann Kaffee Gruppe, (Germany).

#### **DOCUMENT**

Uganda's Renewable Energy Policy: supports to blend 20% biofuels into all gasoline fuels and diesel. It includes Regulatory Framework, many Tax Incentives, Standards, Handling/Storage, Pricing, Blending Facilities for ethanol and blended fuel products and Environmental Aspects of ethanol projects <http://www.rea.or.ug/userfiles/RENEWABLE%20ENERGY%20POLIC9-11-07.pdf>

### **ZAMBIA**

#### **COMPANIES**

D1 Oils (United Kingdom), also working by contracts signing with farmers, as well as through NGOs.

#### **DOCUMENT**

Institutional, administrative, and management aspects of land tenure in Zambia.

<http://dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/7622/Institutional,%20administrative,%20and%20management%20aspects%20of%20land%20tenure%20in%20Zambia.pdf?sequence=1>

### **ZIMBABWE**

#### **CIVIL ORGANISATIONS INTERSTING IN LAND GRABBING**

CCJPZ (Catholic Commission for Justice & Peace in Zimbabwe), [isccjpz@telco.co.zw](mailto:isccjpz@telco.co.zw)

Pelum-Zimbabwe (Participatory Ecological Land Use Management), <http://www.pelumrd.org/index.php/country-profiles/Zimbabwe>.

#### **COMPANIES**

2200 Zimbabweans acquired the most fertile farming regions.

National Oil Company of Zimbabwe (in partnership with Green Fuel).



## ANNEXE 2: INTERNATIONAL ORGANISATIONS IN RELATION WITH LAND ISSUE

### African organisations with national groups:

ABN (African Biodiversity Network) Lobbying regionally and internationally for policies in favour of the rural communities with partners in: BENIN, BOTSWANA, ETHIOPIA, GHANA, KENYA, MOZAMBIQUE, ZIMBABWE, SOUTH AFRICA, TANZANIA, TOGO, UGANDA AND ZAMBIA. The ABN Secretariat is based in Kenya. <http://www.africanbiodiversity.org/>

ANoF (African Network for Food) / Réseau Africain Pour l'Alimentation (RAPDA), there is a regional Sub coordinator for Eastern and Southern African, [www.rapda.org](http://www.rapda.org)

AFSA (Alliance for Food Sovereignty in Africa) is a network of African organisations to lobby policy makers on food sovereignty issues and to promote sustainable farming practices. AFSA represents small-scale farmers, pastoralists, hunter-gatherers, indigenous peoples, citizens and environmentalists from Africa.

The members are: African Biodiversity Network (ABN); African Centre for Biosafety (ACB); Community Knowledge Service (CKS); Comparing and Supporting Endogenous Development (COMPAS); Coalition for the Protection of African Genetic Heritage (COPAGEN); Eastern and Southern African small scale Farmers' Forum (ESAFF); Friends of Earth Africa; GRAIN ; Indigenous peoples of Africa Coordinating Committee (IPACC); Participatory Ecological Land Use Management (PELUM) Association; PROPAC; ROPPA; La Via Campesina Africa/ UNAC; Women for Change; World Neighbours.

COPAGEN (Coalition pour la protection du Patrimoine Génétique Africain) MALI, NIGER, IVORY COAST, BURKINA FASO, BENIN, TOGO, Contact members: Jinukun-copagen (Benin), Pronat (Senegal), INADES (BFaso, Togo).

HUB RURAL (West Africa level). <http://www.hubrural.org/>

INADES (Institut africain pour le développement économique et social) Education and training for social and economic improvement of people, B. FASO, BURUNDI, CAMEROON, CHAD, IVORY COAST, DR CONGO, KENYA, TANZANIA, TOGO. The headquarter is in Abidjan. <http://www.inadesfo.net>

PELUM (Participatory Ecological Land Use Management) Representing small scale farmers in KENYA, UGANDA, TANZANIA, RWANDA, MALAWI, ZAMBIA, ZIMBABWE, SOUTH AFRICA, LESOTHO, AND BOTSWANA. [www.pelum.org](http://www.pelum.org)

ROPPA (Réseau des Organisations Paysannes et des Producteurs Agricoles de l'Afrique de l'Ouest). <http://www.roppa.info>

### WORLD ORGANISATIONS:

#### Civil Society organisations:

CCFD-TerreSolidaire (comité contre la faim et pour le développement). <http://ccfd-terresolidaire.org/>

EAA (Ecumenical Advocacy Alliance). <http://www.e-alliance.ch>

Family Farming Campaign for IYFF (International Year of Family Farming) in 2014 Family Farming Campaign .

FIAN (Foodfirst Information and Action Network): international NGO Supporting the struggle for the Human Right to adequate food. [www.fian.org](http://www.fian.org)

Misereor: German Christian NGO that runs partnership and advocacy. [www.misereor.org](http://www.misereor.org)

Trocaire. <http://www.trocaire.org/>

Wetlands International (environmental NGO dedicated to wetlands). <http://www.wetlands.org/>

World Rainforest Movement. [www.wrm.org.uy](http://www.wrm.org.uy)

World Rural Forum. <http://www.ruralforum.net/>

#### Institutions:

EU delegations in Africa: List on [http://ec.europa.eu/external\\_relations/repdel/edelhrm/index.cfm](http://ec.europa.eu/external_relations/repdel/edelhrm/index.cfm) Choose the country in box "Delegation"  
OECD: Complaints for non compliance of the EU companies with ILO (International Labour Organisation) principles and OECD principles can be addressed to the OECD Investment Committee. [www.oecd.org](http://www.oecd.org)

UN Special Rapporteur on the Right to food at Human Rights Council and UN General Assembly (3<sup>rd</sup> committee) <http://www.srfood.org>  
Complaints for non compliance with the right to food is to be addressed to the UN Special Rapporteur on the Right to food.



### **ANNEXE 3: DOCUMENTS ON LAND, WATER, RIGHT TO FOOD AND LAND CONTRACTS**

Access to land and the right to food, Report of the United Nations Special Rapporteur on the right to food (2010)  
[http://www.srfood.org/images/stories/pdf/officialreports/20101021\\_access-to-land-report\\_en.pdf](http://www.srfood.org/images/stories/pdf/officialreports/20101021_access-to-land-report_en.pdf)

Article 11 of International Covenant on Economic Social and Cultural Rights (1994).  
<http://www.hrweb.org/legal/escr.html>

Article 25 of the Universal Declaration of Human Rights recognizing the right to a standard of living including food and housing.  
<http://www.un.org/en/documents/udhr/>

Dakar Appeal against Land Grabbing (2011).  
[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)

Framework and guidelines on land policy in Africa by Africa Union, African Development Bank and Economic Commission for Africa (2010). <http://www.au.int/fr/dp/rea/content/framework-and-guidelines-land-policy-africa>

Impacts of some EU companies involved in large piece of land acquisition for biofuels investment in African countries (2011) Report based on studies selected by AEFJN.  
<http://www.aefjn.org/index.php/resources/articles/impacts-of-some-eu-companies-involved-in-large-piece-of-land-acquisition-for-biofuels-investment-in-african-countries.html>

Jatropha Reality Check, A field assessment of the agronomic and economic viability of Jatropha and other oilseed crops in Kenya, study directed by German Technical Cooperation. <http://www.worldagroforestry.org/downloads/publications/PDFS/B16599.PDF>

Land – Biblical and ethical dimensions - Deepening of Christian social ethical reflection (2011), by Schonecke Wolfgang, AEFJN-Germany. [www.aefjn.org](http://www.aefjn.org); <http://www.netzwerkafrika.de>

Land Grabbing by Foreign Investors in Developing Countries: Risks and Opportunities, author: J. von Braun and R. Meinzen-Dick (2009), collection IFPRI Policy Brief 13.  
<http://www.ifpri.org/sites/default/files/bp013Table01.pdf>

Large-scale land acquisitions and leases: a set of minimum principles and measures to address the human rights challenge; Report presented to the Human Rights Council [A/HRC/13/33/Add.2] (March 5, 2010).  
[http://www.srfood.org/images/stories/pdf/officialreports/20100305\\_a-hrc-13-33-add2\\_land-principles\\_en.pdf](http://www.srfood.org/images/stories/pdf/officialreports/20100305_a-hrc-13-33-add2_land-principles_en.pdf)

M'bour Declaration on Land Grabbing (2011) at workshop on land grabbing, by Christian groups and other groups involved in land issue. <http://www.aefjn.org/index.php/info-345/articles/aefjn-at-wsf-2011-declaration-on-land-grabbing.html>

Resolution of the UN general Assembly recognizing access to clean water and sanitation as human right essential to the full enjoyment of life and all other human rights (2010) (A/64/L.63/Rev.1). <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/N10/464/64/PDF/N1046464.pdf?OpenElement>

United Nations Declaration on the Rights of Indigenous Peoples (2007) <http://www.un.org/esa/socdev/unpfii/en/drip.html>

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests: text, process, studies and reports of consultation. <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>

Voluntary Guidelines on Land Tenure. [http://www.fao.org/nr/tenure/lt-home/en/?no\\_cache=1](http://www.fao.org/nr/tenure/lt-home/en/?no_cache=1)

## **ANNEXE 4: WEBSITES FOR INFORMATION RELATIVE TO LAND GRABBING**

aGter: land and water documents. [www.aGter.org](http://www.aGter.org)

Farmland: information relative to food crisis and the global land grabbing. <http://farmlandgrab.org>

Grain: documents related to land and food sovereignty. <http://www.grain.org/front/>

ILC: International Land Coalition. <http://www.landcoalition.org>

Inter-Réseaux Développement rural. <http://inter-reseaux.org>

La Via Campesina – International Peasants Movement. <http://viacampesina.org/en/>

Mokoro. <http://www.mokoro.co.uk/land-rights-in-africa>

Oakland Institute research and analysis on land grabbing. <http://media.oaklandinstitute.org/>

Stop Africa Land Grab. <http://www.stopafricalandgrab.com/>

## **ANNEXE 5: SOME POLICIES AND AGREEMENTS AFFECTING LAND**

### **African only:**

Common energy policy (CEP) promotes ethanol-biodiesel in West Africa.

Regional Biomass Energy Program (PRBE) led by the Economic and Monetary Union of West Africa (UEMOA).

Since 2006, UEMOA and FAGAS (African Fund for Guarantee and Finance) are involved in the promotion and development of the sector agrofuel in West Africa.

Association of African biofuel producers (AAPB) gathers private operators. AAPB aims to promote the production and marketing of biofuels in Africa.

### **Others:**

Africa-EU Energy Partnership (AEEP). <http://www.aEEP-conference.org/en/documents>

Agrofuel promotion in EU as renewable energy: DIRECTIVE 2009/28/EC  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:140:0016:0062:en:PDF>

Climate policy: leads to program such as United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest. (REDD) <http://www.un-redd.org/>

Partnership on Bioenergy between Mozambique, UE and Brazil (=Co-operation for energy).  
[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/er/115812.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/115812.pdf)

## CHAPTER 2

# THE EXPLOITATION OF NATURAL RESOURCES AND CORPORATIONS

### ABBREVIATIONS

AfDB	African Development Bank
CSR	Corporate Social Responsibility
EIB	European Investment Bank
EU	European Union
ILO	International Labour Organization
JV	Joint Venture
MNC	Multinational Corporation
MNE	Multinational Enterprise
NCP	National Contact Point
NNPC	Nigerian National Petroleum Corporation
OECD	Organisation for Economic Co-operation and Development
TNC	Transnational Corporation

## VOCABULARY

### **African Development Bank (AfDB)**

The African Development Bank (AfDB) is a regional multilateral development finance institution, established in 1964 and engaged in mobilising resources for the economic and social progress of its Regional Member Countries (RMCs). Its headquarters are in Abidjan (Côte d'Ivoire), but it has been operating from Tunis since 2003. It includes 53 African countries and 24 non-African countries. Similar to the World Bank, its mandate is "to combat poverty and improve the lives of the people on the African continent." According to the AfDB, its mission is to promote economic and social development through loans, equity investments and technical assistance. Many projects funded by the AfDB are co-financed with other major financial institutions such as the World Bank. Like the European Investment Bank and the World Bank (see below) the AfDB has often been criticised for the opacity of its decision-making process and for the dubious merit of some of the projects it has financed.

### **European Investment Bank (EIB)**

The European Investment Bank (EIB) was created in 1958 as the house bank of the European Union. Its shareholders are the Member States of the European Union. In 2008 the EIB loaned about 6.1 billion Euro outside the EU which represents about 10% of its overall loans. For lending in the Africa Caribbean Pacific (ACP) region, the EIB's mandate falls under the Cotonou Agreement. The external lending objectives of the EIB are focused mainly on private sector support of EU presence. The EIB finances controversial projects in the infrastructure and mining sectors. In the period between 2000 and 2006, the EIB approved loans for up to 364 million Euro for investments in mining in ACP countries, but not a single project for education or for health was financed. In 2007 only an additional 300 million Euro in loans to the mining sector were authorized.

### **Joint Venture (JV)**

A joint venture is a business agreement in which parties agree to develop, for a finite time, a new entity and new assets by contributing equity. They exercise control over the enterprise and consequently share revenues, expenses and assets.

A JV on a continuing basis is the normal business undertaking. It is similar to a business partnership with two differences: firstly, a partnership generally involves an ongoing, long-term business relationship, whereas an equity-based JV comprises a single business activity. Secondly, all the partners have to agree to dissolve a partnership whereas a finite time has to lapse before a JV comes to an end (except if it is closed by the courts due to a dispute).

The term JV refers to the purpose of the entity and not to a type of entity. Therefore, a joint venture may be a corporation, a limited liability enterprise, a partnership or other legal structure, depending on a number of considerations such as tax and tort liability. JVs may be formed both inside one's own country or between firms belonging to different countries, for example, a construction company wishing to undertake projects in a foreign country may form a JV with a local partner to gain local knowledge and bypass registration procedures. JVs are usually formed in order to combine strengths or to bypass legal restrictions within a country.

### **Multinational Corporation**

A multinational corporation (MNC) or enterprise (MNE), sometimes also called a Transnational Corporation (TNC), is a corporation or an enterprise that manages production or delivers services in more than one country. It can also be referred to as an international corporation. The International Labour Organization (ILO) has defined an MNC as a corporation that has its management headquarters in one country, known as the home country, and operates in several other countries, known as host countries. Some examples of these companies are ExxonMobile, McDonald's, Shell. Multinational corporations can have a powerful influence in local economies, and even the world economy, and play an important role in international relations.

### **Natural Resources**

Natural resources occur naturally within environments that exist relatively undisturbed by mankind, in a natural form. A natural resource is often characterized by amounts of biodiversity and geodiversity existing in various ecosystems. Natural resources are derived from the environment.

*Considering their stage of development, natural resources may be referred to in the following ways:*

- o **Potential Resources** are those that exist in a region and may be used in the future. For example, petroleum may exist in many parts of India that have sedimentary rocks but until the time it is actually drilled and put into use, it remains a potential resource.
- o **Actual Resources** are those that have been surveyed, their quantity and quality determined and are actually being used. The development of an actual resource, such as wood processing, depends upon the technology available and the cost involved.

- o **Reserve Resources** - The part of an actual resource which can be developed profitably in the future is called a reserve resource.
- o **Stock Resources** - Stock resources are those that have been surveyed but cannot be used by organisms due to lack of technology.

*With respect to renewability, natural resources can be categorized as follows:*

- o **Renewable resources** are ones that can be replenished or reproduced easily. Some of them, like sunlight, air, wind, etc., are continuously available and their quantity is not affected by human consumption. Many renewable resources can be depleted by human use, but may also be replenished, thus maintaining a flow. Some of these, like agricultural crops, take a short time for renewal; others, like water, take a comparatively longer time, while still others, like forests, take even longer.
- o **Non-renewable resources** are formed over very long geological periods. Minerals and fossil fuels are included in this category. Since their rate of formation is extremely slow, they cannot be replenished once they get depleted. Of these, the metallic minerals can be re-used by recycling them. By contrast, coal and petroleum cannot be recycled.

### **Organisation for Economic Co-operation and Development (OECD)**

The Organisation for Economic Co-operation and Development (OECD) is an international economic organisation of 34 western countries founded in 1961 to stimulate economic progress and world trade. It defines itself as a forum of countries committed to the market economy, providing a platform to compare policy experiences, seeking answers to common problems, identifying good practices, and co-ordinating domestic and international policies of its members. The OECD has been criticised by several civil society groups and developing countries. The main criticism has been the narrowness of the OECD because of its limited membership to a select few rich nations.

### **Raw Materials**

A raw material is the basic material from which a product is manufactured or made. The term is used to denote material that came from nature and is in an unprocessed or minimally processed state. Latex, iron ore, logs, and crude oil, would be examples.

### **Subsidiary**

A subsidiary, in business matters, is an entity that is controlled by a separate higher entity. The controlled entity is called a company, corporation, or limited liability company and the controlling entity is called its parent company. Subsidiaries are a common feature of business life, and most businesses organize their operations in this way. The most common way by which control of a subsidiary is achieved, is through the ownership of shares in the subsidiary by the parent. These shares give the parent the necessary votes to determine the composition of the board of the subsidiary, and so exercise control. Subsidiaries are separate, distinct legal entities for the purposes of taxation and regulation. When transferring goods and services between the parent company and the subsidiary companies tend to juggle with the prices, exaggerating costs in order to have to pay less taxes.

### **World Bank**

The World Bank is an international financial institution that provides loans to developing countries for capital programmes. The World Bank's official goal is the reduction of poverty. The World Bank partners with 47 countries in Sub-Saharan Africa and is involved in 506 projects in the region. The Bank's portfolio includes projects and programs in multiple sectors from trade and transport to energy, education, health care, water and sanitation. In the fiscal year 2010, the Bank committed \$11.5 billion to new project lending in Africa, and disbursed over \$1.1 billion in grants.





## CHAPTER 2

# THE EXPLOITATION OF NATURAL RESOURCES AND CORPORATIONS

## 1. INTRODUCTION THE EXPLOITATION OF NATURAL RESOURCES AND CORPORATIONS

The extraction of natural resources is often a very complex process during which damage can be done to local communities and the environment. The companies running a mine or an oilfield have a responsibility towards society at large to take the utmost care to limit the impact of their action on population and environment. The responsibility of companies towards society is called Corporate Social Responsibility.

The World Bank defines Corporate social responsibility (CSR) as “the commitment of businesses to contribute to sustainable economic development by working with employees, their families, the local community and society at large to improve their lives in ways that are good for business and for development.”<sup>17</sup>

In other words, companies adhere to law, ethical standards and international norms. Business embraces responsibility for the impact of their activities on the environment, consumers, employees, communities, stakeholders and all other members of the public sphere and does not only consider the economic benefits of its shareholders. Furthermore, business promotes the public interest by encouraging community growth and development, and voluntarily eliminating practices that harm the public sphere, regardless of legality. Essentially, CSR is the inclusion of public interest into corporate decision-making.

In an ideal world Multinational Corporations (MNCs) would adhere to CSR spontaneously. The reality is unfortunately different and MNCs generally do not consider anything but profit maximization unless forced to. One way of forcing MNCs to accept their social responsibility is through campaigns of NGOs and other civil society actors that expose their behaviour. This public ‘naming and shaming’ often leads companies to change their behaviour as they come to deem compliance with CSR less damaging in the long term than ongoing public criticism of their activities.

## 2. THE EXPLOITATION OF NATURAL RESOURCES

### 2.1 *The Tendencies at International Level*

At international level the competition for natural resources is becoming fiercer as many natural resources are scarce and new emerging economies have started competing for them. The EU and its member states are increasingly worried about securing access to raw materials for European companies. The rise of China, India and Brazil, set the alarm bells off. Therefore the Commission launched its *Raw Materials Initiative*. The main focus of the Initiative is to secure European access to raw materials in third countries.

As the EU has to rely on the import of several critical raw materials from third countries the Commission is especially interested in securing the supply and removing obstacles to it. In particular the Commission wants to improve the EU's security of supply through bilateral and multilateral trade agreements. In the case of Africa, this happens in the context of the Economic Partnership Agreement (EPA) negotiations<sup>18</sup>. EPAs foresee the removal of export tariffs and of quantitative restrictions on exports, de facto preventing African governments from putting limits and restrictions on the amount of raw materials exported from their countries to Europe.

If the Commission gets its way EPAs will also contain a chapter on investments which would remove restrictions on European companies that want to open subsidiaries in Africa to exploit raw materials. To make sure that the raw materials keep flowing the Commission intends to liaise with the European Investment Bank (EIB) and other European development financing institutions to “...facilitate the raw materials supply.”

The Commission touts mining as an opportunity for African development ignoring that over the last decades mining in Africa has mostly been a source of conflict and environmental destruction. In his speech in front of the EU-ACP Joint Parliamentary Assembly

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<sup>17</sup> <http://www.ifc.org/ifcext/economics.nsf/content/csr-intropage>

<sup>18</sup> For more on EPAs please refer to the *Trade* section of the manual.



in Kinshasa even the European Commissioner for Trade Karel de Gucht recognised that “extractive industries have seldom been a good basis on which to pursue industrial development. Often, they have even stoked up what economists call the resource curse” and “all too often, developing economies’ reliance on raw materials has proved to be a stumbling block for their development.”

## **2.2 The Impact of the Exploitation of Natural Resources on Africa**

The exploitation of natural resources is one of the areas - but unfortunately not the only one - in which Multinational Corporations (MNCs) have displayed a particularly careless attitude towards the impact of their actions on people in Africa. The desire to control economically profitable natural resources has been the reason behind several conflicts in Africa and especially in Congo DRC. MNCs often did not care that their money was ending up in the pockets of armed groups, so fostering and prolonging conflicts. For example investigations found that the UK-registered company Afrimex, which trades minerals from Congo-DRC through two companies registered in DRC, did nothing to prevent its affiliates from paying rebel groups in DRC during the war, thus contributing to the conflict and benefiting at the same time from the criminal activities of its affiliates<sup>19</sup>. Another British company, Amalgamated Metals Corporation, was found to have a subsidiary which was buying minerals from suppliers whose middle men had been trading with armed groups in South Kivu.<sup>20</sup>

Nuclear energy requires fuel that is acquired through the destructive and deadly activity of uranium mining. Uranium mining can have catastrophic effects on nearby communities and the environment for thousands of years to come. There are few places where these harmful effects are felt more markedly than Niger. The uranium mines in Niger are mainly operated by the French state-owned company Areva which, in its own words ranks first in the global nuclear power industry. Areva imports half of its uranium from Niger. France has been exploiting uranium mines in Niger for the last 40 years and is the main foreign investor in the country. Millions of light bulbs in France are lit by uranium from Niger while the local population has no access to electricity. In April 2010 Greenpeace released a report<sup>21</sup> denouncing Areva for contaminating the environment around the mining sites at Arlit and Akokan about 850 kilometers northwest of the country’s capital Niamey. Both towns were originally created by Areva to house its workers.

The contamination affects some 80,000 people. The radioactivity measured in Akokan was 500 times higher than the normal. Radioactive waste had also been used for the construction of the streets. Pieces of radioactive scrap metal are sold on the local market in Arlit, with radiation doses rate reaching up to 50 times more than the normal background levels. Locals use these materials to build their homes. In Arlit, Greenpeace measured a concentration of uranium in drinking water; this was up to four times above the limit recommended by the World Health Organisation. Overall in over 40 years of operation, a total of 270 billion litres of water have been used, contaminating the water and draining the aquifer.

Oil companies unfortunately show a similarly careless attitude. A study conducted by Friends of the Earth Netherlands in 2008<sup>22</sup> concludes that when operating in the Niger Delta Shell does not employ internationally recognized standards to prevent and control pipeline oil spills.

Most of the 27 million people living in the Niger Delta depend on the water, fish and agricultural products of the Delta for their livelihood. According to available statistics, in the last 30 years more than 400,000 tons of oil have spilled into the creeks and soils of southern Nigeria. Some 70 per cent of the oil has not been recovered. Oil spills significantly affect the health and food security of rural people living near oil facilities. In the period 1997 - 2006, according to its own annual reports, Shell Nigeria experienced about 250 oil spills each year. Others (Friends of the Earth Netherlands 2008) fear that Shell is significantly underreporting the spills. Many of the spills are caused by aging infrastructure and human error on the part of the oil companies. Shell does not invest enough money to meet international standards and to replace its aging infrastructure in Nigeria despite having made \$18.6 billion profits in 2010.

Oil production started in the Doba basin in Chad in 2003. The Chad-Cameroon Oil Pipeline Project was launched with the support of the World Bank. The ESSO consortium exploiting the oil is made of ExxonMobil (40%), Petronas (35%) and ChevronTexaco (25%). The World Bank promised that the development of Chadian oil would lead to poverty alleviation and wanted to make it a model project in the extractive industry sector. In spite of this intention, revenues from oil exploitation were poorly governed and only insufficiently invested in development sectors, such as health and education. Chad—before and after the implementation

<sup>19</sup> UK company Afrimex broke international guidelines by sourcing minerals from a Congolese war zone, says British government. [www.globalwitness.org](http://www.globalwitness.org)

<sup>20</sup> [http://www.globalwitness.org/media\\_library\\_detail.php/797/en/updated\\_reponse\\_to\\_amc](http://www.globalwitness.org/media_library_detail.php/797/en/updated_reponse_to_amc)

<sup>21</sup> Greenpeace, 2010, *Left in the Dust. AREVA's radioactive legacy in the desert towns of Niger.*

<sup>22</sup> Steiner, R., 2008 *Double standards?: International Best Practice Standards to Prevent and Control Pipeline Oil Spills, Compared with Shell Practices.*



of the Chad-Cameroon Oil Pipeline project—has been a poor, undemocratic and conflict-ridden country. Almost ten years after the official opening of the valve of the Doba crude oil, poverty continues to be rampant. The people living in the oil producing region in southern Chad bear the brunt of the negative impacts of the oil activities. Their land is being taken by the consortium, infrastructures are being built for the oil development, but rarely for the population. They are having to endure worsened living conditions - dust, health risks, etc. - and poorly implemented compensation measures.

Oil companies also continue to practise gas flaring. Gas flaring is a practice that oil companies use when oil deposits are mixed with gas and it is judged more profitable simply to burn off the associated gas rather than to capture it for utilisation or re-injection. The practice is highly controversial due to its detrimental impact on the environment and its emission of high levels of greenhouse gases. In the West, 99 % of the gas is either used or re-injected into the ground, but in Nigeria for instance more than half of the gas is flared. In Nigeria almost all gas flaring is carried out by local subsidiaries of five MNCs operating in joint ventures with the Nigerian National Petroleum Corporation (NNPC). Of the five TNCs, Shell again plays the greatest role. Its subsidiary Shell Nigeria operates in a joint venture which accounts for about 40% of Nigerian oil production. The others are Eni, Total, Exxon and Chevron.

Gas flaring causes harm to the health, environment and livelihoods of communities living near to the flaring sites. Flares contain a cocktail of substances such as benzene and dioxin which contribute to acid rain. Local people exposed to flaring suffer from respiratory problems and an increased likelihood of cancer. In Nigeria's Bayelsa state alone flaring is suspected to cause around 50 premature deaths, 5,000 child respiratory illnesses and 120,000 asthma attacks a year.<sup>23</sup> Moreover it has a detrimental effect on agricultural production and contributes to climate change. According to the World Bank, gas flaring in Nigeria emitted more greenhouse gases than all other sources of Sub-Saharan Africa combined. Only in Russia is more gas flared than in Nigeria. Shell claims not to have enough financial resources to install the gas gathering equipment, which would make the flaring unnecessary, Shell currently flares gas at around 1,000 sites in Nigeria.

### 3. ACTION ON NATURAL RESOURCES

#### 3.1 Opportunities for Action on Natural Resources

Large-scale development projects take many years to plan and start up, and then may impact on the community for many years or even generations. Each different phase of the project poses different challenges for the local community but at the same time the various phases also represent an opportunity to express the community's wishes. While the project developer should make sure that the community is informed regularly about the project's progress, community representatives also need to monitor the project's development.

#### ***Different phases of a project:***

##### 1) Project Conception:

Identification of project opportunities.  
Permit obtained from local or national government.  
Exploration for oil/minerals; surveys for dams, etc.

##### 2) Feasibility Studies & Project Planning:

Developers plan the project.  
Environmental and Social Impact Assessment Studies are carried out.

##### 3) Construction:

Developers begin construction of facility.  
This could include land purchase, clearing lands, resettlement of communities.

<sup>23</sup> Stockman, L., Rowell, A., and Kretzmann, S., 2009, *Shell's Big Dirty Secret*.



#### 4) Operations:

Transition from construction to information.  
Operations management system begins.

#### 5) Downsizing, Divestment, Decommissioning:

Project comes to an end.  
Project developers begin to phase out or close down the facility.

It is important to discuss the proposed project in detail within the local community. The whole community should be well informed about the proposed project. Tools such as maps, brochures, posters and videos can be used to inform all community members. This will help ensure everybody understands the project's potential benefits and drawbacks. The community should decide what is important. Then the community representatives can negotiate with the project developers if that is what the community decides should be the next step.

As a large-scale project affects everyone differently, it is very important to take into account the views of all community members, including women and young people, and to involve them in the decision-making processes. Often there are several communities affected by one project. It is helpful to find out if other communities are affected by the same project. They may be able to work together to negotiate with the project developers or government.

### **3.2. AEFJN and Natural Resources**

AEFJN firmly believes that the exploitation of natural resources in Africa should be carried out to the benefit of the local population in Africa. The exploitation of these natural resources has, therefore, to take place with the consent of the local population. In the same way, the revenue generated by the exploitation has to be used to the benefit of the local population. Also the exploitation should not bring destruction to the environment the local population lives in. As these conditions are unfortunately often not met, AEFJN calls for legally binding Corporate Social Responsibility norms. These norms would allow for companies to be held accountable for the damage they do to the local people and the environment. The current legal framework underpinning company structure separates legal persons and thus limits liability of the parent company for the actions of the subsidiaries. This unfortunately shields MNCs from liability. As prosecution in local courts is often difficult if not impossible, AEFJN calls for the parent companies to be held accountable in European courts for the action of their subsidiaries or joint ventures in Africa.

#### **AEFJN**

- o Supports local communities in their struggle to defend their rights against MNCs and relays their voices and their concerns back to Europe.
- o Lobbies the different institutions of the European Union on Corporate Social Responsibility and the exploitation of natural resources.
- o Is in regular contact with officials of the European Commission and participates regularly in events and public consultations organised by the Commission.
- o Is frequently in touch with members of the European Parliament and proposes amendments to reports of the European Parliament.
- o Lobbies the EU Member States through its national Antennae.



## 4. TOOLS FOR ACTION ON NATURAL RESOURCES

A general introduction on how to carry out action following the various steps of the Pastoral Circle can be found in the first part of this manual. In this section you will find ideas and tools for action specifically on the exploitation of natural resources.

### 4.1 *Knowing the Situation*

#### 4.1.1 *Finding out who is Developing the Planned Project*

As a first step you need to know who is planning the project that may affect the local community.

The project planners and developers may include:

- o The national government.
- o A private company (such as a mining or construction company).
- o A local authority (such as an Environmental Protection Agency or Department of Environment and/or Natural Resources.
- o A bank or international financial institution (such as the World Bank, the European Investment Bank or the African Development Bank). Many large projects benefit from financial support from international financial institutions.

Sometimes it may be difficult to find information about the project developers. Large projects often involve a mix of private and government interests. Foreign companies often operate in joint ventures (see vocabulary) with local companies.

Find out if there is an organisation that helps to manage the land or natural resource in all neighbouring countries. For example, there might be a river governance organisation that works in each country that a river flows through. If there is, check whether your government is part of the organisation. If you are concerned about a dam project you may be able to find out more about the project with their help.

#### 4.1.2 *Request Information on the Project*

It is important to know how the proposed project will impact on the community. Only then can you make an informed decision on changes you would like in the project design and prior conditions you need met before you agree to the project. It is important for the community to become fully informed about the project, its potential impacts and what the project developer will do to prevent or reduce them. Requesting copies of environmental and social impact assessments in the local language is very important to ensure all members of the community are kept in the picture.

One way of getting this information is to ask the project developer questions. This information can be recorded and taken back to the local community to discuss it. Questions can also be directly put to the relevant government department. This could include the Department of Environment, Mining, Forests and Agriculture or Treasury. This will vary from county to country. Unfortunately neither the project developer nor the government is necessarily willing to share this information with the local community.

The local community may be affected even if the project is not in the immediate area. For example, water pollution due to a development may spread and affect a community living outside the direct area of the project or a dam might block migrating fish which will impact on your food source and livelihood.

The non-exhaustive list of questions in the box below is meant to help you understand what information to look for to have a clear picture of what is going on.



### Questions to which find an answer:

- o What is the project? What will it do?
- o How big is the project? When will it be built? How long will it operate?
- o Who are the project developers (for example private company, government)?
- o What is the history or past performance of the company? Do they have a good or bad reputation?
- o Who owns the company? Where are the parent company headquarters? Who are its partners?
- o Who is providing the investment loans (for example commercial bank, World Bank, investment fund)?
- o What is each project developer's main business?
- o What is the nationality of the project developers?
- o What will be built for the project (for example roads, dams, large electricity poles)?
- o Who will be involved in the project, in addition to the company or Government (for example suppliers, contractors)?
- o What support is the Government providing (for example no or reduced taxes for the project developers, reduced charges for land access and use)?
- o What is the opinion of the local governing bodies regarding the project? What land will be affected?
- o Are there any maps showing affected lands? Will any effects on land and other resources be permanent?
- o Will the project developer conduct human rights, environmental, gender and social impact assessments?
- o What are the potential risks of the project (for example pollution or entry into a sacred area)?
- o Are there any independent reports detailing these risks and are they available for the community?
- o What benefits will there be for local communities? Will the benefits be permanent or temporary?
- o What will the company contribute to the community (for example schools, roads, hospitals and other social development programs)?
- o Will the project contribute to securing community land holdings? If the project developers take away our land will we be compensated including by offering us new land? What opportunities will the community have to provide input into project design? How will this be managed?
- o How can communities participate in the environmental and social impact assessment process?
- o Who has conducted the environmental and social impact assessments and will they be translated into local languages?
- o Who has the company consulted with? Does the company think they have community consent?
- o What process will be followed if there is any change to the project design?
- o Will the company negotiate with communities at each stage of the project?
- o How will the project developer respond to community concerns?
- o Is the project developer prepared to disclose all profits and payments connected with the project?
- o Where will the profits from the project go?

## 4.2 The Christian Reflection on African Natural Resources

In his postsynodal apostolic exhortation *Africae Munus* Pope Benedict XVI points clearly to the problems arising from the exploitation of African natural resources by multinationals and exhorts the Church to action. He writes (n. 79) "God has given Africa important natural resources. Given the chronic poverty of its people, who suffer the effects of exploitation and embezzlement of funds both locally and abroad, the opulence of certain groups shocks the human conscience. Organized for the creation of wealth in their homelands, and not infrequently with the complicity of those in power in Africa, these groups too often ensure their own prosperity at the expense of the well-being of the local population. Acting in concert with all other components of civil society, the Church must speak out against the unjust order that prevents the peoples of Africa from consolidating their economies and from developing according to their cultural characteristics. Some business men and women, governments and financial groups are involved in programmes of exploitation which pollute the environment and cause unprecedented desertification."

## 4.3 Considerations before Planning an Action on Natural Resources

When you speak to a company or an institution developing a project bear in mind that talking with the developers does not mean agreeing to the project. It simply means claiming the right to obtain information about the project. The project developers should consult with the community in the early stages of project planning and before each new stage of the project.

If resettlement of the community is likely, the terms and conditions must be negotiated with the community before a final decision is made.



The construction of large-scale development projects usually brings major financial benefits to the investors. Unfortunately, local communities are not always given the opportunity to share in the financial or other benefits. Putting in place “benefit sharing” mechanisms can ensure project-affected communities receive benefits from the project.

Some examples of benefits that could be negotiated for the community include:

- o More quality jobs for community members.
- o Skills training and job placement programs.
- o New schools and health clinics.
- o Special access and use rights to natural resources in the project areas for project-affected communities.
- o Agreement with the project developers to leave some land untouched - for example, areas of cultural value.
- o Sharing of revenues from the project (e.g. community projects like schools, hospitals, etc).

If construction has already started on a project without community involvement or consent, the developer needs to be told that they are not following acceptable practice. The community can still have its say. They may still be able to stop construction, insist that the project developer only proceed if your community grants its consent, negotiate benefits for the community or change the way that the project operates.

#### **4.4 Seek independent advice**

Negotiating with project developers can be difficult. Project developers often try to avoid involving communities. The issues involved are complex. Get independent legal and technical advice to understand the effects of the proposed project. For example, the company informs that they will be using mercury. If you have never heard of mercury or do not know much about it, you can ask for advice from a scientific expert.

Understanding project contracts, government approvals and legal documents is very complex. It is advisable to ask for assistance from an NGO or someone else with relevant expertise to help you if you do not understand the contracts and other documents. If the community decides to say ‘ye’ to a project, it should make sure that the agreement made with the project developers is recorded in writing and signed by both sides. This agreement should be legally binding, therefore seek independent legal advice. Do not just simply believe what the developers or their lawyers tell you; have your own experts checking the facts. It is important for the community to keep track of whether the company/government is meeting its commitments. One way to do this is to negotiate specific outcomes or conditions of the project. These should be written down as well and timelines agreed to.



## ANNEXE 1 - COMPLAINTS MECHANISMS AT INTERNATIONAL FINANCIAL INSTITUTIONS

For many years, international financial institutions did not consider human rights norms as part of their work. It is only recently that they have started to take human rights standards into account. Yet, none of the financial institutions has adopted a comprehensive human rights policy with adequate standards of implementation.

Most multilateral development banks have adopted social and environmental policies, which usually do not use human rights language. The different policies and standards applied by these institutions remain uneven, vague and widely criticised. Nevertheless, human rights concerns can now be raised before different complaints mechanisms that banks have put in place to assess whether a project is compliant with the institution's policies. These mechanisms often entail on-site visits by inspectors and generate reports that include recommendations for corrective action plans.

Although most of these mechanisms remain criticised for various reasons (lack of staff with required expertise, length of processes, lack of enforcement of recommendations), they can be used by civil society as powerful lobbying tools. The review, by these mechanisms, of a project supported by a financial institution may lead to adjustments in the project for the benefit of communities or to better compensation packages from the corporations. However, these mechanisms do not directly provide reparation to victims and cannot replace an adequate remedy for victims of human rights violations.

The list of the projects financially-supported by these institutions is normally made public on their respective websites. The boxes in each section show clearly who can lodge a complaint, as the criteria vary from organisation to organisation.

### **The World Bank**

The World Bank Inspection Panel, created in 1993, is composed of three members who are appointed by the board for a non-renewable period of five years. The members are supposed to be selected on the basis of their ability to deal thoroughly and fairly with the requests brought to them, their integrity and independence from the bank's management and their exposure to developmental issues and living conditions in developing countries.

The World Bank Inspection Panel was created to address the concerns of people affected by the projects supported by the WB and to ensure that the WB adheres to its operational policies and procedures during the design, preparation and implementation phases of the various projects. The Panel does not prescribe remedies.

The Panel has only rarely been asked to consider claims that have been framed explicitly in human rights terms. Nevertheless, in its consideration of claims that directly or indirectly raise human rights concerns, it has identified four circumstances in which Bank policies and procedures may require the Bank to take human rights issues into account:

- o The Bank must ensure that its projects do not contravene the borrower's international human rights commitments.
- o The Bank must determine whether human rights issues may impede compliance with Bank Policies as part of its project due-diligence.
- o The Bank must interpret the requirements of the Indigenous Peoples policy in accordance with the policy's human rights objective.
- o The Bank must consider human rights protections enshrined in national constitutions or other sources of domestic law.

When claimants seek to raise human rights issues, they should be careful to show how alleged violations of their human rights were caused by the Bank's failure to adhere to its own policies.

The WB has about 50 operational policies, including the following:

- o *Environmental assessment*: this policy evaluates the potential environmental risks and impacts of a project and examines alternatives as well as ways of improving the project selection, sitting, planning, design, and implementation. It also includes the process of mitigation and management of adverse environmental impacts throughout the project's implementation.
- o *Gender development*: this policy covers the gender dimensions of development within and across sectors in the countries in which the WB has an active assistance program. Here, the borrower's record with respect to gender and minority rights should be assessed.



- o *Indigenous peoples*: this covers special considerations with regards to land and natural resources, commercial development of natural and cultural resources, as well as the physical relocation of indigenous peoples. The policy includes a process of free, prior, and informed consultation with the affected indigenous peoples' communities at each stage of the project and the preparation of an 'Indigenous Peoples' Plan' or 'Indigenous Peoples' Planning Framework.' This policy requires the borrower to undertake a social assessment to evaluate the project's potential positive and adverse effects on indigenous peoples, and to examine project alternatives where adverse effects may be significant.
- o *Involuntary resettlement*: this policy covers direct economic and social impacts that result from the Bank-assisted investment projects in order to avoid involuntary resettlements whenever it is possible. The policy provides for a resettlement plan or resettlement policy framework that includes information, consultation and compensation. This policy requires that particular attention be paid to the needs of vulnerable groups among those displaced, including women and ethnic minorities. Complaints can therefore address situations where free, prior and informed consultation has not been conducted prior to resettlement, or when information, consultation or compensation has been insufficient.

### **Who can File a Complaint?**

Individuals cannot file complaints; rather, a complainant must be a 'community of persons'. However, as few as two people with common interests or concerns can qualify. An affected party can file a complaint. Alternatively, the following entities may file a complaint on behalf of the affected party:

- Another person who represents the complainant.
- A local NGO (non-governmental organisation).
- A foreign NGO, but only in exceptional circumstances where the complainant is unable to find local representation.

The Inspection Panel has to keep the names of the complainants anonymous and confidential if they so wish.

### **Under What Conditions?**

- o The complainant must live in the territory of the borrowing state and in the area affected by the project.
- o An affected party must believe that:
  - o they are suffering or may suffer harm from a WB-funded project.
  - o the WB may have violated its operational policies or procedures with respect to the design, appraisal, and/or implementation of the project.
  - o the violation is causing the harm.
- o The complaint must be submitted before the project's funding is closed and before 95 percent of the funding has been disbursed. A complaint may be submitted before the WB has approved financing for the project or program.

Before speaking to the Inspection Panel, the complainant needs to raise his/ her concerns with WB staff in his/her local area;

- o If Management fails to demonstrate that it is taking adequate steps to follow policies and procedures, the complainant may submit a request for inspection to the Inspection Panel directly;
- o The complaint can be submitted in any language. For working purposes, the Panel will translate the request into English.
- o The request must be in writing with original signatures. Any other document, such as correspondence and attachments to the request, may be sent electronically.

### **Content of the complaint must include:**

- o Name of the complainants or representative(s).
- o Name of the area the complainants live in.
- o Name and/or brief description of the project or program.
- o Location/country of the project or program.
- o Description of the damage or harm the complainants are suffering or likely to suffer from the project or program.
- o List (if known) of the WB's operational policies believed not to be observed.
- o Explanation of how the complaint was made and its process.



The request must be sent to:

Executive Secretary, the Inspection Panel  
1818 H Street, NW, Washington, DC 20433, USA  
Fax No. 202-522-0916;  
or: c/o the appropriate World Bank Country Office

World Bank Inspection Panel  
[www.worldbank.org/inspectionpanel](http://www.worldbank.org/inspectionpanel)

### **Process and Outcome**

- o When the Panel receives a request, it is registered and sent to the World Bank's management which has 21 days to respond. If the case is ineligible, there is no further action.
- o The Panel decides whether to recommend an investigation to the World Bank's Board, and the Board decides whether to approve the Panel's recommendation.
- o If the Board approves an investigation, the Panel reviews relevant documents, interviews WB staff, and normally visits the project site to meet with the requesters.
- o An investigation may take a few months or more in complex cases.
- o The Panel sends a written report of its findings to the Board.
- o Within six weeks, the WB management must respond and indicate how it plans to address the Panel's findings, usually in the form of an action plan.
- o The Board makes a decision on the project based on the Panel's report and management's recommendations. These decisions are then made public and can be found on the Bank's website.

### **European Investment Bank**

The European Investment Bank (EIB) has a complaint mechanism composed of the EIB Complaints Office and of the European Ombudsman. The former is an internal mechanism, independent from operational activities; the latter is an external and independent mechanism. In case of maladministration by the EIB Group, a complaint can be filed with the EIB complaints mechanism. If the complainant is unsatisfied, there is the possibility to lodge a complaint with the European Ombudsman against the EIB.

### **What are the issues that can be dealt with?**

The EIB requires that all projects that it finances comply at least with:

- o Applicable national environmental law.
- o Applicable EU environmental law (EU EIA Directive, the Nature Conservation Directives, Sector-specific Directives, "Cross-cutting" Directives).
- o The principles and standards of relevant international environmental conventions incorporated into EU law.
- o *Environmental Standards* in the Rest of the World: For projects in all other regions of EIB activity, the Bank requires that all projects comply with national legislation, including international conventions ratified by the host country, as well as EU standards.
- o *Social standards*: The EIB restricts its financing to projects that respect human rights and comply with EIB social standards based on the principles of the Charter of the Fundamental Rights of the European Union and international good practices. "Promoters that seek EIB financing outside the EU are required to adopt the social standards regarding involuntary resettlement, Indigenous Peoples and other vulnerable groups, the core labour standards of the International Labour Organization (ILO) and occupational and community health and safety."
- o Cultural heritage reflects a broad concept of cultural heritage as an instrument for human development and inter-cultural dialogue and an element in the achievement of balanced spatial development. Thus the Bank shall not finance a project which threatens the integrity of sites that have a high level of protection for reasons of cultural heritage, including UNESCO World Heritage Sites.

In practice, the EIB delegates many responsibilities to the project developers. Overall, the principles and standards of the EIB remain largely criticised by NGOs for being nebulous and for not clearly stating what is required from the EIB to act in conformity with its standards and principles.



### **Who can file a complaint?**

Any person or group, including civil society organisations, “that is or feels affected by alleged environmental, developmental or social impacts of the EIB Group’s activities” can file a complaint with the EIB complaints mechanism.

### **Under What Conditions?**

- The EIB does not accept anonymous complaints, but it does treat all complaints confidentially unless that right has been expressly waived by the complainant.
- Any person may write in one of the official languages of the European Union and has the right to receive a reply in the same language.
- The complaint must concern any alleged maladministration of EIB Group in its action or omissions.
- The complaints must be lodged within one year after the respondent could be in a position to acknowledge the facts upon which the allegation is grounded.

### **How to File a Complaint ?**

- o Content of the complaint must include:
  - Name, contact information and location of the complainant.
  - The subject of the complaint (e.g., access to information, environmental and/or social impacts of projects, procurement procedures, human resource issues, customer relations, or other issues).
  - A description of the circumstances of the complaint (all relevant documents should be provided).
  - A description of what the complainant expects to achieve with the complaint.

- o The complaint can be lodged via a written communication addressed to:

European Investment Bank  
Secretary General  
100, boulevard Konrad Adenauer  
L-2950 Luxembourg  
Tel: (+352) 43 79 1  
Fax: (+352) 43 77 04

- o If you wish to send a complaint via email, you need to fill out the online form available on the EIB’s website. [www.eib.org/infocentre/complaints-form.htm?lang=-en](http://www.eib.org/infocentre/complaints-form.htm?lang=-en)
- o The complaint can be also sent by fax or brought directly to the EIB Complaints Office, EIB local representation or any EIB staff.

### **Terms of Reference of the EIB Complaints Office**

[www.eib.org/attachments/strategies/complaints\\_office\\_tor\\_en.pdf](http://www.eib.org/attachments/strategies/complaints_office_tor_en.pdf)

#### *Process and outcome*

In reviewing the admissibility of each complaint, the office verifies whether the EIB followed its policies and regulatory obligations, including those outlined in the Bank’s Environmental and Social Practices Handbook.

#### *Duration of proceedings*

The final reply must be sent to the complainant no later than 40 working days after the date of the acknowledgement (the deadline can be extended to an additional period of 100 working days in case of complex issues). In practice, it should be noted that, the EIB complaint office is severely understaffed.



Whether the complainant wishes to appeal the EIB Complaints conclusions or whether it is to follow up on implementation of EIB conclusions, he or she may address, in written form, a confirmatory complaint:

- o Within 15 working days from the receipt of the EIB's response.
- o Or within 6 months from the due date set for the implementation of the action, if the agreed corrective action is not implemented correctly or within the time delay.

## **The European Ombudsman**

### **Who can file a complaint?**

- o EU citizens or a person residing or having its registered office in an EU country.
- o It should be noted that non-EU nationals can also lodge complaints with the Ombudsman regarding maladministration of the EIB from outside the EU. The Ombudsman will deal with them at his/her discretion.

### **Under what conditions?**

- o For concerns of maladministration on behalf of the EIB.
- o Must be lodged within two years of acknowledgement of the facts on which the complaint is based.
- o Cannot deal with matters that are being settled in court or have already been settled in court.
- o exhaustion of the EIB internal complaint mechanisms; and – the complaint should be written in one of the official EU languages.

### **How to file a complaint ?**

- o Content of the complaint must include:
  - Name, contact information and location of the complainant.
  - Grounds of complaint.
  - A description of what the complainant expects to achieve with the complaint.
- o The complaint can be lodged *via*:

European Ombudsman  
 1 Avenue du Président Robert Schuman  
 B.P. 403  
 FR- 67001 Strasbourg Cedex  
 Tel. +33 (0)3 88 17 23 13  
 Fax: +33 (0)3 88 17 90 62  
 email: [complaints@beig.org](mailto:complaints@beig.org)

- o a complaint form is available at the European Ombudsman's office at the following address:  
[www.ombudsman.europa.eu/atyourservice/complaintform/home.faces](http://www.ombudsman.europa.eu/atyourservice/complaintform/home.faces)

## **Process and outcome**

Although it is preferable to turn to the Ombudsman only if unsatisfied by the EIB complaint process, it is also possible to directly appeal to the Ombudsman if the complainant is not satisfied with the conclusions report of the EIB complaints office. The European Ombudsman will first look for mediation. If it fails, he/she will then make recommendations: for instance, the Ombudsman can request to take corrective action or formulate critical remarks relating to the maladministration of the EIB Group. The Ombudsman can further address a special report to the European Parliament, if the EIB Group does not concur with his remarks and recommendations.

Finally, if a complaint by a non-EU resident is rejected on the sole basis of the "non-EU" origin of the complainant, a complaint can be lodged with the Bank to the EIB's Inspectorate General under the Independent Recourse Mechanism ([Inspector.General@eib.org](mailto:Inspector.General@eib.org)). The reliability of this mechanism remains unclear.



## ***African Development Bank (AfDB)***

The Bank's policies address several topics: food production, poverty reduction, quality assurance and results, regional integration, and financial crisis. These policies apply to several sectors, and in particular:

- Involuntary resettlement policy: the objective of this policy is to ensure that people who are relocated receive a share in the benefits of the project. The policy contains requirements for resettlement plans.
- Environment and social standards, including impact assessment, management plan, audits and environmental review procedures for private sector operations.
- Poverty reduction: This policy focuses on national capacity building, promotion of the participatory approach and development of new forms of partnerships. It contains requirements for consultation processes.
- Gender: this policy looks at women's participation and focuses on education, poverty, health, agriculture and rural development, governance through a gender analysis.
- Integrated Water Resources Management: recognises the right to water and requires the AfDB to "promote integrated policies and options for water resources that support water supply and sanitation, biodiversity protection, conservation, and minimise involuntary resettlement."
- Other: agriculture, climate change and mitigation, economic and financial grievance, education, health, human and social development, information and communication technology, infrastructure, private sector development, transport, water supply and sanitation.

### ***Who can file a complaint?***

- Any group of two or more people in the country or countries where the Bank financed project is located who believe that as a result of the Bank Group's violation of its policies and/or procedures, their rights or interests have been, or are likely to be, adversely affected in a direct and material way.
- Organisations, associations, societies or other groupings of individuals adversely affected by a Bank Group financed project.
- A duly appointed local representative acting on explicit instructions as the agent of adversely affected people. Foreign representatives may act as agents in cases where no adequate or appropriate representation is available in the country or countries where the project is located.

### ***Under what conditions?***

The complaint must be submitted:

- In writing, dated and signed.
- In the language of the Bank (English or French).

### ***How to file a complaint ?***

– The content of the complaint must include:

- Explanation on how the Bank Group's policies, procedures, and/or contractual documents were seriously violated.
- Description on how the act or omission on the part of the Bank Group has led or may lead to a violation of the specific provision.
- Description on how the parties are, or are likely to be, materially and adversely affected by the Bank Group's act or omission.
- Description of the steps taken by the affected parties to resolve the violation with Bank Group staff, and explanation on how the Bank Group's response was inadequate.



- The request must be sent by registered or certified mail or delivered by hand in a sealed envelope against receipt to the CRMU or the Bank Group's resident representative in the country where the project is located:

Compliance Review and Mediation Unit (CRMU)  
 P.O. Box 323-1002  
 10<sup>th</sup> Floor, EPI-C, African Development Bank Group  
 Tunis-Belvedere, Tunisia  
 Tel: +216 71 10 20 56, +216 71 10 29 56  
 Fax: +216 71 10 37 27  
 Email: crmuinfor@afdb.org

### **Process and Outcome**

The process before the CRMU can be divided into two main procedures: mediation (problem-solving) or compliance review.

*Common procedures for both mediation and compliance review:*

- o Preliminary review by the Director CRMU upon receipt of a request to determine whether the request contains a bona fide allegation of harm from a Bank Group financed operation.
- o Within 14 days of receipt, the Director CRMU shall decide whether to:
  - Register the request.
  - Ask for additional information, in which case the decision period may be extended until the necessary information and documents have been filed, or - decide that the request is outside the mandate of IRM.
- o The request contains a *bona fide* allegation of harm arising from a Bank Group financed operation, the Director CRMU shall determine whether the request shall be registered for mediation exercise, or for further consideration for a compliance review. These two procedures are not exactly independent; it is possible that both be used for the same request.

### **Mediation procedure**

The objective is to restore an effective dialogue between the requester and any interested persons, in order to resolve the issue, but not with the perspective of allocating blame to one party or the other. The exercise shall be a meeting or an exchange of views between the Bank's management representatives, the requester, and other interested persons.

If the exercise is successful, the director shall prepare a report within 30 days after the conclusion of the exercise, which shall include the considered facts, the considerations on which the conclusions are based and any relevant comments from the interested persons. In case the exercise is unsuccessful, the director shall submit a report containing the reasons for the failure and make recommendations on steps to take to deal with the issue. The CRMU will monitor the implementation of the solution agreed upon.

### **Compliance review mechanism**

A compliance review is the procedure used if there is prima facie evidence that the requesters are being harmed or are threatened of harm by a Bank-financed project and that the harm or threat was caused by the failure of the Bank's staff and management to comply with the Bank's policies and procedures. It can also take effect after the failure of a mediation process.

- o The director shall establish a report recommending a compliance review of the project issue. The recommendation shall include draft terms of reference and identify two experts from the roster (a body composed of 3 external experts, appointed by the Board for a five-year non-renewable term), who shall constitute, with the director, a panel to conduct the review. The panel conducts the review in the required time frame and may in particular solicit additional information from the interested parties or undertake on-site visits.
- o Within 30 days of the completion of the investigations, the panel shall submit to the President or the Board, a report present-



ing a summary of the facts. The summary has to contain the findings determining whether or not an action or failure to act has involved a violation of the Bank's policies. If violations are found then the report must also include suggestions on remedies and the steps to be taken to monitor their implementation.

- o The President or the Board decide to accept or reject the findings and the recommendations included in the report. If they are accepted, the changes shall be monitored by the person recommended in the report.



## ANNEX 2 - OECD COMPLAINT MECHANISM

The Organisation for Economic Co-operation and Development's (OECD) does not finance projects. The OECD has however created guidelines for the behaviour of multinational corporations and has created its own complaint mechanism.

The "Guidelines for Multinational Enterprises" embody what OECD governments have agreed are the basic components of responsible corporate conduct. They cover a range of issues such as labour and human rights, bribery and corruption, environment and information disclosure. The latest version of the guidelines was released in June 2011<sup>24</sup>.

In 2000, a new complaint procedure was agreed upon that allows non-governmental organisations (NGOs) to submit complaints concerning alleged breaches of the Guidelines to a government's National Contact Point (NCP)<sup>25</sup>.

Before launching a complaint be aware that there is nothing that compels companies to engage in the NCP complaint procedure. Given the voluntary nature of the guidelines and the process it is difficult to say if a concrete complaint will generate any practical outcome and therefore before launching one a cost/benefit analysis considering the available resources has to be done. There is no point in engaging in such a process if it takes up too many resources which could be used more effectively elsewhere.

The NCP is a government office responsible for encouraging observance of the Guidelines in a national context and for ensuring that the Guidelines are well known and understood by the national business community and by other interested parties. The NCP gathers information on national experiences with the Guidelines, handles enquiries, discusses matters related to the Guidelines and assists in solving problems that may arise in this connection. When issues arise concerning implementation of the Guidelines in relation to specific instances of business conduct, the NCP is expected to help resolve them. The way the various NCPs handle these complaints vary widely.

A complaint becomes more complex if the government has contracted with the company to deliver services such as, for example, the management and operation of a prison or detention centre. NCPs may be reluctant to consider aspects of a complaint that it interprets as questioning government policy. Filing a complaint means accepting that you tell the NCP and company you are willing to engage in "conciliation or mediation, to assist in dealing with the issues." Therefore before contacting the NCP you have to be sure that you are willing to engage in such a process.

A complaint should be handled by the host country's NCP, if one exists. Otherwise, the complaint should be submitted to the NCP in the company's home country. As there are no NCPs in Sub-Saharan Africa, the complaints will have to be addressed to the NCP of the country where the company is headquartered.

The process after submitting a complaint foresees that if the NCP decides the issues merit further examination, it will seek to facilitate a resolution between the complainant and the company. When the process ends, the NCP should issue a public statement on the outcome unless there is a good reason for not doing so (which all parties understand). Should mediation fail, the Procedural Guidance states the NCP is required to reach a determination: "If the parties involved do not reach agreement on the issues raised, issue a statement, and make recommendations as appropriate, on the implementation of the Guidelines."

The Guidelines do not provide any instructions on how to write a complaint. However, NCPs will take into account the following aspects when a complaint is received:

- o The identity of the party concerned and its interest in the matter (the NCP will not determine the validity of an issue based solely on the identity of the party raising the complaint).
- o Whether the information provided supports the claim of a breach of the Guidelines.
- o The relevance of applicable law and procedures.

<sup>24</sup> The Guidelines can be found at [http://www.oecd.org/document/28/0,3746,en\\_2649\\_34889\\_2397532\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/28/0,3746,en_2649_34889_2397532_1_1_1_1,00.html)

<sup>25</sup> For a full list of the OECD's national contact points see [http://www.oecd.org/document/60/0,3746,en\\_2649\\_34889\\_1933116\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/60/0,3746,en_2649_34889_1933116_1_1_1_1,00.html)



- o How similar issues have been or are being treated in other domestic or international proceedings.
- o Whether the consideration of the issue would contribute to the purposes and effectiveness of the Guidelines.

When writing a complaint make sure to include the following aspects:

- o List the chapter(s) and paragraph(s) in the Guidelines the company is breaching.
- o Provide relevant background information about yourself and explain your interest in the case.
- o Provide relevant background information on the company's corporate structure and location.
- o Provide detailed information on the alleged breaches and developments to date: explain the details of the company's alleged violations (what, when, where, who is involved and/or affected).
- o Describe any previous contact with the company, other relevant actors and/or institutions.
- o Note if any information provided is confidential such as the names of individuals, sources of evidence or any documentation that cannot be shared with the company.
- o Also, look for additional instructions for submitting complaints to that particular NCP. The Australian NCP, for example, recommends complainants complete a form it has developed.

In practice NGOs have complaint in different occasions about the passivity of NCPs and their unwillingness to issue statements clearly addressing the problem and offering solutions. The Guidelines are voluntary for companies. There is nothing that compels companies to engage in the NCP complaint procedure. Although the process might not have any direct outcome, it might however be useful to publicly name and shame the misbehaving company and to alert the wider public opinion to a company's way of behaving. As mentioned before it is up to the local group assessing the costs and benefits of engaging in this process.

## **ANNEXE 3 - COMPANIES AND NGOS OPERATING IN AFRICA**

### **ANGOLA**

#### **Companies:**

ELECNOR S.A. (Spain)  
ENDESA (Spain)  
ENI (Italy)  
IBERDRO LA. (Spain)  
ISOLUX (Spain)  
Panalpina World Transport (Switzerland)  
Panoil International (Spain)  
PESCANOVA (Spain)  
Repsol (Spain)  
Saipem (Italy)  
Statoil (Norway)  
TOTAL (France)

#### **Organisations:**

Southern Africa Resource Watch  
Webpage: /www.sarwatch.org

### **BURKINA FASO**

#### **Companies:**

Shell (Netherlands)  
TOTAL (France)



## **BURUNDI**

**Regular News Updates** at <http://www.ipisresearch.be/index.php>

## **CAMEROON**

### **Companies**

ALPI Spa (Italy).  
 Bolloré (France).  
 Dalhoff, Larsen and Horneman - DLH (Denmark).  
 ENI (Italy).  
 Koninklijke Houthandel G. Wijma & Zonen BV GWZ (Netherlands).  
 Pasquet (France).  
 Rougier SA (France).  
 Siemens (Germany).  
 Thanry Group (France).  
 The Danzer Group (Germany).  
 TOTAL (France).  
 Vasto Legno (Italy).

### **Organisations**

CED - Centre pour l'Environnement et le Développement. [www.cedcameroun.org](http://www.cedcameroun.org)

## **CAPE VERDE**

### **Companies**

Shell (Netherlands).

## **CHAD**

### **Companies**

Chevron (US).  
 Esso [ExxonMobil] (US).  
 Petronas (US).  
 Tamoil (Libya).

### **Documents**

Bonn International Centre for Conversion, 2010, *We were promised development and all we got is misery! The Influence of Petroleum on Conflict Dynamics in Chad.*

<http://www.bicc.de/index.php/publications/briefs/brief-41>

Group Chad, 2010, *The World Bank Group and the Chad-Cameroon Oil & Pipeline Project: The logic was sound, but reality interfered.*

[http://www.erdoel-tschad.de/contao/tl\\_files/publikationen/IEG\\_eng\\_A4\\_LOW.pdf](http://www.erdoel-tschad.de/contao/tl_files/publikationen/IEG_eng_A4_LOW.pdf)

Group Chad, 2011, *Living with oil Poverty, conflicts and corruption in Chad and Cameroon.*

[http://www.erdoel-tschad.de/contao/tl\\_files/Themenheft\\_eng.pdf](http://www.erdoel-tschad.de/contao/tl_files/Themenheft_eng.pdf)

## **CONGO - BRAZZAVILLE**

### **Companies**

ENI (Italy).  
 Saipem (Italy).

### **Documents**

Caritas, 2011 *Le pétrole ne coule pas pour les pauvres.*

<http://www.secours-catholique.org/nous-connaître/nos-publications/nos-documents/le-petrole-au-congo-pour-qui-coule-l-or-noir,6481.html>

Heinrich Boell Stiftung, 2010, *Energy Futures: Eni's Investment in Tar Sands and Palm Oil in the Congo Basin.* <http://www.boell.de/ecology/climate/climate-energy-7775.html>



## **CONGO - DRC**

### **Companies**

Areva (France).  
AURANTIA (Spain).  
Bolloré (France).  
Dalhoff, Larsen and Horneman - DLH (Denmark).  
Danzer (Germany).  
ENI (Italy).  
Gerhard Wonnemann GmbH (Germany).  
Glencore (Switzerland).  
Heinrich Feldmeyer GmbH & Co (Germany).  
Rougier SA (France).  
Siemens (Germany).  
The Danzer Group (Germany).

### **Organisations**

Southern Africa Resource Watch.  
Webpage: /www.sarwatch.org

### **Regular News Updates**

<http://www.ipisresearch.be/index.php>

### **Documents**

Agir en Chrétiens Informés, 2009, *Exploitation minières au Katanga : un atout pour le développement ou une colonisation économique?*

Association Africaine de Défense des Droits de l'Homme, 2009, *D'une exploitation artisanale illicite à l'accord entre la RD Congo et le groupe nucléaire français AREVA.*

<http://www.aefjn.org/index.php/370/articles/rapport-aci-dune-exploitation-artisanale-illicite-a-laccord-entre-la-rd-congo-et-le-groupe-nucleaire-francais-areva.html>

<http://www.aefjn.org/index.php/370/articles/rapport-aci-sur-lexploitation-minieres-au-katanga.html>

Greenpeace, 2011, *Stolen future: Conflicts and logging in Congo's rainforests - the case of Danzer.*

<http://www.greenpeace.org/international/en/publications/Stolen-future-Conflicts-and-logging-in-Congos-rainforests---the-case-of-Danzer/>

Global Witness, 2009, *"Faced with a gun, what can you do?" War and the Militarisation of Mining in Eastern Congo.*

<http://www.globalwitness.org/library/global-witness-report-faced-gun-what-can-you-do>

IPIS, 2010, *The complexity of resource governance in a context of state fragility: An analysis of the mining sector in the Kivu hinterlands.*

<http://www.international-alert.org/resources/publications/complexity-resource-governance-context-state-fragility>

Pain pour le prochain 2011, *Contrats, Droit humains et fiscalité: Comment une entreprise dépouille un pays. Le cas de Glencore en RDC.*

[http://www.congomines.org/wp-content/uploads/2011/09/Painpourleprochain\\_CommentEntrepriseDepouillePays-Glencore-en-RDC.pdf](http://www.congomines.org/wp-content/uploads/2011/09/Painpourleprochain_CommentEntrepriseDepouillePays-Glencore-en-RDC.pdf)



## **ETHIOPIA**

### **Companies**

Salini Costruttori (Italy).  
SERRA MACHINERY (Spain).

### **Documents**

CEE Bankwatch, 2008 *THE GILGEL GIBE AFFAIR: An analysis of the Gilbel Gibe hydroelectric projects in Ethiopia*.  
<http://www.stopgibe3.org/pdf/The%20Gilgel%20Gibe%20Affair.pdf>

## **GABON**

### **Companies**

Areva (France).  
Basso Legnami Srl (Italy).  
Bolloré (France).  
Dalhoff, Larsen and Horneman - DLH (Denmark).  
ENI (Italy).  
Rougier SA (France).  
Salini Costruttori (Italy).  
Thanry Group (France).  
TOTAL (France).

### **Documents**

Brainforest, 2010, *Impacts de l'exploitation minière sur les populations locales et l'environnement*.  
[http://www.brain-forest.org/img/Impacts\\_exploitation\\_miniere\\_HautOgooue.pdf](http://www.brain-forest.org/img/Impacts_exploitation_miniere_HautOgooue.pdf)

## **GHANA**

### **Companies**

ENI (Italy).  
Salini Costruttori (Italy).  
Siemens (Germany).  
Shell (Netherlands).

### **Documents**

Oxfam America, 2009 *Ghana's big test: Oil's challenge to democratic development*.  
<http://www.oxfamamerica.org/files/ghanas-big-test.pdf>

## **GUINEA**

### **Companies**

Salini Costruttori (Italy).  
Shell (Netherlands).

## **IVORY COAST**

### **Companies**

ALPI Spa (Italy).  
Bolloré (France).  
Dalhoff, Larsen and Horneman - DLH (Denmark).  
Électricité de France (France).  
Shell (Netherlands).

### **Documents**

Bonn International Centre for Conversion, 2010, *Natural Resources in Côte d'Ivoire: Fostering Crisis or Peace*.  
<http://www.bicc.de/uploads/pdf/publications/briefs/brief40/brief40.pdf>



## **KENYA**

### **Companies**

John Swire & Sons (UK).

Repsol (Spain).

Shell (Netherlands).

Siemens (Germany).

## **LIBERIA**

### **Companies**

Bolloré (France)

Repsol (Spain)

## **MADAGASCAR**

### **Companies**

BG Group (UK).

Shell (Netherlands).

TOTAL (France).

## **MALAWI**

### **Companies**

British Petroleum - BP (UK).

Salini Costruttori (Italy).

### **Organisations**

Southern Africa Resource Watch.

Webpage: /www.sarwatch.org

## **MALI**

### **Companies**

ENI (Italy).

Shell (Netherlands).

## **MAURITIUS**

### **Companies**

Shell (Netherlands).

## **MOZAMBIQUE**

### **Companies**

British Petroleum - BP (UK).

ENI (Italy).

ISOLUX (Spain).

Kenmare Resources PLC (Ireland).

Siemens (Germany).

### **Organisations**

Southern Africa Resource Watch. Webpage: /www.sarwatch.org



## **NAMIBIA**

### **Companies**

British Petroleum - BP (UK).

### **Organisations**

Southern Africa Resource Watch. Webpage: /www.sarwatch.org

## **NIGER**

### **Companies**

Areva (France).

### **Documents**

Greenpeace, 2010, *Left in the Dust - Areva's uranium mining in Niger*. <http://www.greenpeace.org/international/en/news/Blogs/nuclear-reaction/left-in-the-dust-arevas-uranium-mining-in-nig/blog/11734/>

## **NIGERIA**

### **Companies**

BG Group (UK).

ENI (Italy).

Saipem (Italy).

Salini Costruttori (Italy).

Siemens (Germany).

Shell (Netherlands).

TOTAL (France).

### **Documents**

Amnesty International, 2009 *Nigeria: Petroleum, Pollution and Poverty in the Niger Delta*.

<http://www.amnesty.org/en/library/asset/AFR44/017/2009/en/e2415061-da5c-44f8-a73c-a7a4766ee21d/afr440172009en.pdf>

Amnesty International, 2011, *The true Tragedy: Delays and Failures in tackling Oil Spills in the Niger Delta*.

<http://www.amnestyusa.org/sites/default/files/afr440182011en.pdf>

Ecumenical Council for Corporate Responsibility, 2010, *Shell in the Niger Delta: A Framework for Change*.

<http://www.eccr.org.uk/module-htmlpages-display-pid-78.html>

Friends of the Earth Netherlands, 2010 *Royal Dutch Shell and its sustainability troubles*.

<http://milieudefensie.nl/publicaties/rapporten/shell-background-report>

## **RWANDA**

### **Regular News Updates**

<http://www.ipisresearch.be/index.php>

## **SENEGAL**

### **Companies**

Grupo Tulsa (Spain).

SENEVISA VEIRASA (Spain).

Shell (Netherlands).



## **SIERRA LEONE**

### **Companies**

Repsol (Spain).  
Salini Costruttori (Italy).

## **SUDAN**

### **Companies**

Salini Costruttori (Italy).

## **SOUTH AFRICA**

### **Companies**

British Petroleum - BP (UK).  
Daimler (Germany).  
Dantex Explosives (Spain).  
Électricité de France (France).  
GRUPO ANTOLÍN (Spain).  
Repsol (Spain).  
Siemens (Germany).  
Shell (Netherlands).  
Volkswagen Group (Germany).

### **Organisations**

Southern Africa Resource Watch.  
Webpage: /www.sarwatch.org

## **SOUTH SUDAN**

### **Companies**

The Greater Nile Petroleum Operating Company (GNPOC) composed by China National Petroleum Corporation (CNPC); Petronas (Malaysia); and Oil and Natural Gas Corporation (India).

## **TANZANIA**

### **Companies**

Aminex plc (Ireland).  
British Petroleum - BP (UK).  
Siemens (Germany).  
Statoil (Norway).

## **UGANDA**

### **Regular News Updates**

<http://www.ipisresearch.be/index.php>



## ZAMBIA

### Companies

British Petroleum - BP (UK).

### Organisations

Southern Africa Resource Watch.

Webpage: /www.sarwatch.org

### Documents

Centre for Trade Policy and Development, 2010, *A FOOL'S PARADISE? Zambia's mining tax regime.*

[http://www.ctpd.org.zm/index.php?option=com\\_phocadownload&view=category&id=4:publications&Itemid=119](http://www.ctpd.org.zm/index.php?option=com_phocadownload&view=category&id=4:publications&Itemid=119)

## ZIMBABWE

### Companies

British Petroleum - BP (UK).

Salini Costruttori (Italy).

### Organisations

Southern Africa Resource Watch.

Webpage: /www.sarwatch.org

## IN EUROPE

### Organisations

CEE Bankwatch Network (works on International Financial Institutions). <http://bankwatch.org>

Counterbalance - (works on the European Investment Bank). [www.counterbalance-eib.org](http://www.counterbalance-eib.org)

ECCR - The Ecumenical Centre for Corporate Responsibility. [www.eccr.org.uk](http://www.eccr.org.uk)

ECCJ - European Coalition for Corporate Justice. [www.corporatejustice.org](http://www.corporatejustice.org)

Fatal Transactions. [www.fataltransactions.org](http://www.fataltransactions.org)

Global Witness. [www.globalwitness.org](http://www.globalwitness.org)

Jesuit European Social Centre (works on Congo-DRC). <http://www.jesc.net/>

Justice et Paix Wallonie (works on Burundi, Congo-DRC and Rwanda). <http://www.justicepaix.be/?mot6>

RAID - Rights & Accountability in Development. [www.raid-uk.org](http://www.raid-uk.org)

### Documents

Africa Groups of Sweden, 2010, *The raw materials race. How the EU uses trade agreements to grab resources in Africa.*

[https://www.forumsyd.org/upload/regional\\_webpages/africa/documents/Raw%20Materials%20Race%20cover.pdf](https://www.forumsyd.org/upload/regional_webpages/africa/documents/Raw%20Materials%20Race%20cover.pdf)



## CHAPTER 3

### TRADE

### ABBREVIATIONS

ACP	Africa, Caribbean, Pacific
CEMAC	Communauté Economique et Monétaire de l'Afrique Centrale
DDA	Doha Development Agenda
EAC	East African Community
EBA	Everything But Arms
EC	European Commission
ECOWAS	Economic Community Of West African States
EPA	Economic Partnership Agreement
ESA	Eastern and Southern Africa
EU	European Union
FTA	Free Trade Agreement
GATT	General Agreement on Tariffs and Trade
GATS	General Agreement on Trade in Services
GSP	Generalised System of Preferences
IMF	International Monetary Fund
IP	Intellectual Property
IPR	Intellectual Property Rights
MFN	Most Favoured Nation
SADC	Southern African Development Community
SAP	Structural Adjustment Program
SPS	Sanitary and Phytosanitary Standards
TRIPS	Agreement on Trade Related Aspects of Intellectual Property Rights
WB	World Bank
WTO	World Trade Organisation



## VOCABULARY

**Bilateral Trade Agreement:** These are made between two nations. They are relatively easy to negotiate and give those nations reciprocal favoured-trading status. In the absence of a successful multilateral trade agreement, a series of bilateral agreements usually takes its place.

**Cotonou Agreement.** The Cotonou Agreement is a treaty between the European Union (EU) and the African, Caribbean and Pacific Group of States (ACP countries). It was signed in June 2000 in Cotonou by 78 ACP countries and the Member States of the EU. Probably the most radical change introduced by the Cotonou Agreement concerns trade cooperation. Since the First Lomé Convention in 1975, the EU has granted non-reciprocal trade preferences to their ACP partners. Under the Cotonou Agreement, however, this system will be replaced by a new scheme the Economic Partnership Agreements (EPAs). These new arrangements provide for reciprocal trade agreements, meaning that not only does the EU provide duty-free access to its markets for ACP exports, but ACP countries do the same for exports from the EU.

**Doha Development Agenda (DDA).** The Doha Development Agenda (DDA) or Doha Development Round is the current trade-negotiation round of the World Trade Organization (WTO) which commenced in November 2001. Its objective is to lower trade barriers around the world, which will facilitate the increase in global trade. Since 2008, talks have stalled over major issues such as agriculture, industrial tariffs and non-tariff barriers, services and dispute resolution. The most significant differences are between developed nations led by the EU, the United States (USA) and Japan and the major developing countries led and represented mainly by Brazil, China, India, South Korea, and South Africa.

**Economic Partnership Agreements (EPAs).** They are trade agreements creating a free trade area between the European Union and the African, Caribbean and Pacific Group of States (ACP) countries. The EPAs' key feature is their reciprocity and their non-discriminatory nature. They involve the phased removal of all trade preferences which have been established between the EU and the ACP countries since 1975 as well as the progressive removal of trade barriers between the partners.

**Everything But Arms (EBA).** EBA is an initiative of the European Union under which all imports to the EU from the Least Developed Countries are duty free and quota free, with the exception of armaments. EBA came into force on 5 March 2001.

**Free Trade Agreement.** A treaty between two or more countries to establish a free trade area where commerce in goods and services can be conducted across their common borders, without tariffs or hindrances.

**General Agreement on Trade in Services (GATS).** The General Agreement on Trade in Services (GATS) is a treaty of the World Trade Organization (WTO) that came into force in January 1995. It was created to extend the multilateral trading system to the service sector, just as the General Agreement on Tariffs and Trade (GATT) did for trade in merchandise. All members of the WTO are signatories to the GATS. The basic WTO principle of most favoured nation (MFN) applies to GATS as well.

**General Agreement on Tariffs and Trade (GATT).** The General Agreement on Tariffs and Trade (GATT) is now part of the WTO. It is an agency for the promotion of free trade between signatory countries. Formed in 1947 in Geneva, GATT instituted a rule-based multilateral trading system for trade in goods through a series of negotiations (called 'rounds'). Its approach was based on two non-discriminatory principles, the (1) Most favoured nation and (2) Reciprocity.

**Generalised System of Preferences (GSP).** The Generalised System of Preferences (GSP) is a trade arrangement through which the EU provides developing countries and territories with preferential access to the EU market. This takes the form of reduced tariffs for their goods when entering the EU market. There is no expectation or requirement that this access be reciprocated. It has however to be noted that this represents an increase in tariffs for ACP countries which hitherto have benefited from duty-free access to the EU market. The current GSP will terminate at the end of 2013 which means that the new system will be put in place for January 2014. The GSP+ scheme foresees better terms of access to the EU market in exchange for the respect of core human and labour rights and environmental and good governance standards.

**Goods.** An inherently useful and relatively scarce tangible item (article, commodity, material, merchandise, supply, wares) produced from agricultural, construction, manufacturing, or mining activities.



**Intellectual Property Rights (IPRs).** Under intellectual property law, owners of Intellectual Property Rights are granted certain exclusive rights to a variety of intangible assets, such as discoveries and inventions, words, phrases, symbols and designs and also musical, literary, and artistic works. Common types of intellectual property may include copyrights, trademarks, patents, industrial design rights and trade secrets.

**International Monetary Fund (IMF).** The International Monetary Fund (IMF) is an international financial organization. The organisation's stated objectives are to promote international economic cooperation, international trade, employment, and exchange rate stability. The primary mission of the IMF is to provide financial assistance to countries that experience serious financial and economic difficulties using funds deposited with the IMF from its 187 member countries. Member states may request loans to help bridge gaps between what they earn and/or are able to borrow from other official lenders and the money they need to operate. In return, countries are usually required to launch **Structural Adjustment Programs (SAPs)**. SAPs generally entail free market policy and programs. These programs include internal changes (notably privatization and deregulation) as well as external ones, especially the reduction of trade barriers.

The IMF and SAPs have been the target of severe criticism. SAPs have been accused of leading to an increase in poverty in recipient countries.

SAPs' emphasis on maintaining a balanced budget necessitates austerity programs and the casualties are often social programs. The programs most often cut are education, public health and other miscellaneous social safety nets. Commonly, these are already underfunded and desperately need investment for improvement.

Education cuts mean universality is impaired and therefore long term economic growth suffers. Similarly, cuts to health programs have allowed diseases such as AIDS to devastate some areas' economies by destroying the workforce. Recent studies have shown strong connections between SAPs with Tuberculosis rates in developing nations.

The agricultural, anti-land-reform and food trade policies associated with SAPs have been pointed to as a major factor in the urbanization of the global South, the ballooning of megacities, worldwide migration towards the global North and the growth in urban poverty and slums.

Furthermore, developed countries have a dominant role in the IMF and power over less developed countries (LDCs) primarily because of their bias towards a capitalist world economy.

**Most Favoured Nation (MFN).** In international economic relations and international politics, most favoured nation (MFN) is a status or level of treatment accorded by one state to another in international trade. The term means the country which is the recipient of this treatment must, nominally, receive equal trade advantages as the 'most favoured nation' by the country granting such treatment (Trade advantages include low tariffs or high import quotas). In effect, a country that has been accorded MFN status may not be treated less advantageously than any other country with MFN status by the promising country. The members of the World Trade Organization (WTO) agree to accord MFN status to each other.

**Multilateral Trade Agreement.** Multilateral trade agreements are made simultaneously between several nations. For this reason, they are very complicated to negotiate, but are very powerful once all parties sign the agreement. The primary benefit of multilateral agreements is that all nations are treated equally, and so the playing field is levelled.

**Sanitary and Phytosanitary Standards (SPS).** Sanitary (relating to animals) and Phytosanitary (relating to plants) Standards (SPS) refer to the set of trade rules relating to health and food safety. The rules are measures to protect humans, animals and plants from diseases, pests or contaminants. Article 20 of the General Agreement on Tariffs and Trade (GATT) allows governments to apply these rules, provided that they do not discriminate or use this as disguised protectionism. In order to meet SPS, countries need adequate testing and verification facilities and laboratories. In most developing, and especially least developed, countries, such facilities are lacking or inadequate. Developed countries sometimes use SPS to block exports coming from LDCs while in some cases SPS require investments well beyond the means of LDCs.

**Services.** These are intangible products such as accounting, banking, cleaning, consultancy, education, insurance, expertise, medical treatment or transportation. No transfer of possession or ownership takes place when services are sold, and they (1) cannot be stored or transported; (2) are instantly perishable and (3) come into existence at the time they are bought and consumed.

**Tariff.** A tax imposed on imported goods and services. Tariffs are used to restrict trade as they make imported goods and services more expensive for consumers. They are one of several tools available to shape trade policy. Governments may impose tariffs to raise revenue or to protect domestic industries from foreign competition, since consumers will generally purchase cheaper foreign produced goods.



**Trade.** Trade is the transfer of ownership of goods and services from one person or entity to another. International trade is exchange of goods and services across international borders or territories.

**Trade distortion.** This is a policy that increases or decreases the amount of trade, .e.g. agricultural subsidies that encourage production in areas that would otherwise have competitive disadvantages.

**TRIPS - the Agreement on Trade Related Aspects of Intellectual Property Rights:** TRIPS is an international agreement administered by the World Trade Organization (WTO) that sets down minimum standards for many forms of intellectual property (IP) regulation as applied to nationals of other WTO members. Specifically, TRIPS contains requirements that nations must legislate on copyright rights, including the rights of performers, producers of sound recordings and broadcasting organizations; geographical indications, including appellations of origin; industrial designs; integrated circuit layout-designs; patents; monopolies for the developers of new plant varieties; trademarks; trade dress and undisclosed or confidential information. TRIPS also specifies enforcement procedures, remedies and dispute resolution procedures.

**World Trade Organization (WTO).** WTO was created to supervise and liberalize international trade. It officially commenced on January 1, 1995, replacing the General Agreement on Tariffs and Trade (GATT) which was set up in 1948. The organization deals with regulation of trade between participating countries; it provides a framework for negotiating and formalizing trade agreements, and a dispute resolution process aimed at ensuring participants adhere to WTO agreements.



## CHAPTER 3

### TRADE

#### 1. INTRODUCTION: TRADE POLICIES AND THEIR EFFECTS

Trade has always existed. From earliest times, people and villages have traded goods with their neighbours. If these exchanges are fair, trade has the potential to bring about development, prosperity and human well-being. But trade on unequal terms is damaging; it creates and maintains inequities, exploits the weakest and can lead to poverty, violence, conflict and environmental destruction. Unfortunately the institutions, conditions, rules and practices of contemporary international trade are unfair and impoverish people and regions.

The rules governing international trade and trade agreements are made by the rich countries in the West with their own interests in mind, while poor countries in Africa have them imposed upon them. In many African countries the international trade system has taken away the livelihood of the people and communities and is keeping them destitute and dependent on aid. Trade should be a way of sharing the resources of the earth and the fruits of human labour, yet all too often it is a force that causes injustice, poverty, despair, and death, especially in the Global South.

#### 2. THE CONTEXT AND ASPECTS OF TRADE NEGOTIATIONS

##### 2.1 Major Events in Trade and their Impact on Africa

The rules governing international trade are unfair and harm Africa. Two main events are currently shaping trade between the EU and Africa: the Doha Development Agenda (DDA) negotiations at the World Trade Organisation (WTO) and the Economic Partnership Agreements (EPAs) negotiations at bilateral level.

###### 2.1.1 The Doha Development Agenda (DDA)

The DDA Round was launched in 2001 with the objective of obtaining major trade liberalisation. Its initial purpose - fostering the development of poor countries through trade - was soon lost in the negotiating process where the most-developed countries prioritised their own interests. In 2008, talks stalled over major issues such as agriculture, industrial tariffs, services and dispute resolution. The most significant differences are between developed nations led by the EU, the United States and Japan and the major developing countries led and represented mainly by Brazil, China, India, South Korea, and South Africa. The negotiations have remained stalled ever since and are unlikely to start anew anytime soon.

###### 2.1.2 Economic Partnership Agreements (EPAs)

Economic Partnership Agreements between the EU and the African Pacific and Caribbean (ACP) countries are meant to create a trade regime, which is compatible with international trade law set by the WTO. In practice this means that the 77 ACP countries will have to open their borders to goods coming from the EU, and set up a free-trade area with the European Union based on reciprocity.

Apart from liberalisation of imports from the EU, the EPA process is focussing on negotiations on trade in services, investments, intellectual property rights and liberalisation of public procurement. Although these trade-related areas (services, competition and investment) were rejected by the ACP countries at the WTO, the EU is putting them on the table again in the latest negotiations.<sup>26</sup>

African countries negotiate EPAs in five different regional formations: West Africa (ECOWAS), Central Africa (CEMAC), Eastern and

<sup>26</sup> There are many critical and controversial elements in EPAs and good overviews can be found in ECDPM Discussion Paper 89 *Contentious issues in the interim EPAs* ([http://www.ecdpm.org/Web\\_ECDPM/Web/Content/Download.nsf/0/CA0600DFC1F8D539C125757C00491727/\\$FILE/09-89-e\\_content\\_issues%20EPAs\\_def.pdf](http://www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/CA0600DFC1F8D539C125757C00491727/$FILE/09-89-e_content_issues%20EPAs_def.pdf)) and in the Critical Issues paper (<http://www.aefjn.org/index.php/352/articles/critical-issues-in-epas.html>) prepared by several civil society organisations.



Southern Africa (ESA), Eastern Africa (EAC) and Southern Africa (SADC). Please consult Annex I for a detailed overview of the various formations. No African country has yet signed a full EPA including services and other trade related aspects but some have signed interim EPAs just on trade in goods and are negotiating full agreements. Annex I also shows which countries agreed to an interim EPA.



Map of African Regions negotiating EPAs

## 2.2 Understanding a Trade Agreement and its Impact on Africa

### 2.2.1 Trade in goods

Under current international trade law, trade agreements have to liberalise trade. For African countries this removal of trade barriers has a severe impact on several fronts.

Firstly, it means that locally produced goods will find themselves competing with imported goods. These imports often originate from developed countries where producers have the capacity to produce large quantities at low cost and so local African producers are pushed out of the market. To take a concrete example, in Cameroon poultry farming is traditionally carried out by middle and small scale farmers or in people’s back yards. It was contributing to economic development and, more generally, to the well-being of families. Then along came massive imports of frozen chicken pieces from Europe. As there was no market for them in Europe



these chicken pieces were dumped in Cameroon. Being cheaper than the locally produced chicken meat, these imports forced local producers off the market. Farmers with less capital were hit hardest and disappeared from the market first. Those who had taken out loans went bankrupt. All small and middle scale holders were badly affected. Protests forced the government to sharply raise tariffs on chicken meat imports and this allowed the local chicken market to recover, partially at least, from the negative impacts of free trade.

Another negative effect of trade liberalisation is the loss of tariff revenue as tariffs on imports (customs duties) are removed. However, most developing countries are highly dependent on these trade taxes as they have limited sources of domestic revenue and limited tax bases. According to World Bank estimates, tariff revenues in Sub-Saharan Africa average between 7 and 10 per cent of government revenue. With EU products accounting for 40% of total imports in Sub-Saharan Africa, eliminating tariffs on EU imports would lower tariff revenues considerably. Such a revenue loss leaves a government with few options. One is to cut public spending, which clearly puts health and education at risk.

### **2.2.2. EU Policy on Trade**

The EU insists in its trade negotiations on the removal of export restrictions. These can take many forms, such as export taxes, quotas, subsidies, or mandatory minimum export prices. Export taxes are a common policy instrument in many developing countries and are allowed under international trade rules. They are used to promote value-adding domestic processing, to protect the environment and natural resources and as a source of government revenue. Levying a tax on the export of a certain raw material can provide an incentive for the development of domestic manufacturing or processing industries with higher value-added exports as processing the raw material locally 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. The proposal was rejected by other WTO members and criticised by developing countries. Namibia, for example, strongly resisted the EU's attempts to ban these taxes.<sup>27</sup>

Developing countries want to continue to be able to use them as a policy instrument in 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>28</sup> Since the EU did not succeed in getting its way on this at 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, as the deadline was approaching in 2007<sup>29</sup>, the EU inserted them in the negotiation text.

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

African countries have repeatedly raised the issue of export taxes in the on-going 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:

*"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>32</sup>

### **2.2.3. The Impact of EU Trade Policies on African Countries**

For many developing countries, export taxes are one of the few remaining trade policy tools. When the EU tries to prevent African countries from introducing new ones, it denies them policy space to decide how to promote local value-addition and so pursue industrial development.

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

<sup>27</sup> WTO, Sixth LDC Trade Ministers Meeting, October 2009, Dar El Salaam Declaration.

<sup>28</sup> EPA negotiations were originally set to end at the end of 2007.

<sup>29</sup> Eulian, M (2010), EPA Update, *Trade Negotiations Insight*, July/August 2010.



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.

If EPAs are implemented and export restrictions removed this would also pose the threat of unrestricted logging in Africa's forests. This would particularly threaten the tropical forest in the Congo basin and the Guinean Forest in West Africa. These ecosystems are not only vital for the local population, but are relevant globally as they act as some of the world's "lungs" and are important for climate regulation.

The advantages of trade agreements for African countries, such as duty free access to Western markets, risk being only theoretical. There are obstacles which often make it impossible for African producers to export their products. The main ones are a lack of an effective distribution chain (no-middle man to bring the goods from the African producer to the Western consumer) and the lack of infrastructure (roads, rails, ports, airports, etc.) for transporting the goods in a reasonable amount of time. This is particularly relevant for perishable goods, such as agricultural products, which constitute a large part of the goods produced in Africa. Furthermore, the EU imposes a series of sanitary and phytosanitary standards (SPS) on imports which are difficult for African producers to meet.

#### **2.2.4 Trade in Services**

Services include a wide array of activities ranging from the provision of clean water, energy supply, education, health care and telecommunications to business services such as banking, law and accountancy. Opening up the service sector means that a country can no longer limit the investments of foreign companies, nor the kind of services. It will not be possible to limit the number of providers or services provided, the value of the imported services, the legal form of the service providers and the participation of foreign capital. It also means that if a country liberalizes trade in services, it has to allow foreign companies in the country and treat them in the same way as local companies. This limits the latitude of developing countries to develop their own policies.

It has to be noted here that the inclusion of services and other trade related matters, such as intellectual property rights, is not necessary to make trade agreements compatible with the international trade rules of the WTO. An agreement in goods only is entirely sufficient to be WTO compatible. However, once the two parties agree to include trade in services in the agreement, this has to be done in a WTO compatible manner, meaning that most service sectors need to be liberalised.

<sup>30</sup> Julian, M (2010), EPA Update, Trade Negotiations Insight, July/August 2010.



According to the wishes of the European Commission, full and final EPAs should include an agreement on trade in services. In August 2010 the World Bank released a study on the inclusion of services in EPAs<sup>31</sup>. The study concludes that the type of reforms necessary in the African service sector to turn it into a driver of development of the continent cannot be achieved effectively through a trade agreement like EPAs, because it is in the nature of trade agreements to be the result of give-and-take bargaining, where both sides try to maximise their advantages and minimise their losses. What is needed instead is a constructive collaboration between the EU and the African countries to achieve the necessary reforms in the service sector in Africa on a country and sector specific basis.

A liberalisation of the health sector for example would make it impossible for the governments to control the sector any longer. It would mean that the public sector has to compete with the private sector. As the private sector can pay higher wages it will drain the most qualified medical personnel from the already weak public sector, thus weakening the national health system further.

There are clear commercial interests behind the EU's wish to see the health sector in Africa liberalised. Health is one of the faster growing sectors in the world economy. In developing countries, it is also increasingly becoming an attractive investment opportunity for private actors as the growing middle class is able to pay for health services. The consultancy office McKinsey projected the market for private health care in Africa at USD 21 billion a year by 2016. The BusinessEurope<sup>32</sup> proposal for trade policy strategy 2014/2020 states that the EU needs to address barriers to participation in international public procurement markets in key sectors such as healthcare and water treatment. In other words, BusinessEurope is asking the EU to help them to obtain free access to the health and water market of developing countries.

The privatisation of the health sector is dangerous as private provision increases inequity of access because it naturally favours those who can afford treatment. Data from 44 middle- and low-income countries suggest that higher levels of private-sector participation in primary health care are associated with higher overall levels of exclusion of poor people from treatment and care. With respect to foreign service providers, they are likely to target only the profitable sectors or the higher income earners.

### **2.2.5 Investments in Trade Agreements**

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 signed so far, contains a chapter on investments. An investment agreement with liberalisation commitments in the EPAs could severely restrict African governments' ability to regulate foreign investment in a way that benefits the local economy and stimulates development.

The chapter on investment that the EU wants includes 'National treatment' and 'Investor protection'. National treatment means that foreign investors have to be accorded the same rights as domestic investors. This in turn curbs developing countries' ability to give preferential treatment to domestic investors, such as small or new enterprises, to ban foreign investment in certain sectors or to favour regional investors to help foster regional integration. Moreover, giving 'equal treatment' to foreign investors often in practice means giving them more influence and rights than domestic investors, given their greater size and power. Investor protection, which establishes minimum standards of treatment of investors, and the free flow of capital between countries, which secures the right of investors to repatriate profits, restrict the ability of developing countries to control movement of capital.

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 will be under threat if the EU succeeds in pushing through an investment agreement in the EPAs. As

<sup>31</sup> Brenton P., Dihel N., Hinkle L., Strychacz N., 2010, Africa's Trade in Services and the Opportunities and Risks of Economic Partnership Agreements, Africa Trade Policy Notes N. 6.

<sup>32</sup> BusinessEurope is a lobby organisation of European industries and employers and a great supporter of neoliberal economic policies.



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.'*

### **2.2.6 Intellectual Property Rights in Trade Agreements**

In developing countries, where health insurance is scant, prices of medicines are a critical factor in determining the level of health care - the poor cannot afford them and governments' ability to expand provision is limited. The current patent system (and other forms of intellectual property protection) delays competition from low-cost competitors, resulting in higher prices. Generic competition reduces prices of medicines by an average of 40-80%. So the protection of intellectual property rights (IPR) is already a barrier to access to medicines and any further strengthening of this protection will exacerbate the situation and impede developing countries from establishing their own pharmaceutical industry.

In recent years, the EU has been promoting very tough provisions regarding the protection of IPRs. A common feature of the trade agreements the EU is concluding with third countries is that they include so-called TRIPS-plus standards. This means that they require IPR protection that goes beyond what was internationally agreed in the TRIPS Agreement. Studies indicate that TRIPS-plus standards increase medicine prices as they delay or restrict the introduction of generic competition. The trade agreements benefit the pharmaceutical monopolies and impede access to medicines in the countries that sign the agreements.

The UN Special Rapporteur on the Right to Health, Mr Anand Grover highlighted the need to revisit trade related agreements in the light of their impact on the right to health and in particular on access to medicines. He concluded that "developing countries and LDCs should not introduce TRIPS-plus standards in their national laws. Developed countries should not encourage developing countries and LDCs to enter into TRIPS-plus free trade agreements and should be mindful of actions which may infringe upon the right to health."

Another risk of the inclusion of IPRs in trade agreement is that they hinder Africans' access to technology which they could then develop and adapt to their own needs. An increase in IP norms risks strangulating creativity and innovation which are at the foundation of the development of poorer countries. As Joseph Stiglitz has already warned, what developing countries need to evolve economically are less stringent IPRs, not even tougher ones.

## **3. ACTION ON TRADE**

### **3.1 Opportunities for Action on Trade**

Trade negotiations are conducted by the national government so when planning action bear in mind that action and requests have to be addressed to the national government or possibly to the foreign government the agreement is being negotiated with. As trade agreements tend to be complex it is worth working with an NGO with expertise in the trade field and other experts.

Action on trade can be very successful. As mentioned before, EPA negotiations were originally meant to end in 2007. Campaigns from civil society organisations in both Africa and Europe succeeded in convincing several African governments to reconsider their position. Many of them decided not to sign an EPA as they came to realise it was not in their country's best interest; others are still holding out at the moment of writing, demanding concessions from the EU before signing.

Trade agreements are generally negotiated in several negotiation rounds, which stretch over a long period of time. The lead-up to such negotiation rounds is an excellent moment for action as decision makers at various levels and also the media will be more alert to the issues you express.

### **3.2 AEFJN and Trade**

Current trade policies contribute to greater poverty and inequality in Africa. The international agreements and the way they are understood are marginalising the whole continent. The neo-liberal system makes human beings into commodities and chooses to ignore any damage to nature. This goes against God's will. Unjust and unfair trade kills, while just and fair trade enhances life.

AEFJN is concerned with the poor of Africa, the victims of the neo-liberal system. The action of AEFJN is oriented to a more just people-oriented trade system which recognises the dignity of every human being. It promotes the reduction of poverty and a just distribution of wealth. AEFJN is deeply concerned that EPAs will exacerbate the agricultural crisis that African farmers already face,



increase poverty and violate human rights. AEFJN believes that the proposed EPAs do not ensure the protection of the rights of citizens or the sovereignty of states.

This is why AEFJN is working for a better deal for Africa in the current EPAs negotiations, so that the emphasis shifts from free trade to a fair deal for all. AEFJN calls for an EU-ACP partnership that will protect African producers in domestic and regional markets, reverse the pressure for trade and investment liberalisation, allow for the necessary policy space and support ACP countries as they pursue their own development strategies. This partnership needs to be based on the principle of non-reciprocity, as instituted in the Generalized System of Preferences.

AEFJN lobbies the different bodies of the European Union on trade. It is in regular contact with officials of the European Commission and often participates in events and public consultations organised by the Commission. AEFJN is regularly in touch on trade matters with members of the European Parliament and with diplomats from the member states representing their government at the Council. AEFJN also lobbies the EU Member States through its national Antennae.

## 4. TOOLS FOR ACTION ON TRADE

A general introduction on carrying out action following the steps of the Pastoral Circle can be found in the first part of this manual. In this section you will find ideas and tools for an action specifically on trade.

### 4.1 Knowing the Situation

#### 4.1.1. Introductory Questions to Familiarise yourself with the Issue

It might be good to start with a series of introductory questions to familiarise local communities with the trade issue:

- Where do the goods you buy come from?
- Could they also be produced locally?
- Why do you prefer imported goods?
- What does this mean for the local economy, for the local producers?
- What are the locally produced goods?
- When did trade in the region originate?
- When did international trade in the region originate?
- What was the difference in the impact it had?

#### 4.1.2 Information to Look for

Before launching a campaign on trade it is important to have a clear picture of what is going on. These are just some of the questions you might ask.

- Who is our country negotiating with?
- What is the scope of the trade agreement (only goods or also services, investment, IPR, etc.)?
- What market opening is foreseen (how many goods will be liberalised)?
- Will we have to open our market completely to foreign imports?



- What sensitive goods are being excluded from the market opening (if any)?
- Who in our country will benefit from the agreement, and who will lose out?
- Which sectors are strategic to our economy? On which ones can we build our economic development?
- What do we get from the other side?
- Is this really useful to us?
- Will we be able to reach their market anyway?
- Which special interest groups are pushing for a trade agreement and why?
- What is our government's general position on free trade, liberalisation and privatisation? (The more in favour it is the more likely it is to be a keen supporter of free trade agreements).
- When is the next trade negotiation round taking place?

#### **4.1.3 Demands to Address to the Negotiators**

Examples of possible demands are listed below. Clearly they depend on the specific trade agreement under discussion.

- Exclusion of services, investments, IPR in the trade agreement.
- A realistic time frame for the opening of the local market to imports.
- Exclusion of sensitive goods from market opening (and make sure that all sensitive goods are covered; the exact list of sensitive goods depends on the structure of your economy).
- Serious evaluation of the impact of the trade agreement on the local producers and on the local population more generally.
- Rejection of clauses that impede the use of export restrictions in the trade agreement.

## **4.2 A Christian Reflection on Trade**

The Social Teaching of the Catholic Church calls for a trade regime which is fair, has the human being and not profit at its centre and gives each participant equal chances to develop. In his post-synodal apostolic exhortation *Africae Munus*, Pope Benedict XVI writes that "it is incumbent upon the Church to strive that every people may be the principal agent of its own economic and social progress ... and may help to bring about the universal common good as an active and responsible member of the human family" (§79). Later we read that "The Church is eager to see the globalization of solidarity progress to the point where it inscribes in commercial relationships the principle of gratuitousness and the logic of gift as an expression of fraternity" (§86).

The participants of the 2<sup>nd</sup> African Synod in 2009 went even further stating in Proposition 17 that "the Synod Fathers have pleaded for an economy in service to the poor and strongly denounced an unjust economic order which has led to the perpetuation of poverty."



**ANNEXE 1**

**OVERVIEW OF THE TRADE REGIME BETWEEN AFRICAN COUNTRIES AND THE EU**

Country	LDC <sup>33</sup>	Trading Regime	EPA initialled	EPA signed
<b>ESA Formation</b>				
Comoros	Y <sup>34</sup>	IEPA <sup>35</sup>	2007	Refused to sign in 2009
Djibouti	Y	EBA <sup>36</sup>		
Eritrea	Y	EBA		
Ethiopia	Y	EBA		
Madagascar	Y	IEPA	2007	29/08/2009
Malawi	Y	EBA		Refused EPAs
Mauritius	N <sup>37</sup>	IEPA	2007	29/08/2009
Seychelles	N	IEPA	2007	29/08/2009
Sudan	Y	EBA		
Zambia	Y	IEPA	2007	Wanted more time in 2009 before signing
Zimbabwe	N	IEPA	2007	29/08/2009
<b>EAC Formation</b>				
Burundi	Y	IEPA	2007	
Kenya	N	IEPA	2007	
Rwanda	Y	IEPA	2007	
Tanzania	Y	IEPA	2007	
Uganda	Y	IEPA	2007	
<b>SADC Formation</b>				
Angola	Y	EBA		
Botswana	N	IEPA	2007	04/06/2009
Lesotho	Y	IEPA	2007	04/06/2009
Mozambique	Y	IEPA	2007	15/06/2009
Country	LDC	Trading Regime	EPA initialled	EPA signed
South Africa	N	TDCA <sup>38</sup>		
Swaziland	Y	IEPA	2007	04/06/2009

<sup>32</sup> LDC: Least Developed Country.

<sup>33</sup> Y: Yes.

<sup>34</sup> IEPA: Interim EPA.

<sup>35</sup> EBA: Everything but Arms.

<sup>36</sup> N: No.

<sup>37</sup> TDCA: Trade Development and Cooperation Agreement, a bilateral trade agreement between the EU and South Africa signed in 1999.



CEMAC Group				
Cameroon	N	IEPA	2007	15/01/2009
Chad	Y	EBA		
Cent. Afr. Rep	Y	EBA		
Congo-Brazzaville	N	GSP <sup>39</sup>		
DRC-Congo	Y	EBA		
Equatorial Guinea	Y	EBA		Recently declared it will consider signing EPAs only in 2020
Gabon	N	GSP		
S. Tomé/Príncipe	Y	EBA		
ECOWAS Group				
Benin	Y	EBA		
Burkina Faso	Y	EBA		
Cap Verde	N	GSP+		
Cote d'Ivoire	N	IEPA	2007	26/11/2008
Gambia	Y	EBA		
Ghana	N	IEPA	2007	
Guinea Bissau	Y	EBA		
Liberia	Y	EBA		
Mali	Y			
Mauritania	Y	EBA		
Niger	Y	EBA		
Nigerian	N	GSP		
Senegal	Y	EBA		
Sierra Leone	Y	EBA		
Togo	Y	EBA		

<sup>38</sup> LTDCAs: Trade Development and Cooperation Agreement, a bilateral trade agreement between the EU and South Africa signed in 1999.

<sup>39</sup> GSP: Generalised System of Preferences.



## **ANNEXE 2 - AFRICAN ORGANISATIONS WORKING ON TRADE**

### **CAMEROON**

ACDIC - Association Citoyenne de Défense des Intérêts Collectifs. <http://www.acdic.net>

### **GHANA**

TWN-Af - Third World Network-Africa. <http://twnafrica.org>

### **KENYA**

COFTA - Cooperation for Fair Trade in Africa. <http://www.cofta.org>

Jesuit Hakimani Centre. [www.jesuithakimani.net](http://www.jesuithakimani.net)

### **MALAWI**

Malawi Economic Justice Network. <http://www.mejn.mw>

### **SENEGAL**

Enda Tiers Monde. <http://www.enda.sn>

### **SOUTH AFRICA**

Economic Justice Network. Webpage: <http://www.ejn.org.za>

### **UGANDA**

SEATINI - Southern and Eastern African Trade Information & Negotiations Institute. <http://www.seatini.org>

### **ZAMBIA**

CSTNZ - Civil Society Trade Network of Zambia. <http://cstnz.co.zm>

JCTR - Jesuit Centre for Theological Reflection. <http://www.jctr.org.zm>

### **ZIMBABWE**

SEATINI Zimbabwe. <http://www.seatini.org>



## ANNEXE 3 - INFORMATION ON TRADE AND ON-GOING TRADE NEGOTIATIONS

**Official Webpage of the WTO.** <http://www.wto.org>

**Official Webpage of the European Commission's Trade Section.** <http://ec.europa.eu/trade>

**Official ECOWAS website.** <http://www.ecowas.int>

**Official CEMAC website.** <http://www.cemac.int>

**Official EAC website.** <http://www.eac.int>

**Official SADC website.** <http://www.sadc.int>

**Official COMESA website.** <http://www.comesa.int>

### **Regular Updates on Trade**

<http://ictsd.org/news/tni>

<http://www.bilaterals.org>

<http://www.tralac.org>

### **Contentious issues in EPAs**

<http://www.aefjn.org/index.php/352/articles/critical-issues-in-epas.html>

[http://www.ecdpm.org/Web\\_ECDPM/Web/Content/Download.nsf/0/CA0600DFC1F8D539C125757C00491727/\\$FILE/09-89-e\\_content\\_issues%20EPAs\\_def.pdf](http://www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/CA0600DFC1F8D539C125757C00491727/$FILE/09-89-e_content_issues%20EPAs_def.pdf)

### **NGO perspective on trade and EPAs**

<http://epawatch.eu>

<http://www.ourworldisnotforsale.org>

<http://www.s2bnetwork.org>

### **AEFJN Studies on EPAs**

*The Impact of Economic Partnership (EPAs) Agreements in Zambia.*

<http://www.aefjn.org/index.php/other-publications/articles/the-impact-of-economic-partnership-40epas41-agreements-in-zambia.html>

*L'impact de la libéralisation sur les agriculteurs de l'Afrique Occidentale (CEDEAO) et les Accords de Partenariat Economique (APE) (in French).*

<http://www.aefjn.org/index.php/other-publications/articles/limpact-de-la-liberalisation-sur-les-agriculteurs-de-lafrique-occidentale-40cedeo41-et-les-accords-de-partnerariat-economique-4.html>

AEFJN Questionnaire on Economic Partnership Agreements (EPAs).

<http://www.aefjn.org/index.php/other-publications/articles/aefjn-questionnaire-on-economic-partnership-agreements-40epas41.html>

### **Study on EPAs and Raw materials**

Africa Groups of Sweden, 2010, The raw materials race. How the EU uses trade agreements to grab resources in Africa. [https://www.forumsyd.org/upload/regional\\_webpages/africa/documents/Raw%20Materials%20Race%20cover.pdf](https://www.forumsyd.org/upload/regional_webpages/africa/documents/Raw%20Materials%20Race%20cover.pdf)



## CHAPTER 4

# ACCESS TO MEDICINES OF QUALITY

### ABBREVIATIONS

ARIPO	African Regional Intellectual Property Organisation for Southern and Eastern Africa
API	Active Pharmaceutical Ingredients
ARV	Antiretroviral medicine to treat HIV/AIDS
CSO	Civil Society Organizations
EMA	European Medicines Agency
EU	European Union
FDA	Food and Medicine Administration Agency (USA)
FTA	Free Trade Agreement
GCP	Good Clinical Practice
GLP	Good Laboratory Practice
GMP	Good Manufacturing Practice
GNI	Gross National income
HIV	Human Immunodeficiency Virus
IPR	Intellectual Pproperty Rights
LDC	Least Developed Countries
LP	Local Production
MS	Member States
MOH	Ministry of Health
MSF	Médecins Sans Frontières, Doctors Without Borders
NEML	National Essential Medicines List
NGO	Nongovernmental Organization
OAPI	African Intellectual Property Organisation for Western Africa
PhV	Pharmaco Vigilance
PIM	Product Information Management
R&D	Research and Development
TB	Tuberculosis
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UN	United Nations
UNCTAD	United Nations Conference for Trade and Development
VL	Voluntary Licence
WHO	World Health Organization
WTO	World Trade Organization



## VOCABULARY

**Active Substance or Active Ingredient (AI)** or active pharmaceutical ingredient is the substance in a medicine that is pharmaceutically active and produces the beneficial or adverse effects on living matter.

Brand name is a name given to a medicine by the manufacturer. The use of the name is reserved exclusively for the owner of the patent.

**Branded Medicines** are patented medicines that have a brand name.

**Bioequivalence** is a term used to assess the expected biological equivalence of two different registered preparations of a drug. If two products are bioequivalent it means that they are expected to be, for all intents and purposes, the same.

**Compulsory Licence:** Mechanism used by public authorities to authorise use of a patent-protected invention by government or third parties without the consent of the patent-holder. Patent-holders are to receive adequate compensation, usually in the form of a royalty. Governments may issue a licence to allow the import, production and use of a patented medicine without the consent of the patent holder on grounds of public interest. The generic copy is for the domestic market and cannot be sold for profit. TRIPS allows for compulsory licensing on grounds of public interest. The Doha Declaration extended compulsory licensing to imports.

Counterfeit (fake) medicines are deliberately and fraudulently mislabelled giving false information about their identity or source. They may or may not have the active pharmaceutical ingredient mentioned. Both branded and generic products can be counterfeited. The ingredients in counterfeit products may be wrong in quality and quantity and may be harmful.

**Data Exclusivity:** a legal provision that prevents, for a specified period, data collected from clinical trials being used for the creation of a generic product.

**Differential Pricing:** the practice of setting different prices according to the market, typically higher prices in richer markets and lower prices in poorer markets.

**Doha Declaration on TRIPS** allows a country to import or produce a patented medicine provided that the owner of a patent or copyright licenses the use of their rights. The patent owner receives a payment either set down by law or determined by arbitration.

**Essential Medicines** are the medicines that satisfy the health care needs of the majority of the population. They are selected for their public health relevance, evidence of efficacy and safety, and comparative cost-effectiveness. It is the country's responsibility to decide which medicines are essential. Essential medicines are supposed to be available within the health systems at all times in adequate amounts and appropriate dosages, with assured quality and adequate information, and at affordable prices.

**Essential Medicines List (EML)** is a list, published by WHO and updated regularly, of medicines that provide safe and effective treatment for the infectious and chronic diseases that widely affect the world's population.

**Evergreening:** a word popularly used to describe strategies that extend the life of a patent on a compound.

**First-line Drugs:** the medicines used as a first resort to treat a disease.

**Generic Medicines (drugs)** are pharmaceutical products intended to be interchangeable with the originator product and which are usually manufactured without a licence (patent) from the originator company. They have the same active ingredients as that the brand-medicine but are marketed under the name of their active ingredient (molecule). Generic medicines are legitimate, as effective as the brand-name medicine, but much cheaper.

**Intellectual Property Rights (IPRs)** are the rights given to people over their inventions. They give the inventor an exclusive right for a certain period of time over the use of the concept. IPR include copyrights, trademarks or patents, geographical indications, etc. Interpol - International Criminal Police is the world's largest international police organization, with 190 member countries that provide finance of around €59 million through annual contributions. Interpol enables police around the world to work together to fight crime by sharing objectives, data and access to tools and services wherever necessary. Its headquarters are in Lyon, France.

**Low Standard Medicines** are brand-named or generic medicines whose ingredients correspond to those mentioned on the package but where the percentage or quality of the active molecule does not reach the standards mentioned or expected.



**Patent:** a set of exclusive rights granted by a state to an inventor for a period of time in exchange for the public disclosure of the invention. In the case of medicines, the patent grants the Pharmaceutical Company that develops a medicine a monopoly of that drug for 20 years. This means complete control over the production, distribution and price of the drug.

**A Patent Pool** for medicines is a structure where patent-holders share their patents and receive royalties in return. It has the potential to increase access to patented medicines for people living with HIV in the developing world. Medicine companies can access these patents to produce cheaper versions of the patented medicines. The companies are financially rewarded and patients benefit from access to more affordable medicines. A Medicines Patent Pool for HIV was formally established in July 2010.

**Parallel Import** is a product imported from another country without the permission of the intellectual property owner.

**Pharmacopoeia Monographs** is a compilation of data about Active Pharmaceutical Ingredients (API) or Products with their identification tests, impurity profile, assay method, solubility etc. It ensures that the product meets the standards. Many countries have developed their own pharmacopoeia. Four have become international benchmarks, those from Europe (EP), the USA (USP) and the United Kingdom (BP) and the international one defined by WHO.

**Pooled Procurement** is the joint purchasing of medicines from different countries in order to resolve challenges of price, quality and other difficulties associated with the procurement and supply chains of essential medicines.

**Prequalification** is the evaluation and assessment of quality, safety and efficacy of medicinal products. It is based on information submitted by the manufacturers and inspection of the manufacturing and clinical sites. When the evaluation results are positive, the site or medicine receives a certificate of prequalification.

**Qualification System** is a pool of processes used to select the sources of medicine supplies so as to ensure that they conform to the ethical principles of the Charter.

**Quality Assurance** is a set of measures implemented to ensure the quality of the sources of medicines. Two concepts are important: homogeneity of the lots produced by the producer and the concept of risk/benefit ratio.

**Quality Control** involves occasional analysis of the drug. As often it is only the active ingredient that is checked, it cannot ensure by itself that the medicine is of good quality. Other ingredients which could include impurities, effects of deterioration, toxic contamination, etc. may not be tested. So patients can still be at risk. No rigorous authority (such as the European Medicines Agency) relies purely on quality control. Quality control is part of quality assurance but is useful only in conjunction with other checks. It is only meaningful if it is independent.

**Tentative FDA Approval:** is awarded by the US Food and Medicine Administration Agency (FDA) to a medicine product that has met all required quality, safety and efficacy standards, but is not eligible for marketing in the US because of existing patent protection. Tentative approval does give a guarantee of quality to the product and makes it eligible for purchase outside the US.

**TRIPS** (Trade-Related Aspects of Intellectual Property Rights) is an agreement of the World Trade Organization (WTO) that sets standards and conditions for the protection of intellectual property. TRIPS requires that patents are granted in member states.

**World Health Organization (WHO)** is the directing and coordinating authority for health within the United Nations. It is responsible for providing leadership on global health matters, shaping the health research agenda, setting norms and standards, articulating evidence-based policy options, providing technical support to countries and monitoring and assessing health trends.

**WHO Prequalification** assesses and assures acceptable standards of quality, safety and efficacy in a medical product.

**WHO's Prequalification Programme** provides guidance to purchasers on the quality of medicines. It is a standard for the identification of quality of essential medicines and has significantly improved access to quality medicines over the past years.





## CHAPTER 4

# ACCESS TO MEDICINES OF QUALITY IN AFRICA

### 1. INTRODUCTION

Access to medicines is a human right and the cornerstone of an effective primary health care system. Therefore good quality essential drugs for the prevention and treatment of prevalent diseases should be available at all times, in adequate amounts, in appropriate dosages and at a price the community can afford. Yet 270 million people in Africa lack access to the medicines they need and this contributes to millions of deaths and untold suffering from easily treatable diseases.

Malaria, HIV/AIDS, TB and other infectious diseases are the main causes of mortality in Africa although there are medicines to cure these illnesses or improve patients' lives.

The lack of access to medicines also has serious social and economic consequences. More than 100 million people fall into poverty annually to pay health care expenses for sick family members. In Africa, patients have to pay out of their own pocket for 50 to 90 % of essential medicines.

Another reason for poor access is that research and development are not directed to the medical needs of the people of Africa. Only 1% of newly marketed medicines in the past 30 years were developed for tropical diseases or tuberculosis, yet the existing medicines for these diseases are often toxic and resistance makes them less and less effective. As pharmaceutical companies do not consider the African market to be financially viable they do not invest in those diseases. In Africa, there is very little research and development on traditional medicine, while laboratories elsewhere are already patenting products made from them.

Low quality drugs pose another problem. Medicines can use up a significant proportion of individual or family income, so people look for cheaper medicines on markets or in kiosks, but their quality is questionable.

Medicines of poor quality can be the cause of treatment failure or even death. Low-quality versions of a medicine increase resistance because they do not kill all the parasites. The quality of essential medicines is a key issue for public health.

In Africa high prices, low quality, inappropriate prescriptions, improper use of medicines and the proliferation of counterfeit (fake) medicines are all taking their toll on the health of the people who are often not getting value for their money.

### 2. ACCESS TO ESSENTIAL MEDICINES

Many factors define the level of access to medicines: selection of medicines, affordable prices, sustainable financing and reliable health and supply systems. We are looking mainly at affordability.

One of the main reasons for the lack of access to essential medicines is the high cost of medicines produced in the West, chiefly Europe and the USA. The patent system, used and promoted by pharmaceutical companies, raises the prices of medicines because there is little competition. This system is not working for the poor countries.

#### 2.1. Trade and Access to Medicines

International trade regulation is becoming increasingly significant for health services. Trade policies, with their emphasis on the removal of import and export duties, mean that the health sector and trade in health-related services are open to foreign investors. This affects not only the availability and price of medicines (therefore people's right to health) but also the tax revenue available to governments to fund health and other public services. The liberalization of health services forces the public sector to compete with the private sector (that already attracts the best qualified health personnel). National health systems will grow weaker and, once again, it will be the poorest who suffer most.

Moreover, when Intellectual Property Rights, such as patents and data exclusivity, are included in Trade Agreements, access to cheaper generics is not easy and poor countries find it hard to access essential medicines.

Please see TRADE section 2.2.4 on Trade in Services.



## 2.2. Strengthening of Intellectual Property Rights

Today 'knowledge' is an asset. Enterprises and individuals that possess 'knowledge' (technical, scientific, intellectual, etc.) protect it by holding rights. In exchange for sharing their knowledge, the owner of the knowledge is granted a monopoly on the income generated by the invention. Others have to pay to use or reproduce the invention. This knowledge protection is called 'Intellectual Property Rights (IPRs)'. It can be in the form of copyrights, trademarks or patents, as in the case of medicines. IPRs are a powerful tool for pharmaceutical companies to increase their profits, so they lobby their governments hard to strengthen IPRs.

The Intellectual Property Rights are a barrier to access to medicines. Strengthening of IP protection makes access to cheap generics difficult and increases the cost of medicines in Africa. Furthermore, increased IP protection hinders developing countries from establishing their own pharmaceutical industry.

The TRIPs (Trade Related Intellectual Property) Agreement of the World Trade Organisation (WTO) protects Intellectual Property Rights (IPRs). Patents, a part of IPRs, grant exclusivity of production, sale or import of medicines for a minimum of 20 years.

Before TRIPs, most developing countries did not recognise patents for pharmaceuticals. This allowed copies of new medicines (generics) to be made. TRIPs obliges WTO member states (all African countries except Ethiopia) to provide patents. Least Developed Countries have to implement patents for pharmaceutical products before January 2016.

TRIPs is supposed to keep a balance between the interest of health-care product developers (IPRs protection), public health and the interests of users. For this reason, some 'flexibilities' and safeguards were retained or added to allow developing countries in certain circumstances to override patents and facilitate their access to generic medicines. For example 'parallel imports' where governments can shop around for cheaper sources of a patented medicine on sale abroad. In 2001 the WTO Doha Declaration allowed governments to issue 'compulsory licences for reasons of public health.' A government may grant permission to produce a patented product without the consent of the patent owner. The country can produce or import the generic medicine even during the validity of the patent. Many Western countries, like the USA, the EU and its member states oppose the right of developing countries to declare 'compulsory licenses.'

For the TRIPs flexibilities to be valid, countries need to incorporate TRIPs flexibilities into their domestic legislation and use them where necessary and feasible.

In recent years a number of countries, among them the European Union (EU), have been reinforcing IPRs. In their bilateral agreements they introduce TRIPs-Plus, clauses that enforce IP protection beyond the requirement of TRIPs. This has severe consequences for public health. A measure being introduced is the increase of 'data exclusivity' protection to up to 12 years. This means that for 12 years generic companies cannot use the existing clinical data on a medicine to register it, regardless of whether a patent exists or not. Data exclusivity is another way of extending the monopoly of the patent protection and blocking off generic competition. This undermines the balance between safeguarding access to medicines on one hand and stimulating innovation and business on the other.

## 2.3. Price and Patents

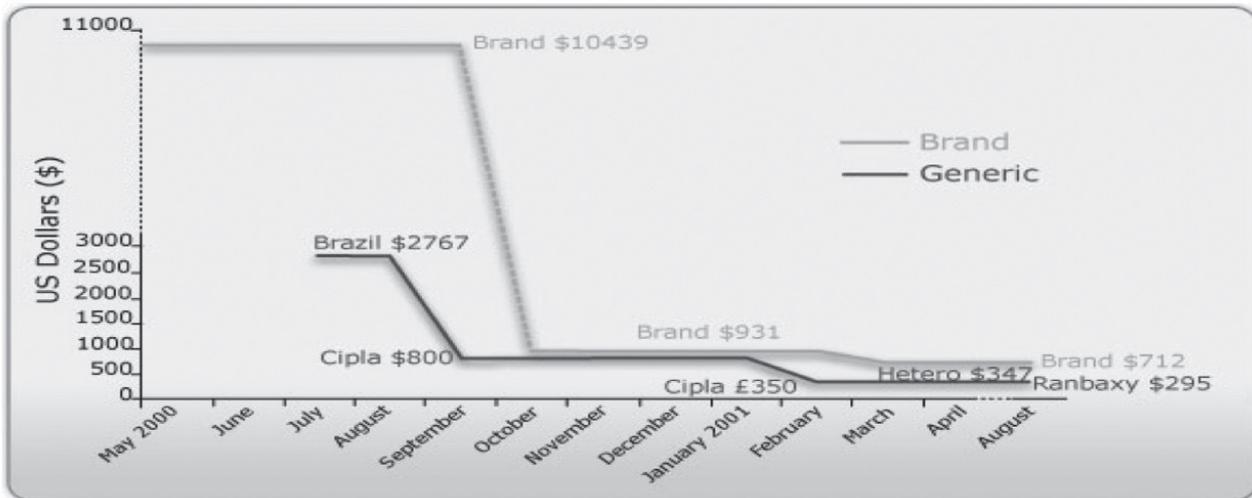
The price of medicines is determined by the company that produces them. When a company or an individual has a new medicine approved, it gets a PATENT to compensate for the expenses of developing the new medicine. The patent grants the company exclusive rights (monopoly) of production, distribution, terms of sale and pricing of the medicine for 20 years. During this time other companies cannot produce or sell cheaper generic versions of the patented medicine. The absence of competition prompts the manufacturer to set high prices in order to increase profits. As a result, medicines are expensive and people in developing countries cannot afford the treatments they need.

In order not to lose the 'exclusivity' to produce and sell the medicine pharmaceutical companies often use strategies to extend the patent term (life) on the same compound. This is called evergreening. Some of those strategies include giving new uses to the same medicine or putting two medicines into one.

Patent protection has increased over the past few decades from just a few years to the 20-year monopoly of today. Studies indicate that TRIPs-plus standards increase medicine prices as they delay or restrict the introduction of generic competition. The current system gives priority to the profit of pharmaceutical companies at the expense of the public health of developing countries and this is costing millions of lives.



As soon as a generic comes onto the market the price of the medicine drops by an average of 40-80%. Reducing the patent life facilitates the possibility of producing generics, creates competition and consequently lowers the price of the medicine for both the original brand product and the generic forms.



Graph: **Médécins sans frontières**. It shows the lowest world price per patient per year of triple combination therapy made up of d4T (stavudine) + 3TC (lamivudine) + nevirapine.

## 2.4. Generic Medicines

When a patent expires other laboratories can produce the medicine without patent. This GENERIC contains the same active ingredients and pharmaceutical properties as the patented medicine. As both are identical in dose, strength, safety and efficacy they should produce the same effect. Generic medicines are named after the main active ingredient (healing molecule), while the patented one has a brand name given by the owner of the patent. Generic medicines are legitimately produced but are much cheaper than the brand one because they have no research costs.

TRIPS flexibilities played an important role in the reduction of prices of medicines by allowing the production and export of generics. Lobbying by civil society was instrumental in the introduction of new generic medicines in Africa.

Competition between brand medicines and generics has been very effective in reducing the cost of drugs. In Africa there are generic versions of anti-retrovirals (ARVs) for HIV/AIDS, of antibacterials and of drugs to treat malaria and tuberculosis. The introduction of generic ARVs meant a revolution in HIV/AIDS treatment.

## 2.5. Essential Medicines

Most common health problems can be treated with a small number of carefully selected medicines. The WHO List of Essential Medicines (EML) contains about 300 active substances. From it, each country selects its own list according to disease prevalence, efficacy evidence, safety, and comparative cost-effectiveness. In theory, they should be available in the country at all times, in adequate amounts, in appropriate dosage forms, with assured quality and at prices individuals and the community can afford.

Because of their prohibitive cost, a number of essential medicines are not included in the EML.

When a country has chosen from the EML, the procurement, distribution and other supply activities are easier as the number of pharmaceutical products is limited. For that reason, the development of a national list of essential medicines is important.



### 3. ACCESS TO ESSENTIAL MEDICINES IN AFRICA

In some parts of Africa, about 55% of the population lack access to essential medicines. They may be available in private pharmacies but the prices, especially those of branded medicines, are too high.

In Africa, there is little health insurance and most health services, including medicines, are paid in cash by patients. What is more, high prices limit the ability of governments to expand health services and so fewer patients have ready access. In Mozambique, for example, it is estimated that only 40-50% of the population have regular access to public health services and more than 75% of the population relies on traditional medicine.

Improving access to existing medicines could save 4 million lives each year in Africa. Most medicines used in Africa are generics, supplied chiefly by India. In 2006, India supplied 70% of generic antiretroviral drugs, while South Africa supplied 7%, the United Kingdom 6% and the USA 4%<sup>40</sup>.

As patients become resistant they need new medicines that are still under patent. These are very expensive and inaccessible for most Africans.

#### 3.1. Africa and the TRIPS

Many African countries have not applied TRIPS flexibilities except for 'parallel imports.' Many have not included flexibilities such as compulsory licensing in their legislation for lack of technical expertise. Others dare not apply TRIPs flexibilities for fear of trade sanctions and other reprisals from rich countries. The 'Competition law in South Africa' contributed to lowering essential medicines prices and two companies were found guilty of excessive pricing. In 2003, Rwanda passed a law requiring generic medicines to be used for all treatment programmes when available. It also imported a generic for HIV/AIDS treatment from a Canadian manufacturing company using the flexibility of the 'compulsory license.'

#### 3.2. The Quality of Medicines

The second main problem regarding medicines is the poor quality. All countries are affected but the developing countries where the means of control are scarce are much more vulnerable.

Lack of quality control of medicines in exporting countries and the absence of guarantee control in the importing countries account for much of the proliferation of low quality medicines. There is a double standard of production: good quality medicines for the West (Europe, America, Australia) and substandard medicines for export to Africa, Latin America and Asia. The governments of the exporting countries put the responsibility for quality control on the country using the medicine. In most African countries the capacity and the means for quality control is non-existent.

The quality of medicines is a key issue for public health as poor quality medicines put lives at risk. For example, some increase resistance because they do not kill all the parasites.

##### 3.2.1. Different Kinds of Poor Quality of Medicines

Substandard medicines are genuine, legal and authorized medicines which do not meet quality specifications as they do not contain the right quantity or quality of active ingredients. Consequently they are ineffective and often dangerous. Substandard products may occur as a result of negligence, human error, insufficient human and financial resources or lack of control. They may come from well-known laboratories and are being used in both public and private health practices.

Counterfeit or fake medicines are produced and sold with the intent to deceive. They may have a forged label of another company and unsuitable packaging; the manufacturing processes, transport and storage conditions may have been substandard. They are intended to look like the 'real thing,' but are not what they seem to be. They may include wrong and dangerous ingredients, have few or no active ingredients (the substance that is pharmaceutically active) or the active ingredient may be of bad quality.

Counterfeiting of pharmaceutical products takes many forms, but the risks for the patient are treatment failure, increased toxicity, increased medicine resistance and even death.

<sup>40</sup> Chaudhuri 2008.



The WHO estimates that 200,000 people die annually from counterfeit or poor quality malaria medicines (1/5 of these dying from the disease itself as the medicine is ineffective and 4/5 from the fatal consequences of the medicines).

The high cost of medicines influences quality in two ways. When the prices of medicines become excessive, patients tend to look for cheaper sources outside the normal supply system. This means that counterfeiters can make more money and the health of the community is put in danger.

The production of fake medicines is a pernicious and immoral practice, but very lucrative. It is also a growing business that is estimated to be worth \$200 Billion a year and creates 2 to 5% tax losses for governments around the world.

The traffic of counterfeit medicines is flourishing in African countries where institutional capacity to regulate, inspect and enforce the law is weak and adequate funds for regular medicine quality monitoring are lacking.

Of the one million deaths that occur from malaria annually, as many as 200,000 could be avoided if the medicines available were effective, of good quality and used correctly.

While quality generic medicines facilitate access to medicines for all and have a very positive impact on health, counterfeit medicines are causing great health problems in Africa.

### **3.3.2. The Fight against Low Quality Medicine**

The owners of the 'trade-marks' or 'brand names' are seeing their profits decrease and are keen to fight back. They are supported by a series of international agreements and a group of industrialized countries have negotiated the "Anti-Counterfeit Trade Agreement" (ACTA) that will enforce intellectual property rights, but unfortunately also hinder the free circulation of generic medicines. The Council of Europe's MEDICRIME criminalises the manufacturing and distribution of counterfeit medicines that put public health at risk. The World Health Organisation's IMPACT (International Medical Products Anti-Counterfeiting Taskforce) is very controversial. In these agreements, generics and counterfeit medicines are considered similar which is quite untrue as far as quality is concerned. The fact is that these agreements defend the rights of the patent owner but do not consider public interests such as safety and the right to access medicines. The enforcement of IPRs can have serious public health costs as it can affect access to generic medicines in Africa.

Counterfeiters are organised criminal networks that operate across national borders in activities that include the import, export, manufacture and distribution of counterfeit and illicit medicines. While INTERPOL tackles the counterfeit market at international level, the problem is that it too is more interested in medicines without patents than those of poor quality. In reality, they sometimes do not have even the means to analyse the quality of the medicines.

Counterfeit medicines are a danger, not because they do not respect patents, but because they do not conform to quality standards and so jeopardise the health of users the majority of whom are in developing countries.

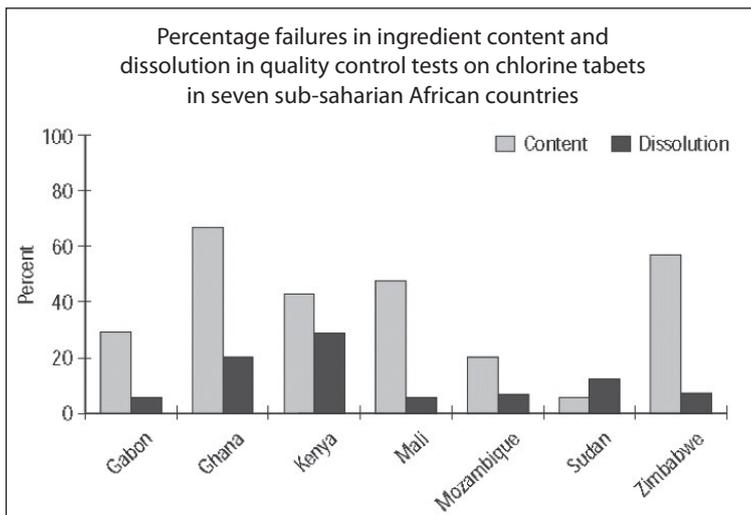
### **3.3.3. The Problem of Quality of Medicines in Africa**

As has already been seen, there are medicines in circulation in Africa whose quality has not been properly controlled. Medical staff are often unaware that the medicines distributed by some health systems are sub-standard. African markets and shops are full of counterfeit (fake) medicines that seem to be the 'real thing'. Millions of people consume ordinary or toxic products believing they are taking good medicine.

In a WHO survey on anti-malarial medicines circulating in six countries of Sub-Saharan Africa, the failure rate for the quality test was 64% for Nigeria, followed by Ghana (39%), Cameroon (37%), Tanzania (11%) and Kenya (5%). No sample from Ethiopia failed. Another study on fake medicines shows a darker picture. In Cameroon and six other African countries, up to 70% of the medicines that claim to cure malaria are fake. 44% in Senegal, 30% from Madagascar and 26% from Uganda are of poor quality.

For many African states, meeting the needs of patients with limited resources and weak regulatory enforcement mechanisms is a real challenge. The two aspirations of seeking economic advantage and improving health do not always converge. There are also some African governments that lack the political will to improve the quality of medicines.

The world's largest pharmaceutical companies gathered in Nairobi in June 2011 to see how to fight counterfeit medicines in East



Africa but they did not mention the low-standard medicines that come from well established laboratories.

In much of Africa, the corner kiosk or the local market is the first source of medicines. They are easily accessible, but customers often receive inappropriate medicines of poor quality which have been badly stored. In Tanzania, over 60% of the population buy their medicines there. To buy medicines from non-pharmaceutical staff, whether well packed or unpacked, in the street or on markets, is dangerous and can put lives at risk. Counterfeit anti-malaria pills cause the deaths of 200,000 people in Africa each year, according to WHO.

Though the market of counterfeiting medicines is illegal, many African countries have not yet enacted deterrent legislation, so counterfeiters rarely fear prosecution.

Buying medicines sold by non-pharmaceutical staff at street kiosks and markets is very dangerous

Influenced by Western governments and companies, Kenya and Uganda have adopted counterfeit legislation to fight the invasion of counterfeit goods. While this is good, the danger remains that, under the guise of fighting counterfeits, these countries will strengthen the protection of intellectual property rights and so make access to generics more difficult. Once again, the poor will suffer.

**3.3.4. Towards a Change in the Situation**

Many African countries share the same challenges in accessing safe sources of medical supplies, one of them being the lack of national expertise in procurement. One solution could be greater collaboration at regional level to find good medicines for malaria, HIV/AIDS and tuberculosis. They could, for example, share data about trustworthy suppliers who offer both competitive prices and quality. If they also make joint purchases in order to get better terms (known as pooled procurement) they can overcome the challenges connected with costs, quality and availability that are often associated with Procurement and Supply Chains of Essential Medicines.

**4. OPENINGS AND POSSIBLE ACTION**

New action is needed to ensure quality, affordable basic medicines reach those who need them. It is best if carried out in a variety of ways, locally, nationally and also at international and institutional levels.

**4.1 Working Towards better Access**

There is a need not only for a change of policies, but first and foremost for a change of heart so that the needs of African countries take priority over the passion of companies to maximise their profits.

At national and international level, we can revisit all agreements that affect the right to health and in particular access to medicines of quality, remembering that tighter rules on intellectual property (IP) benefit pharmaceutical giants, but undermine access to medicines.

We can explore ways of ensuring reliable supplies of quality medicines in African countries.

At national and regional levels, we can advocate for the incorporation and use of TRIPS flexibilities We can increase awareness on IP issues and activities among the Health sector workers.

We can search for new ways of motivating and rewarding research whose outcome will benefit health and health care, e.g. granting prizes instead of patents. We can increase the capacity of local Civil Society Organisations in formulating and implementing health policy.



## 4.2. Working Towards better Quality Medicines

The work for better quality medicines is multi-faceted:

1. **Countries exporting medicines to Africa** need to be coaxed into enacting legislation – with a clear implementation plan - for the quality control of all exported medicines, whatever their destination.
2. **Quality control of laboratories and the products they produce** (specialist work) It is important at least to know/identify which medicines cause problems, are ineffective or produce strong reactions. In Africa, health workers need to be attentive to medicines causing problems and make this information known.
3. **African countries** need to enact legislation – with clear implementation plans – to counter the production, sale, import or export of counterfeits. Such legislation will be a clear indication of the responsibility leaders at all levels feel towards their people.
4. **The World Health Organization (WHO)** needs to take responsibility for the quality standard of all essential medicines used in developing countries, as it does for HIV/AIDS, malaria and TB.

## 5. WHAT AEFJN DOES TO PROMOTE ACCESS TO QUALITY MEDICINES FOR ALL IN AFRICA

AEFJN has worked for years to promote access to quality medicines at affordable prices for people with modest incomes in Africa. AEFJN works on both access and quality.

**Access:** AEFJN works to lower the prices of existing drugs, by lobbying when trade agreements and other agreements that strengthen IPRs threaten to have negative impacts on health and access to generic medicines. AEFJN works with both the EU and the WTO to enable African countries to protect public health and use generic medicines even when the original medicine is still under patent protection.

In recent years AEFJN has been innovative in stimulating Research and Development (R&D) of new medicines for diseases common in Africa, as well as more efficient and adapted diagnosis tests.

**Quality:** with other international Organisations, AEFJN has established the Charter for the Quality of Medicines, an ethical code for those buying medicines that offers benchmarks to assure the quality of the medicines they buy. Signing it implies a commitment to adopting essential quality criteria for the purchase of these products, thus contributing to a Quality Assurance (QA) system for medicines.

At the level of the EU institutions and member states, AEFJN advocates for a change of legislation to enhance the quality control, safety and efficacy on medicines exported to Africa, so that there is a common policy and implementation whatever the destination of the medicines. AEFJN advocates for quality control to become the responsibility of the developed country exporting the medicines - or of WHO.

### 5.1. AEFJN Advocacy Successes

AEFJN influenced the EU Communication on Global Health with the result that the 'Aid to Health' initiative of the EU Institutions and member states is geared towards the strengthening of national health systems and access to essential medicines for all.

AEFJN contributed to the lowering of the treatment cost for HIV/AIDS (Antiretrovirals- ARVs). This was the result of the advocacy and lobbying work done by civil society in Europe, Africa and Asia, where African patients' Organisations played an important part. As a consequence many more patients were treated for the same money.



## 6. TOOLS FOR ACTION ON MEDECINES

A general introduction on how to carry out action following the various steps of the Pastoral Circle can be found in the first part of this manual. Below, you will find suggestions and tools for an action specifically to do with Access to Quality Medicines; these will complement those found in the Pastoral Circle.

### 6.1. *Knowing the Situation*

Focussing on an issue. As the Healthcare system is very large it is a good idea, after a short time getting to know the main health/medicine problems, for you to choose an issue to focus on, e.g. access to health, access to medicines, production of medicines, economic accessibility, physical access, providing accurate information, quality, etc.

Where can I find information? From health personnel (doctors, nurses, clinical staff, pharmacists, etc.), administrators of Health Institutions, organisations working on health, government health offices (the Ministry of Health), consumer associations, patient associations, journalists dealing with health issues. Gather patient testimonies and personal stories about access to health and medicines and the quality of medicines.

Possible questions to ask. Here are some questions intended to help you find information. You do not need to ask all of them! Choose those you believe more relevant to the work you want to do.

#### 6.1.1. *Questions about the Health Situation*

What are the country's health priorities?

What is the government budget for health care? What percentage is this of the total budget?

How does your government live up to the commitment of all African Union members to spend 15% of the national budget on health care?

Are health services liberalized in your country? What are the consequences for the public health system?

What are the gaps in the health care system?

Is there denial of access to health care for members of certain groups? How is this discrimination manifested?

What are the problems of physical access to health care facilities in your area?

Where do the health care services in your area get the money from to run the health institutions?

Are there research and development institutions working on health products? What are those institutions and what do they do regarding health products? Are there studies regarding traditional medicines?

Find out if there are groups working on Health policies, access to Medicines, quality, etc. Get in touch with them to find out what they do and how they do it.



### **6.1.2. Questions about Access to Medicines**

What are the national and international commitments of your government regarding availability of essential medicines in public health facilities? (Human Rights, social and economic rights, agreements, commitments to the AU, at the WTO, at the WHO, electoral promises, etc).

Does your government provide free essential medicines at all public health institutions? If not, why not? If it does, where do they get the funding for it? What difficulties are experienced?

What is your government commitment to ensure access to medicine for all?

What are the inefficiencies in the supply chain of medicines? Where in the chain?

Is there a governmental supply Agency for medicines? Do the Churches have a supply Agency? How do they work?

What are the supply chain problems (supply, transport, security of supply, procurement, etc)?

Does your country have a list of Essential medicines (EML)? What is the percentage of medicines used from the EML?

What is the percentage of Generics used in the health system?

What are the main barriers to access to medicines (import taxes, price, health budget, supply chain, procurement, etc)?

Are there regional policies or agencies to facilitate access to medicines?

What work is being done in the region on the rational use of medicines and on medicines promotion?

What is the pricing policy? Is there an existing regulation on access?

What is the impact of poverty on the access to medicines?

What do you consider to be the biggest challenge in achieving universal access to essential medication?

### **6.1.3. Policies Regarding Intellectual Property Rights (IPRs)**

In your country, are there groups that do Advocacy on trade issues? Get in touch with them to see the impact of trade on health and more specifically on medicines.

Become aware of the current WTO rules. What about IPRs? Find out if your country is negotiating an EPA on services and IPRs. Follow the EPA negotiations on services (health).

Gather concrete information on difficulties caused by the IPR, e.g. patents, prices, in your country or region.

Does your country have patents? How has it used TRIPS flexibilities?

How do CSO participate in policy reviews?



#### **6.1.4. Questions about Quality**

Find out the studies on the quality of medicines in your country and region. What do they say about your country?

Where do the health institutions get the medicines from?

Where do the people buy the medicines? (Mapping can help).

Where do the medicines used and sold in your country come from? (You can go to the kiosks and check the boxes). Do they come from the 'official' distribution system (deviated or stolen) or are they imported from other countries? Try to find out a percentage, the countries of origin, the producer, etc.)

Go to markets and kiosks selling medicines. Pretend you want to buy some (or buy some) to get to know the origin of the medicines: country of origin, laboratory of production, packeting, conditions of storage, sell by date...

What is the quality of the medicines consumed by the population? How do you know?

Have you heard about bad outcomes from using certain medicines? Which ones? What happened?

Ask the health personnel and the patients for cases where the medicines have not cured or have done more harm than good. Gather those stories. Try to find out the name of the medicine, country of origin and name of the producer. You can gather "cases" where medicines had a fatal or dangerous effect on patients.

Look for secondary effects of medicines taken in your country.

Which medicines are counterfeits/fakes? Which ones are low standard and which ones are good?

What legislative efforts has your government made to fight the proliferation of counterfeit medicines? Are there anti-counterfeit laws? What are they? How are they implemented? What is problem with the existing laws?

Are medicines produced in your country? Which ones? What quality control is there?

Are they approved by WHO? Do they have other standards of quality? What are the price and quality of these medicines?

#### **6.1.5. Mapping of Health Institutions and Access to Medicines**

You can do different kinds of mapping according to your interest. Here are some ideas:

Health institutions in your area. Map out the health centres in the locality or area. Are they public or private (Church, NGOs, other organisations, owned by individuals)?

Places where medicines are sold and used. Origin of the medicines, users, sellers,

Map the origin and the path the medicines follow before they arrive where you are.

Map the producers of medicines in your country or region.

#### **6.1.6. The Main Problem Related to the Issue you are Working on**

Define the problem concretely. E.g. Some medicines (if possible name which ones) from the market have had bad side effects and have even caused death.



## 6.2. Analysing the Situation

There is a series of international treaties/obligations that affect health care and access to medicines of quality. What influence do they have on your issue?

Become familiar with some of these: the WHO Essential Medicines List; TRIPS Agreement; TRIPS flexibilities; African Charter obligations (the right to health); International Covenant on Economic, Social and Cultural Rights; ACTA; bilateral agreements that your country has signed with the EU (EPAs), the USA, China or Brazil that affect health care and access to medicines.

### 6.2.1. Analysis of the Causes and Consequences of bad Quality Medicines

Study the problems caused by medicines either because of high price, bad quality, or non-availability. Pay attention to the analysis of the Budget.

## 6.3. Christian Reflection on Health and Access to Quality Medicines

### 6.3.1. The 2<sup>nd</sup> African Synod Proposals Regarding Access to Quality Medicines

The bishops recognize that AIDS, malaria and tuberculosis are decimating African populations and severely damaging their economic and social life. They denounce the injustice of African patients not receiving the same quality of treatment as elsewhere and recommend that African patients receive the same quality of treatment as in Europe. They ask manufacturers of medicines to make them affordable so as to save more lives.

#### **Proposition 51 on HIV/AIDS and 52 on Malaria of the 2<sup>nd</sup> African Synod**

“HIV/AIDS is a pandemic, together with malaria and tuberculosis, which is decimating African populations and severely damaging their economic and social life. It is truly an issue of integral development and justice, which requires a holistic approach and response by the Church.”

“Those who are sick with AIDS in Africa are victims of injustice, because they often do not receive the same quality of treatment as in Europe.”

The Church asks that funds destined for those with AIDS be actually used for this purpose, **and recommends that African patients receive the same quality of treatment as in Europe.....**

“Malaria remains the worst killer on the African continent and its Islands, contributing enormously to the aggravation of poverty. We appreciate all the initiatives directed towards combating this sickness. However, we acknowledge that more needs to be done if any remarkable results are to be expected. Therefore the Synod proposes the following...”

1. That governments be urged to develop more consistent and sustained policies and programmes aimed at the eradication of malaria.
2. That manufacturers of medicines make them affordable, so as to save more lives.
3. Sustain efforts to develop a vaccine against malaria.



### **6.3.2. The Social Teaching of the Church**

In Catholic social teaching, as in the Declaration of Human Rights, access to health care is a human right – not just another commodity. From a Catholic standpoint, health care is a right of each human person, independent of his/her economic status or market concerns. The Common Good requires that all individuals have access to affordable health care and to the medicines of quality.

### **6.3.3. The Compendium of the Social Doctrine of the Church<sup>41</sup>**

N. 166. The demands of the common good [...] concern above all the commitment to [...] and the provision of essential services to all, some of which are at the same time human rights [...] basic health care...

182. The principle of the universal destination of goods [...].

385. The preference for the poor, and the decisions which it inspires in us, cannot but embrace.... those without health care [...]

222. .... the elderly .... need health care services and appropriate assistance [...].

245. .... health care for children [...].

### **6.4. Planning the Action**

Look for events which could be opportunities to observe advocacy and lobbying on your issue. These activities often involve the press, targeted groups and general public.

Work out how to monitor the national Budget, target ministries and parliamentary committees to influence discussions in parliament.

How are you monitoring the government? How are you holding them accountable to the commitment on health expenses?

Depending on the issue you have chosen, see how to orientate your advocacy: Medicine pricing? Compulsory Licenses? Parallel Importing? Reduction of import duties? Other? Direct Service provision? Research?

How are you going to disseminate the information gathered (written); workshops (oral); other? community outreach?

How do you see the possibility to interact with the local and national government (e.g. lobbying, advocacy, participation in legislative processes)? For rights not being met? Legislation? commitments? lobbying for appropriate legislative, administrative, budgetary, judicial, and other measures? Involvement in the legislative process? Protest?

How do you foresee being involved with the international effort to achieve access to medicines?

Engage in discussions with Parliamentary Committees for Health, Trade and Foreign Affairs (often dealing with International Trade). When you go to meetings with government or other bodies, institutions or corporations, check who is taking the notes and preparing the Agenda. Offer yourself as volunteer as you can influence the outcome of the meeting.

<sup>41</sup> [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html)



## ANNEXE 1 – DOCUMENTS AND INFORMATION ON ACCESS TO QUALITY MEDICINES

### *Documents on Access to Medicines of Quality*

- o Access to Essential Medicines as a Component of the Right to Health By Stephen P. Marks. [http://www.swisshumanrightsbook.com/SHRB/shrb\\_03\\_files/04\\_453\\_Marks.pdf](http://www.swisshumanrightsbook.com/SHRB/shrb_03_files/04_453_Marks.pdf)
- o Access to Medicines at Risk across the Globe: What to Watch out For in Free Trade Agreements with the United States. MSF – 2004. [http://www.doctorswithoutborders.org/publications/reports/2004/ftaa\\_05-2004.pdf](http://www.doctorswithoutborders.org/publications/reports/2004/ftaa_05-2004.pdf)
- o Access to Medicines: Key to MDGs on Child Health – Contact N. 191 – 2011 - A publication of the World Council of Churches. [http://www.oikoumene.org/fileadmin/files/wcc-main/documents/p4/contact/Contact191\\_EN.pdf](http://www.oikoumene.org/fileadmin/files/wcc-main/documents/p4/contact/Contact191_EN.pdf)
- o All costs, no benefits: How TRIPS-plus intellectual property rules in the US-Jordan FTA affect access to medicines. Oxfam Briefing paper 102 – March 2007. <http://www.oxfam.org/sites/www.oxfam.org/files/all%20costs,%20no%20benefits.pdf>
- o Contact Magazine - World Council of Churches (WCC). <http://www.oikoumene.org/en/programmes/justice-diakonia-and-responsibility-for-creation/health-and-healing/contact-magazine.html>
- o Does Price Reveal Poor-Quality Drugs? Evidence from 17 countries. 2011 – By R. Bate, G. Zhe Jin, A. Mathur. <http://www.aei.org/files/2011/08/18/Does-Price-Reveal-Poor-Quality-Drugs.pdf>
- o Doha Derailed: A Progress Report on TRIPS and Access to Medicines – MSF 2003. [http://www.doctorswithoutborders.org/publications/reports/2003/cancun\\_report.pdf](http://www.doctorswithoutborders.org/publications/reports/2003/cancun_report.pdf)
- o Ensuring the Quality of medicines in Resource-Limited Countries – An Operational Guide – In collaboration with the WHO. <http://www.usp.org/pdf/EN/dqi/ensuringQualityOperationalGuide.pdf>
- o Equitable access to essential medicines: a framework for collective action. WHO 2004. [http://whqlibdoc.who.int/hq/2004/WHO\\_EDM\\_2004.4.pdf](http://whqlibdoc.who.int/hq/2004/WHO_EDM_2004.4.pdf)
- o Essential Medicines in Health Primary Care – Contact n. 187 – 2009 – A publication of the World Council of Churches. <http://www.oikoumene.org/fileadmin/files/wcc-main/documents/p4/contact/con-187.pdf>
- o FBOs on a Mission: 30 years of supporting Pharmaceutical Services – Contact N. 193, 2011 – A publication of the World Council of Churches. [http://www.oikoumene.org/fileadmin/files/wcc-main/documents/p4/contact/Contact%20193\\_EN.pdf](http://www.oikoumene.org/fileadmin/files/wcc-main/documents/p4/contact/Contact%20193_EN.pdf)
- o Free Trade of pharmaceutical Products. The Limits of intellectual property enforcement at the Border. By Xavier Seuba; Universitat Pompeu Fabra, Barcelona. <http://ictsd.org/downloads/2011/12/free-trade-of-pharmaceutical-products.pdf>
- o FTAs; Civil Society and Access to Medicines By Germán Holguin, 2008. Power Point. [http://www.haiweb.org/05062008/\(6\)%20German.pdf](http://www.haiweb.org/05062008/(6)%20German.pdf)
- o Health system strengthening: Focus on Church Based Pharmaceutical Human Resources. Contact N. 189, 2010 – World Council of Churches. <http://www.oikoumene.org/fileadmin/files/wcc-main/documents/p4/contact/Contact%20189%20English.pdf>
- o How do Patents and Economic Policies Affect Access To Essential Medicines in Developing Countries By Amir Attaran. <http://content.healthaffairs.org/content/23/3/155.full>
- o Life-Saving or Life-Threatening? India and the Medicine Quality Conundrum. By Roger Bate. 2009. <http://www.aei.org/files/2009/06/22/20090622-HPO-June.pdf>



- o Local Production and Access to Medicines in Low- and Middle-Income Countries. A literature review and critical analysis. WHO. 2011. [http://www.who.int/phi/publications/Local\\_Production\\_Literature\\_Review.pdf](http://www.who.int/phi/publications/Local_Production_Literature_Review.pdf)
- o Local Production for Access to medical products: Developing a Framework to Improve Public Health. WHO – 2011. [http://www.who.int/phi/publications/Local\\_Production\\_Policy\\_Framework.pdf](http://www.who.int/phi/publications/Local_Production_Policy_Framework.pdf)
- o Local Production of Pharmaceuticals and Reated Technology Transfer in Developing Countries. A series of case studies by the UNCTAD Secretariat. [http://www.who.int/phi/publications/Local\\_Production\\_Case\\_Studies.pdf](http://www.who.int/phi/publications/Local_Production_Case_Studies.pdf)
- o Medicine registration and medicine quality: a preliminary analysis of key cities in emerging markets. R. Bates, L. Mooney, K. Hess. <http://www.dovepress.com/getfile.php?fileID=8349>
- o Medicine prices surveyx and proposed interventions to improve sustainable access to affordable medicines in 6 Sub-Saharan African countries – WHO and HAI. [http://www.who.int/medicines/areas/technical\\_cooperation/Medpricesall8files.pdf](http://www.who.int/medicines/areas/technical_cooperation/Medpricesall8files.pdf)
- o MSF – Access to Medicines Campaign. <http://www.msfaccess.org/>
- o Pharmaceutical Production and Related Technology Transfer: Landscape report- WHO 2011. [http://www.who.int/phi/publications/Local\\_production\\_and\\_access\\_to\\_medicines.pdf](http://www.who.int/phi/publications/Local_production_and_access_to_medicines.pdf)
- o Prescription for healthy development: increasing access to medicines. By Beryl Leach Joan E. Paluzzi, Paula Munderi. UN Millennium Project – 2005. <http://www.unmillenniumproject.org/documents/TF5-medicines-Complete.pdf>
- o POWERPOINT: Cracking Down on Killer Medicines in Nigeria. The NAFDAC Experience. Dora N. Akunyili. [http://www.aei.org/files/2008/04/14/20080414\\_AkunyiliPowerpoint.pdf](http://www.aei.org/files/2008/04/14/20080414_AkunyiliPowerpoint.pdf)
- o Survey of the Quality of Selected Antimalarial Medicines Circulating in Six Countries of Sub-Saharan Africa – WHO 2011. [http://www.who.int/medicines/publications/WHO\\_QAMSA\\_report.pdf](http://www.who.int/medicines/publications/WHO_QAMSA_report.pdf)
- o Survey of the Quality of Selected Antimalarial Medicines Circulatin in Madagascar, Senegal and Uganda – USP and USAID – 2009. [http://www.usaid.gov/our\\_work/global\\_health/hs/publications/qamsa\\_report\\_1109.pdf](http://www.usaid.gov/our_work/global_health/hs/publications/qamsa_report_1109.pdf)
- o The Danger of Substandard Medicines in Emerging Markets: An Assessment of Basic Product Quality. By Roger Bate & others. 2012. <http://www.aei.org/files/2011/06/28/Pharmacologia-Published.pdf>
- o The Global politics of Pharmaceutical Monopoly Power by Ellen F.M. 't Hoen; AMB 2009. [http://www.soros.org/initiatives/health/focus/access/articles\\_publications/publications/aem\\_20090312/politics\\_20090312.pdf](http://www.soros.org/initiatives/health/focus/access/articles_publications/publications/aem_20090312/politics_20090312.pdf)
- o The market for inferior medicines: Comparing the price of falsified and substandard products with the legitimate medicines in emerging markets. By Roger Bate. 2011. [http://www.aei.org/files/2011/12/14/-the-market-for-inferior-quality-medicines\\_122143586079.pdf](http://www.aei.org/files/2011/12/14/-the-market-for-inferior-quality-medicines_122143586079.pdf)
- o The Primacy of Public Health Considerations in Defining Poor Quality Medicines. PaulN. Newton and others. PLoS Medicine 2011. [http://www.aei.org/files/2011/12/07/-the-primacy-of-public-health-considerations-in-defining-poor-quality-medicines\\_094342491251.pdf](http://www.aei.org/files/2011/12/07/-the-primacy-of-public-health-considerations-in-defining-poor-quality-medicines_094342491251.pdf)
- o Trading Away Health. Intellectual property and Access to medicines in the Free Trade Area of the Americas (FTAA) Agreement. MSF 2003. [http://www.doctorswithoutborders.org/publications/reports/2003/FTAA\\_Advocacy.pdf](http://www.doctorswithoutborders.org/publications/reports/2003/FTAA_Advocacy.pdf)
- o Trends in Local production of Medicines and Related Technology Transfer. WTO 2011. [http://www.who.int/phi/publications/Trends\\_in\\_Local\\_Production\\_of\\_Medicines.pdf](http://www.who.int/phi/publications/Trends_in_Local_Production_of_Medicines.pdf)
- o Video: Counterfeit Medicines in African nations by Roger Bate – 2010. <http://www.aei.org/media/roger-bate-on-counterfeit-drugs-in-african-nations-video/>



- o Which tablets to buy – AEFJN 2010. [http://www.aefjn.org/tl\\_files/aefjn-files/medicines/meds\\_mat\\_aefjn%20eng/110517\\_Which\\_tablets\\_to\\_buy\\_eng.pdf](http://www.aefjn.org/tl_files/aefjn-files/medicines/meds_mat_aefjn%20eng/110517_Which_tablets_to_buy_eng.pdf)
- o Essential Medicines Monitor. <http://www.who.int/medicines/publications/monitor/en/>
- o The world Medicines Situation 2011 – Pharmacovigilance and Safety of Medicines. <http://apps.who.int/medicinedocs/documents/s18771en/s18771en.pdf>

### **Eastern African Region**

- o Medicine prices in the East African Community - Medicine prices surveys and proposed interventions to improve sustainable access to affordable medicines in 6 Sub-Saharan African countries. [http://www.who.int/medicines/areas/technical\\_cooperation/Medpricesall8files.pdf](http://www.who.int/medicines/areas/technical_cooperation/Medpricesall8files.pdf)

### **Southern African Region**

- o Supporting the retention of health resources: SADC policy context 2005. <http://www.equinet africa.org/bibl/docs/DIS37HRes.pdf>



## ANNEXE 2: ORGANISATIONS AND DOCUMENTS BY COUNTRY IN AFRICA

### INTERNATIONAL ORGANISATIONS

Action Medeor. <http://medeor.de/en/medeor-market-en.html>  
 EPN - Ecumenical Pharmaceutical Network –Secretariat in Kenya. <http://www.epnetwork.org/>  
 Because Health – Health Network with a Quality Medicines working group – Secretariat in Belgium. <http://www.be-causehealth.be/en>  
 Doctors without borders (Médecins sans frontières) Access to Medicines. <http://www.msaccess.org/>  
 HAI - Health action International– Secretariat in Amsterdam. <http://www.haiweb.org/>  
 HAI – Africa - Health Action Africa – Secretariat in Nairobi. <http://www.haiafrica.org/>  
 International Network for the Rational use of Medicines. <http://www.inrud.org/>  
 IMA - Interchurch Medical Assistance, World Health. <http://www.imaworldhealth.org>  
 DIFAEM - The German Medical Mission. <http://www.difaem.de/about-difaem/pharmaceutical-services.html>  
 PHM - People’s Health Movement. <http://www.phmovement.org/>  
 PSF - Pharmaciens sans Frontières International. <http://www.psfc.org/>  
 UAEM - Universities Allied for Essential Medicines - California – USA. <http://essentialmedicine.org/>  
 WEM - Worldwide export management. [www.wem-world.de](http://www.wem-world.de)  
 WHO - World Health Organization – Essential Medicines. [http://www.who.int/topics/essential\\_medicines/en/index.html](http://www.who.int/topics/essential_medicines/en/index.html)

### BENIN

#### Organisations

BETHESDA-BENIN. <http://www.bethesdabenin.org/Bethesda/index.html>

### BURKINA FASO

#### Organisations

Doctors without Borders – Burkina Faso. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=13>  
 ACCEDDES - Alliance Chrétienne pour la Coopération et le Développement Social. <http://www.accedes.org/>  
 AEAD - Association Evangélique d’Appui au Développement. [http://www.aead.info/AEAD\\_English/index.htm](http://www.aead.info/AEAD_English/index.htm)  
 ODE - Office de Développement des Eglises Evangéliques. <http://www.ode-burkina.org/>

### CAMEROON

#### Organisations

OSEELC - L’oeuvre de santé de l’Eglise Evangélique Luthérienne au Cameroun - The Association of Evangelical Lutheran Churches in Cameroon. <http://www.oseelc.org/>  
 CBCHB - Cameroon Baptist Convention Health Board. <http://www.cbchealthservices.org/>  
 Doctors without Borders – Cameroon. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=16>

### CHAD

#### Organisations

Doctors without Borders – Chad. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=18>  
 Union Nationale des Associations Diocésaines de secours et développement UNAD - SECADEV.

#### Materials

Les prix des médicaments au Tchad – Etudes des prix des médicaments et interventions proposées pour améliorer durablement l’accès aux médicaments dans 6 pays de l’Afrique subsaharienne. WHO – HAI. [http://www.who.int/medicines/areas/technical\\_cooperation/Medpricesall8files.pdf](http://www.who.int/medicines/areas/technical_cooperation/Medpricesall8files.pdf)



## CONGO BRAZZAVILLE

### Organisations

Doctors without Borders – Congo Brazzaville. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=21>

## DR CONGO

### Organisations

Doctors without Borders – DR Congo. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=22>

Santé Rurale-THE SANRU PROJECT - (Protestant Church of Congo (ECC) and Interchurch Medical Assistance (IMA). [http://www.sanru.org/about\\_sanru.htm](http://www.sanru.org/about_sanru.htm)

## GHANA

### Organisations

CHAG - The Christian Health Association of Ghana. <http://www.chagghana.org/chag/>

### Material

Medicine prices in Ghana - Medicine prices surveys and proposed interventions to improve sustainable access to affordable medicines in 6 Sub-Saharan African countries – WHO and HAI. [http://www.who.int/medicines/areas/technical\\_cooperation/Medpricesall8files.pdf](http://www.who.int/medicines/areas/technical_cooperation/Medpricesall8files.pdf)

## ETHIOPIA

### Organisations

Doctors Without Borders – MSF - Ethiopia - <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=26>

Ethiopian Catholic Secretariat ECS. <http://www.ecs.org.et/>

EECMY - Ethiopian Evangelical Church Mekane Yesus Development and Social Services Commission. <http://www.eecmy.org/>

### Material

Case Study 4 Ethiopia in Local Production of Pharmaceuticals and Related Technology Transfer in Developing Countries. A series of case studies by the UNCTAD Secretariat. [http://www.who.int/phi/publications/Local\\_Production\\_Case\\_Studies.pdf](http://www.who.int/phi/publications/Local_Production_Case_Studies.pdf)

## GHANA

### Organisations

Catholic Medicine Centre – Ghana. <http://www.nchs.org.gh/>

CHAG - Christian Health Association of Ghana. <http://www.chagghana.org/>

Catholic Pharmaceutical Services(CPS) – Ghana.

AHRO - Africa Health Research Organization - Ghana. <http://www.afrihero.org/>

HANGHANA - Health Access Network - Ghana. <http://www.hanghana.org/>

## GUINEA CONAKRY

### Organisations

MEDECINS SANS FRONTIERES – Guinée Conakry. <http://www.msf-me.org/en/mission/in-the-field/msf-projects-world-wide/guinea-conakry-1.html>



## **KENYA**

### **Organisations**

HAI AFRICA - Health Action International - Office in Nairobi. <http://www.haiafrica.org/>  
 MEDS – Mission for Essential Medicines and Supplies Kenya. <http://www.meds.or.ke/>  
 EPN – Ecumenical Pharmaceutical Network. <http://www.epnetwork.org/>  
 CHAK - Christian Health Associations of Kenya. <http://www.chak.or.ke/>  
 Doctors Without Borders (MSF) - Kenya. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=39>  
 MAP Medical Assistance Programs International - Kenya. <http://www.map.org/what-we-do/provide-medicines/>  
 KETAM - Kenya Treatment Access Movement. <http://www.ketam.org/>

### **Material**

Access to Essential Medicines in Kenya – A Health Facility Survey. Ministry public Health – 2009. <http://apps.who.int/medicinedocs/documents/s18695en/s18695en.pdf>  
 Medicine prices in Kenya - Medicine prices surveys and proposed interventions to improve sustainable access to affordable medicines in 6 Sub-Saharan African countries – WHO and HAI. [http://www.who.int/medicines/areas/technical\\_cooperation/Medpricesall8files.pdf](http://www.who.int/medicines/areas/technical_cooperation/Medpricesall8files.pdf)

## **LESOTHO**

### **Organisations**

Doctors without Borders (MSF) - Lesotho. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=110>  
 Christian Health Association of Lesotho CHALE.

## **LIBERIA**

### **Organisations**

Doctors without Borders (MSF). <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=42>  
 Christian Health Association of Liberia CHAL.

## **MADAGASCAR**

### **Organisations**

SALAMA – Centrale d’Achats de médicaments Essentiels et matériel médical. <http://www.salama.mg>

## **MALAWI**

### **Organisations**

CHAM - Christian Health Association of Malawi. [www.cham.org.mw](http://www.cham.org.mw)  
 MHEN - Malawi Health Equity Network.  
 DOCTORS WITHOUT BORDERS - Malawi. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=45>

### **Material**

Country Health Equity Analysis –Malawi 2006 - Equinet. [www.equinet africa.org/bibl/docs/REQMalawi06.pdf](http://www.equinet africa.org/bibl/docs/REQMalawi06.pdf)  
 Equity in Health Sector Responses to HIV/AIDS in Malawi 2003 – Equinet. [www.equinet africa.org/bibl/docs/aidsmalawi.pdf](http://www.equinet africa.org/bibl/docs/aidsmalawi.pdf)  
 Documents of MSF on Malawi. <http://www.doctorswithoutborders.org/publications/research/?tag=45>  
 Assessment of equity in the uptake of anti-retrovirals in Malawi 2008 – Equinet. [www.equinet africa.org/bibl/docs/DIS-58FINmuula.pdf](http://www.equinet africa.org/bibl/docs/DIS-58FINmuula.pdf)



## MALI

### Organisations

Doctors without Borders (MSF) - Mali. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=46>

### Material

Les prix des médicaments au Mali –WHO – HAI. [http://www.who.int/medicines/areas/technical\\_cooperation/Medpricesall-8files.pdf](http://www.who.int/medicines/areas/technical_cooperation/Medpricesall-8files.pdf)

Evaluation du système d'approvisionnement et de distribution des médicaments au Mali 2008. <http://apps.who.int/medicinedocs/documents/s17535fr/s17535fr.pdf>

Etude sur la disponibilité et les prix des médicaments dans le secteur privé au Mali (Search in Google).

Evaluation du secteur Pharmaceutique au Mali 2003- Ministère de la Santé - (Search in Google).

## MOZAMBIQUE

### Organisations

Doctors without Borders (MSF) - Mozambique. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=51>

### Material

Access to medicines. Medicine Supply: Lessons learnt in Tanzania and Mozambique. By Karin Wiedenmayer.

<http://apps.who.int/medicinedocs/documents/s18422en/s18422en.pdf>

## NIGER

### Organisations

Centre Medico Social ALOMAR. [www.musuhum.org](http://www.musuhum.org)

MEDECINS SANS FRONTIERES - Niger. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=55>

Union des Eglises Evangéliques Protestantes au Niger.

### Material

Rapport de l'étude sur les prix des médicaments au Niger – 2006 – (Search in Google).

Etude Distribution des antipaludéens sur le secteur privé au Niger 2010 – (Search in Google).

## NIGERIA

### Organisations

Christian Health Association of Nigeria CHAN. <http://www.chanmedi-pharm.org/>

CHAN Medi-Pharm Ltd. [www.chanmedi-pharm.org](http://www.chanmedi-pharm.org)

Doctors without Borders (MSF). <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=56>

ECWA Central Pharmacy. <http://www.ecwang.org/site/Departments/ECWACentralPharmacies/tabid/66/Default.aspx>

## RWANDA

### Organisations

Doctors without Borders (MSF). <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=65>

BUFMAR - Bureau des Formations Médicales Agréées. <http://bufmar.org/>

## SIERRA LEONE

### Organisations

CHASL - Christian Health Association of Sierra Leone.

Christian Outreach Justice Mission – Sierra Leone.

Doctors without Borders (MSF) - Sierra Leone. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=68>



## **SOMALIA**

### **Organisations**

Doctors without Borders (MSF) – Somalia. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=67>

## **SOUTH AFRICA**

### **Organisations**

Catholic Health Care Association of Southern Africa (CATHCA). <http://www.cathca.co.za/>

AMFA - Affordable Medicines For All – South Africa. <http://www.amfa.org/>

Doctors without Borders (MSF) – South Africa. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=69>

## **SUDAN**

### **Organisations**

CHAS - Christian Health Association of Sudan. [www.chasudan.org](http://www.chasudan.org)

Doctors without Borders (MSF) - Sudan. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=72>

### **Material**

Sudan, Pharmaceutical Country Profile. [http://www.who.int/medicines/areas/coordination/sudan\\_pharmaceuticalprofile\\_december2010.pdf](http://www.who.int/medicines/areas/coordination/sudan_pharmaceuticalprofile_december2010.pdf)

## **SWAZILAND**

### **Organisations**

Doctors without Borders (MSF) – Swaziland. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=159>

## **TANZANIA**

### **Organisations**

Action Medeor Tanzania.

CSSC - Christian Social Services Commission. <http://www.cssc.or.tz>

CSSC - The Christian Social Services Commission formed by the Tanzania Episcopal Conference (TEC) and the Christian Council of Tanzania (CCT) - Dar Es Salaam.

Doctors without Borders (MSF) – Tanzania. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=74>

Mission for Essential Medical Supplies MEMS. <http://elct.health/projects/mems/html>

### **Material**

Access to medicines. Medicine Supply: Lessons learnt in Tanzania and Mozambique. By Karin Wiedenmayer. <http://apps.who.int/medicinedocs/documents/s18422en/s18422en.pdf>

Medicine prices in Tanzania - Medicine prices surveys and proposed interventions to improve sustainable access to affordable medicines in 6 Sub-Saharan African countries – WHO and HAI. [http://www.who.int/medicines/areas/technical\\_cooperation/Medpricesall8files.pdf](http://www.who.int/medicines/areas/technical_cooperation/Medpricesall8files.pdf)

Documents from Mediceins Sans Frontieres. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=74>

## **TOGO**

### **Organisations**

APROMESTO - Association Protestante des Œuvres Médico- sociales et Humanitaires du Togo.



## UGANDA

### Organisations

JMS - Joint Medical Store. [www.jms.co.ug/](http://www.jms.co.ug/)

UCMB - The Uganda Catholic Medical Bureau. <http://www.ucmb.co.ug/index.php>

UPMB - Uganda Protestant Medical Bureau. <http://www.upmb.co.ug>

Doctors without Borders (MSF) – Uganda. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=78>

HEPS- Health Consumers' Organisation - UGANDA. <http://www.heps.org>

### Materials

Access to medicines in Uganda: intersections with poverty. <http://www.unmillenniumproject.org/documents/TF5-medicines-Appendixes.pdf>

Case Study 8 Uganda in Local Production of Pharmaceuticals and Related Technology Transfer in Developing Countries. A series of case studies by the UNCTAD Secretariat. [http://www.who.int/phi/publications/Local\\_Production\\_Case\\_Studies.pdf](http://www.who.int/phi/publications/Local_Production_Case_Studies.pdf)

Medicine prices in Uganda - Medicine prices surveys and proposed interventions to improve sustainable access to affordable medicines in 6 Sub-Saharan African countries – WHO and HAI. [http://www.who.int/medicines/areas/technical\\_cooperation/Medpricesall8files.pdf](http://www.who.int/medicines/areas/technical_cooperation/Medpricesall8files.pdf)

The push for local production, costs and benefits – A case study of Uganda's Quality Chemicals. Africa Fighting Malaria Policy Paper – 2009 By J. Taylor, R. Bate, E. Putze, R. Tren. [http://www.fightingmalaria.org/pdfs/localproduction\\_september2009.pdf](http://www.fightingmalaria.org/pdfs/localproduction_september2009.pdf)

## ZAMBIA

### Organisations

CHAZ - The Churches Health Association of Zambia - Lusaka. <http://www.chaz.org.zm/about.php>

Doctors without Borders (MSF) – Zambia. <http://www.doctorswithoutborders.org/news/allcontent.cfm?id=82>

## ZIMBABWE

### Organisations

Doctors Without Borders. <http://www.doctorswithoutborders.org/news/country.cfm?id=2294>

EQUINET, the Regional Network on Equity in Health in Southern Africa. <http://www.equinetafrica.org/>

ZACH - Zimbabwe Association of Church-related Hospitals. <http://www.zach.org.zw>

## CONTINENTAL AND REGIONAL ORGANISATIONS

### Continental Organisations

Africa Christian Health Associations Platform –Secretariat in Nairobi. <http://www.africachap.org/>

AMFA Foundation – Affordable Medicines for Africa. <http://www.amfa.org/>

<sup>42</sup> Taken from AMFA (Affordable Medicines for Africa)



## ANNEXE 3 - CRITERIA TO ENSURE QUALITY MEDICINES

### 1. CRITERIA TO ENSURE QUALITY OF MEDICAL PRODUCTS

- o Essential medicines formulary.
- o Source pharmaceuticals primarily from local suppliers.
- o Competitive prices with current suppliers.
- o 4 - 6 week delivery improves cash flow, reduces inventory costs.
- o Products backed by excellent quality control.
- o Dedication to excelling in long-term customer service.
- o Bulk packaging appropriate for hospitals, clinics & dispensaries.
- o Regional distribution centres insure rapid turn-around.

### 2. KEY PLAYERS AND THEIR RESPONSIBILITIES

Manufacturers are primarily responsible for the quality of the medicines they produce by following the tenets of good manufacturing practices (GMP). After a product leaves the manufacturer's premises, distributors, procurement agencies (purchasers), dispensers and users are responsible for maintaining the quality of the product through proper storage, transport, distribution, dispensing and use.

National governments are responsible for ensuring that manufacturers comply with current GMP requirements. This may present a challenge for countries with limited resources.

Guidelines for meeting current GMPs are available from the World Health Organization and from countries with progressive medicine regulatory agencies.

#### 2.1. Government Leaders and Policymakers

National government leaders and policymakers are responsible for defining national medicines policies that cover access, quality assurance, rational use and other considerations; however, few low- and middle-income countries include quality assurance in their national medicines policies. Many countries that have established quality assurance programs under national policies have met with notable success.

Experience in Australia, Canada, and the United States, for example, has shown that adequate legislation and its enforcement result in fewer poor-quality medicines and greater public confidence in the quality of the medicines (Ratanawijitrasin and Wondemagegnehu, 2002).

By contrast, when the pharmaceuticals market is poorly regulated because of inadequate legislation or weak enforcement, counterfeit and substandard medicines proliferate (World Health Organization, 1999).

Legislation and regulation form the foundation of assuring medicines quality. In brief, national leaders and policymakers are responsible for formulating and updating legislation and regulations to cover all aspects of national pharmaceutical trade and use. Legislation and regulations form the foundation of assuring medicines quality.

Establishing a national Medicines Regulatory Authority (MRA) that incorporates the medical, scientific, and technical knowledge and skills necessary to control medicines quality.

For an MRA to function properly, a national government must:

- o Enact legislation to empower the MRA.
- o Provide appropriate organisational structure.
- o Allocate adequate and sustainable financial resources.
- o Assign qualified, trained, competent personnel.
- o Provide the necessary facilities and tools.

If these resources are inadequate or lacking, an MRA will not be able to properly perform its functions, which may lead to substandard and counterfeit medicines entering the marketplace.



## **2.2. National Medicines Regulatory Authorities**

MRAs are responsible for ensuring the safety, efficacy, and quality of imported and locally produced medicines. Their authority should encompass both public and private sectors alike.

The key activities of an MRA include:

- o Registering medicinal products (that is, authorizing the marketing of medicines).
- o Licensing pharmaceutical establishments (manufacturers, importers, distributors or wholesalers, and retailers).
- o Issuing, amending, and revoking registration for products because of unacceptable quality, safety, or efficacy, including product recall notification.
- o Inspecting manufacturing, distribution, and retail premises for compliance with respective guidelines and practices, including GMP, good storage and distribution, and good dispensing practices.
- o Performing post-marketing surveillance to secure the quality and safety of medicines in the marketplace.
- o Controlling activities designed to promote and advertise medicines.
- o Approving clinical trials.

## **2.3. Key Points to Effectively Maximize Resources**

Countries with limited economic and technical resources may want to prioritise the activities listed below in the following manner to maximize the effectiveness of their resources:

- o License importers, wholesalers, and retailers (pharmacies and medicines outlets/stores).
- o Require registered importers or wholesalers to notify a central body about which products they intend to import or have already imported.
- o Recognize the Pharmaceutical Inspection Cooperation Scheme (PIC/S), International Conference on Harmonization (ICH) guidelines, and WHO prequalification scheme.
- o Perform appropriate evaluation of both multisource (generic) and branded medicines registration. (This topic is explored more fully in Chapter 4.).

***You can find a User's Guidelines for the Control of Pharmaceutical products on AEFJN website***

<http://www.aefjn.org/index.php/358/articles/charter-for-the-quality-of-medicines.html>





## CHAPTER 5

### CONTROL OF SMALL ARMS AND LIGHT WEAPONS (SALW)

#### ABBREVIATIONS

AU	African Union
APRM	Africa Peer Review Mechanism
BD	Bamako Declaration
CAFF	Children Associated with Fighting Forces
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CFA	Communauté Financière d'Afrique
DAC	Development Assistance Committee of the OECD
DRC	Democratic Republic of Congo
DDR	Disarmament, Demobilization, and Reintegration
DDRR	Disarmament, Demobilization, Reintegration and Repatriation
EAANSA	Eastern African Action Network on Small Arms
EA	East Africa
ECOMOG	ECOWAS Monitoring Group
ECOWAS	Economic Community of West African States
EAPCCO	East African Police Chiefs Cooperation Organization
EU	European Union
GWOT	Global War on Terror
GLHA	Great Lakes and Horn of Africa
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
HOA	Horn of Africa
IANSA	International Action Network on Small Arms
ICHRP	International Council on Human Rights Policy
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development (countries from the Horn of Africa)
IGO	Intergovernmental Organization
IO	International Organization
IHL	International Humanitarian Law
KANSA	Kenya Action Network on Small Arms VIII
LRA	Lord's Resistance Army
MDG	Millennium Development Goals
MLC	Movement for the Liberation of Congo



NAP	National Action Plan
NCCK	National Council of Churches of Kenya
NEPAD	New Partnership for Africa's Development
NFP	National Focal Point
NGO	Non-Governmental Organization
ND	Nairobi Declaration
NDV	Niger Delta Vigilante
NP	Nairobi Protocol
MANPADS	Man-Portable Air Defence System
MFDC	Mouvement des Forces Démocratiques du Congo
NATO	North Atlantic Treaty Organization
OAU	Organization of African Unity
OECD	Organisation for Economic Cooperation and Development
OSCE	Organization for Security and Cooperation in Europe
PPDI	Pastoralists Peace and Development Initiative
PoA	UN Programme of Action on SALW
RPG	Rocket-Propelled Grenade
RECSA	Regional Centre on Small Arms and Light Weapons to the Nairobi Protocol (Nairobi)
SAS	Small Arms Survey
SADC	Southern African Development Community
SALIGAD	Small Arms and Light Weapons IGAD
SALW	Small Arms and Light Weapons
SRIC	Security Research and Information Centre
SPLA	Sudan People's Liberation Army
SSR	Security Sector Reform
UN	United Nations
UNGA	United Nations General Assembly
UNAFRI	United Nations African Institute
UNPoA	United Nations Plan of Action
UNIDIR	United Nations Institute for Disarmament Research
UJCC	Uganda Joint Christian Council
UPDF	Uganda People's Defence Forces
UN	United Nations
UNSC	United Nations Security Council
UNDDA	United Nations Department for Disarmament Affairs
USD	United States Dollars



## VOCABULARY

**Ammunition:** includes cartridges for small arms, shells and missiles for light weapons, anti-personnel and antitank hand grenades, landmines, explosives, and shells for single-action anti-aircraft and anti-tank systems.

**Arms Trade** refers to the international transfer of conventional arms, their components and munitions.

**Arms Transfer** includes sales, military aid and other cross-border shipments.

**Civil Society** is composed of a range of organisations including social movements, professional and voluntary associations, grass-roots organisations, non-governmental organisations, trade unions, academic and philanthropic institutions, cooperatives, community groups, youth and women's organisations and religious related organisations. It can influence public opinion and performance, help hold governments accountable, and help in the establishment of effective governance.

**Co-production** is the joint production of new technologies between different groups, e.g. between the parent company and its subsidiaries.

**Counter-trade** is the exchange of goods or services which are paid for, in whole or part, with other goods or services rather than with money, for example when subsidiary arms companies repay the royalties and licenses to their parent company with the weapons they produce.

**Dual Utility or Dual Use** refers to technology which can be used for both peaceful and military aims.

**End-user** is the country or armed group that will use the weapons. The end user may differ from the government or group who purchases the product.

**Illicit Trafficking of Arms** is international trade in conventional arms which is contrary to state and/or international law. Loophole, an ambiguity in a system which can be used to circumvent or otherwise avoid the intent of the system, whether this intent be implicit or explicit.

**National Strategy:** The way chosen by a state to attain its objective(s).

**Proliferation:** The rapid spread of something, e.g. arms.

**Small Arms Proliferation** tends to happen when small arms are sold to private parties and individuals in conflict prone zones.

**Small Arms and Light Weapons (SALW)** are arms that can be used by one or two people and carried by a person, pack animal or light vehicle. This category of weapons is often abbreviated in these papers to "small arms."

**Small Arms** are firearms designed for person use by one person and include revolvers, self-loading pistols, rifles and carbines, sub-machine guns, assault rifles, and light machine-guns.

**Light Weapons** are medium-calibre firearms and heavy machine guns and small explosive devices, for example grenade launchers, portable anti-aircraft guns, portable anti-tank guns, portable missile launchers and mortars of less than 100mm. They are designed for use by a small crew.





## CHAPTER 5

# SMALL ARMS AND LIGHT WEAPONS

### 1. INTRODUCTION TO SMALL ARMS PROLIFERATION

Of the 875 million small arms in circulation around the world, about 525 million are in civilian hands<sup>43</sup>. They kill an average of 1,000 people per day and about 300,000 people each year (100,000 in armed conflict and 200,000 in non-conflict situations). Then there are the one million people injured annually, many of whom are paralyzed for life.

Small arms' trafficking, both legal and illegal, is big business. Companies and traders supply arms to nations and rebel groups all around the globe. This trade benefits producers, exporters and dealers but causes great suffering for the people of Africa. Today, most conflicts are fuelled by illicit arms ending up in the hands of armed groups, rebel forces, terrorists groups and bandits.

More than 1,000 companies from nearly 100 countries produce small arms and feed them to states, armed groups and individuals. The annual authorized trade exceeds 6 billion US dollars. The illegal trade, though very difficult to assess, is worth about 1 billion USD.

The paradox is that while national and international efforts are being made for peace, the same countries are promoting arms sales. Sometimes they sell them to both government and rebel forces simultaneously, sometimes to just one side. The presence of arms makes the resolution of conflicts more difficult; it perpetuates violence, encourages the violation of human rights and often features in domestic violence.

Every year, at least 1 million firearms are lost or stolen worldwide. Most of them pass into the hands of bandits, armed groups or private individuals who possess nearly 60% of the world's firearms. More people die because of civilian use of small arms than in conflicts.

The illicit trade in small arms is encouraged by the lack of international legislation and control. To reduce the proliferation of small arms in Africa various regional agreements have been signed. Their implementation has produced some positive effects but the number of weapons has not decreased. At UN level, a small arms program is being put into action and a multilateral agreement, the Arms Trade Treaty (ATT) is being negotiated. This has been concluded at the United Nations Treaty Conference in March 2013.

### 2. THE QUESTION OF SMALL ARMS AND LIGHT WEAPONS (SALW)

Small arms and light weapons (SALW) are arms that can be used by one or two people and carried by a person, pack animal or light vehicle. Details of what constitute SALW can be found in Annex 1. This category of weapons is often abbreviated to "small arms." Small arms are "weapons of mass destruction" because they annually lead to more deaths, injuries, displacements, rapes, kidnappings and acts of torture than all other weapons systems. The more sophisticated they become, the more lethal they are. They are the weapons terrorists prefer.

Small arms are present in every country of the world and are traded globally through legal and illegal networks. They are cheap, durable, widely available, easily portable, easy to use and very destructive. They are used in all conflicts and are passed from conflict to conflict. They are very difficult to track or monitor and play a key role in abuses of human rights and humanitarian law.

Fragile economies are damaged by small arms as they fuel conflict and crime. Even in times of peace, arms intensify violence, disputes, crime and domestic violence. Development projects are disadvantaged by the violence and insecurity arms create. Scarce national resources are often diverted from development, health and education to public security. For every dollar spent on development assistance, ten are spent on military budgets. The indirect impact of small arms is harder to quantify but it is profound, wide-ranging and long term.

<sup>43</sup> Small Arms Survey: Weapons and markets.



The trade in small arms is very secret and the conspiracy of silence conceals the flow of weapons throughout the production and distribution chain. As at the beginning of 2012, there were no public reports on manufacturers, no registers identifying the various types of weapons, no international regulations and no criteria to control the international transfer of arms.

## **2.1. Small Arms and Conflict**

### **2.1.1. Direct Impacts**

There is a complex link between SALW and violent conflict. When groups arm themselves for protection, others feel threatened and do the same, increasing the demand for weapons and adding to insecurity. Between 2004 and 2007, at least 208,300 violent deaths were recorded in armed conflicts -an average of 52,000 people killed per year.

Conflicts have several political, economic and social causes, but the availability of small arms in a volatile environment increases their likelihood and hinders conflict resolution and post-conflict rebuilding.

250,000 child soldiers are forced to use arms. When conflict ends firearms, ammunition and grenades are left behind.

### **2.1.2. Indirect impacts**

The impact of small arms used in hostilities goes beyond the injury, death and psychological trauma of individual victims - they destroy families and infrastructure. Insecurity linked to armed conflict remains one of the greatest obstacles to human development. Arms disrupt the production and distribution of food, resulting in hunger and malnutrition.

The millions of deaths in DRC are not the direct result of small arms violence, but often of malnutrition and disease in a very fertile region. The instability linked to arms proliferation prevented Humanitarian Aid reaching the population in need.

Violence prevents investment and rebuilding after conflict. The proliferation of arms reduces the space for negotiating peace and limits incentives for co-operation, tolerance and compromise.

## **2.2. Small Arms and Civilian Violence**

Small arms are the major cause of civilian casualties in modern conflicts and criminal activities. They are also a constant incitement to violence and abuse and a source of accidents. Each year, about 200,000 people die as a result of homicides involving small arms, and 50,000 people commit suicide with a small arm. The number of displaced persons threatened by conflicts where small arms are used reached 43 million in June 2009.

Civilian criminality - banditry, bank robberies, and carjacking - increases where small arms are easily available. Women are more likely to die at the hands of their violent companions when a small arm is at hand. Public health is also affected as victims burden hospitals and health facilities and armed groups disrupt the delivery of health services. Forced migrations due to the use of arms spread infectious diseases and cause psychological trauma. The presence of small arms transforms social behaviour and leads to a culture of violence, as in the case of pastoralists. Cattle raids have become more frequent and much more murderous, killing even children and women.

## **2.3. Causes of the Proliferation of SALW**

Globalization has turned arms into ordinary merchandise, facilitating illegal trafficking. Informal markets have developed alongside those encouraged by state enterprise. Of the 7-8 billion USD worth of SALW produced annually, about 4 billion worth are exported and about 1 billion USD enters the illegal market annually.

Financial deregulation has made the financing of war independent of national or international governance. Arms merchants and buyers can move funds instantly and covertly to fiscal paradises and to small states that specialise in banking services.

The absence of global regulation in the trade and transfer of arms makes it difficult to bring to justice those selling or procuring arms illegally or countries transferring arms from the legal to the illegal market.

Government passivity is encouraged by the economic advantages brought by the arms trade and the strong lobby of the arms



industry. For this very reason, some governments do not want international arms regulation.

The arms trade is very lucrative and weapons are sold to governments and rebels alike by western defence contractors and arms companies, some of them from Africa.

Commercial interests in the last two decades the export of small arms has changed from being a political question to becoming predominantly a commercial enterprise.

Attractiveness of SALW: Small arms are relatively inexpensive, so affordable for smaller non-state groups. They require little training and their maintenance is easy. They are lethal, easy to transport, easily hidden and easily smuggled into conflict zones. Status in a culture of violence: In some cultures the possession of a firearm gives a certain status, e.g. many pastoralists have exchanged the stick for the Kalachnikoff.

#### **2.4. Production of Small Arms and Light Weapons (SALW)**

The arms industry comprises government and commercial research, development, production and service of military material, equipment and facilities. Many industrialized countries have a domestic arms industry both to supply their own military forces and for export. Governments support it with tax breaks and help in research. Almost all arms are manufactured legitimately and are only later transferred to the illicit market. Arms companies can sell a good proportion of their goods to the illegal market as there is a worldwide vacuum in control legislation.

The small arms production industry has been globalized over the last few decades. Over 1,135 companies in at least 98 countries are involved in some aspect of the manufacture of small arms and/or ammunition. Weapons companies in industrial countries<sup>44</sup> have established agreements with other countries to allow the production of small arms and ammunition under licence. Today, arms technology transfer is increasingly supplanting physical transfers of small arms. The expansion of suppliers increases the risk of uncontrolled transfers. Often a developing country that produces arms has weak export controls, is engaged in conflicts or has a record of internal repression and human rights violations. It may often circumvent export-control legislation that would prevent it from importing arms.

In recent decades, the arms industry has pursued product specialization and today a majority of military products have internal components obtained abroad and assembled in the home country. These components - digital systems, microprocessors of missiles and helicopters – also have civilian uses in DVD readers, cellular telephones and TV satellite systems. The dual use offers illegal markets greater opportunities to evade control as it is difficult to identify the ultimate use.

The arms industries benefit from wars, conflicts and terrorism. Producers and dealers often win contracts through corruption. They disseminate false reports to increase fear and instability in order to sell more weapons.

Some countries have national regulations for arms production but the trend towards unregulated production is increasing. Russia and China have a large defence industry but no national legal criteria. Developing countries with economies that are barely regulated have minimum export controls for the arms they produce.

#### **2.5. Legitimacy of Arms**

States are legally allowed to possess arms to fulfil their security obligations. SALW are normally used as standard equipment for the armed forces and other security services. They can also play a specific role in international peace-keeping and peace-building processes. However, all too often, even these arms are misused to violate human rights and humanitarian law. Moreover, in many cases the government arms expenditure diverts scarce money from services that would benefit citizens.

In most countries, private citizens and security groups have the right to keep and bear arms either for individual or collective use (e.g. a militia), or both. The possession of arms is usually regulated by national legislation.

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<sup>44</sup> Austria, Belgium, the Czech Republic, France, Germany, Israel, Italy, Portugal, Russia, South Africa, Singapore, Sweden, Switzerland, the UK, and the USA.



## 2.6. Arms Trade

Arms trade is the international transfer of conventional arms, their components and munitions.

### 2.6.1. Absence of International Regulation

Currently, there is no international treaty imposing binding regulations on transfers of small arms or ammunition, nor are there any harmonizing practices to create common standards across different countries. There are no international guidelines for the regulation of arms possession, no legally binding treaty controlling intermediary arms activity, no legal obligation to maintain an archive binding arms to a site and nothing to encourage international cooperation to track arms used for crime and war. This legislative vacuum favours the transfer of legal and illegal arms all over the world. The trade is regulated by a wide variety of national laws and procedures and by a small number of international or regional treaties and agreements.

### 2.6.2. Legal Transfers

Small arms may be produced within a country, or legally imported by governments or companies. A transfer is 'licit' or 'legal' when traders in state 'A' transfer weapons to the security forces or licensed private dealers in state B. Most states regulate the flows of arms to and from their territory by issuing export licenses for outgoing transfers and end-user certificates for incoming transfers, as well as licenses for transshipment. The system is easy to circumvent and diversion is common.

Contracts to supply a given country's armed forces are awarded by the government; this makes arms contracts an important political issue. The government authorisation for sale may be influenced by the economic or geopolitical importance of the deal more than by any concerns over the subsequent impact of the arms, as when Europe, Russia, China and USA provided arms for Gaddafi's regime.

The annual total value of international authorized transfers of small arms is USD 1.68 billion, of light weapons USD 1.1 billion and ammunition for small arms and light weapons USD 4.3 billion. Annually, the world spends US\$900 billion on defence, while only about US\$325 billion on agriculture.

Private ownership of firearms, both legal and illegal, accounts for about 75 per cent of the global small arms stockpile. About 56 per cent of small arms are in legal civilian possession and about 19 per cent are illegal. Approximately 25 per cent of small arms worldwide are legally held by state security forces (military, police, and intelligence agencies).

### 2.6.3. Illegal Transfers

Illegal trade in small arms is prevalent in countries and regions affected by political instability, conflicts and UN embargoes or where human rights are violated. A transfer is 'illicit' when it lacks authorization by one or both states party to the transfer. Arms are illegally imported through secret arms exports to governments or insurgent groups, black market arms dealers or imports from allied armed or insurgent groups in other states. In these cases the real end-users are not mentioned. Arms may also be circulated within a country or region through theft of government stocks, looting and exchanges between armed groups and/or the government. The illegal trade is estimated to be about USD\$ 1 billion (10–20 % of the total trade).

During conflict, arms pass between warring parties as territory is won and lost, as stores are captured or arms are abandoned on the battlefield. In Libya, many arms were distributed to civilians and others were captured by civilians. Countries torn apart by war, such as Somalia and DR Congo, can be an easy source of illegal weapons. Arms are also smuggled over borders by individuals, on foot or donkey. This activity is so frequent that it has been nicknamed the 'ant trade'.

Illegal arms trafficking is a global problem affecting mainly the poorest countries, but happening everywhere. The lack of controls facilitates arms getting into the hands of human rights violators. The abuser can be an agent of a repressive government, a criminal, a violent husband, or a member of an armed political group.

The actual number of small arms in global circulation amounts to more than 226 million, but the number of officially registered arms in the possession of the armed forces and police authorities totals only 17.2 million.

International arms embargoes should limit the influx of weapons into areas of conflict but, of the 13 embargos implemented by the UN in the past decade, not one has been respected.



#### **2.6.4. From Legal to Illegal**

The boundary between legal and illegal trade is extremely tenuous. As seen above, substantial numbers of legally acquired small arms enter illicit markets.

Some countries acquire illegal small arms in order to send them, illegally, to other countries under embargo or to rebel groups that are aiming to overthrow a dictatorial regime. The United States and France, for example, assisted Chadian President Idriss Déby to remove his predecessor, Hissene Habre, from power. Déby then became another dictator, but France and the USA had access to Chadian oil.

Sometimes a country's motive is purely economic. Rebel groups and criminals also acquire military weapons by raiding armouries of security forces or by buying or even renting arms from corrupt officials. Weapons diverted from civilian stock sometimes also enter the international black market.

The international community makes an important distinction between 'legal' and 'illegal' or 'illicit' transfers of small arms and light weapons. Often the impression is given that only the illegal trade is damaging while the legal trade is tightly controlled and acceptable. However, the vast majority of arms sold around the world - including those sold to human rights abusing governments or into conflict areas - are legal. The sales are actively supported by governments, some of whom maintain they are supporters of human rights and democracy. There is no real will on their part to outlaw the 'illicit' transfers.

#### **2.6.5. Arms Exporters**

When a country wants to buy arms for its military and security bodies, private and public arms corporations bid for the contracts. With the huge sums of money involved, corruption is a natural bedfellow.

The five permanent members of the UN Security Council – France, Russia, China, UK and USA – together account for 88 % of the world's conventional arms exports. In 2008 the top exporters of small arms and light weapons were, in descending order, the USA, Italy, Germany, Brazil, Switzerland, Israel, Austria, South Korea, Belgium, Russia, Spain, Turkey, Norway, and Canada. China is an important exporter but there are no records.

Manufacturers of small weapons and dealers should bear partial responsibility for the abuses and crimes associated with the use of these arms.

#### **2.6.6. Foreign Intervention**

The European Union member states are among the main arms exporters to Africa. The UK and France together account for 10% of the total arms market in Africa. Respect for human rights is often overlooked as arms are sold to well-known human rights violators. The USA, UK, and France earned more in small arms sales to Africa in 1998-2001 than they gave in aid. Since the 50's and 60's, Israel has sold arms to Africa. The South African government has sold arms worth \$1.7 billion from 2000 to 2010 to 58 states blacklisted because of human rights abuses, engagement in conflicts or being subject to U.N. embargoes.

#### **2.6.7. Arms Brokering**

Brokers are middlemen who, for a commission, arrange transfers between sellers and buyers. Many of them have supplied weapons to the world's worst-affected conflict zones and human rights crisis zones, including those subject to embargoes by the UN. They often work via third countries and try to increase tension in order to sell their wares.

Brokers bring buyers, sellers, shippers and insurers together to arrange the transfer of weapons in return for a commission. They fix the financing of the deal. To evade state control, brokers use different strategies: registration of their companies outside the country of residence; direct payments through fake, untraceable companies; registration of transport vessels or aircraft in countries with weak regulation; frequent re-registration; indirect flights at night and at low altitude to avoid detection; changing registration numbers; false documentation and end-user certificates; bribery of officials to obtain authentic end-user certificates; manipulation of flight plans to divert aircraft or ships to drop their cargo at secret destinations.

Most national arms-export legislation does not fully address the problem of international arms brokering, transport or financing. In 2005, legislative controls over illegal arms brokers existed in only 32 states. However, some EU member states have taken action against brokers by grounding their aircraft, adding their names to national watch lists and even making arrests.



### 3. TOWARDS GREATER CONTROL IN THE TRANSFER OF SALW

Strategies for curbing the illicit trafficking of small arms are varied and include measures that control supply, curb demand, end misuse and remove existing weapons from circulation. The solution to the problem needs to be more holistic, integrated and applied to all countries.

The multilateral measures taken so far are confined to the control of the illicit trade in SALW, while the licit transfer of small arms is not properly addressed. The only constraint of state-to-state transfers remains a UN arms embargo.

In 1998, a group of states encouraged by the governments of Canada and Norway and a network of interested NGOs formed IANSA (International Action Network on Small Arms) with members in most African countries and regions. AEFJN is also a member of IANSA.

#### 3.1. Instruments of Control at UN Level

At the beginning of 2014, there were three UN instruments concerning small arms and light weapons and one covering all kinds of arms that will be discussed in July 2012.

##### 3.1.1. 2001 UN Firearms Protocol

The first global instrument to control SALW proliferation was the 2001 UN Firearms Protocol (to the UN Convention against Transnational Organized Crime). This legally binding instrument focuses on illicit manufacture and trafficking of firearms by criminal organisations but ignores state-to-state transfers. Most EU member states as well as USA have neither signed nor ratified it.

##### 3.1.2. UN Programme of Action to Curb the Illicit Trade in SALW (PoA)

In July 2001, the broadest international instrument, the “UN Programme of Action (PoA) to Curb the Illicit Trade in SALW” was adopted. It is an agreement addressed to developing countries which tries to prevent and disrupt the illicit trade in SALW at regional, national and international levels and aims to monitor progress on the collection and destruction of arms and the management of stockpiles. But the PoA does not mention human rights and has few references to international humanitarian law. Not being a treaty, it does not legally bind its signatories and so cannot be enforced by judicial processes. Moreover, this UN PoA does not indicate how to regulate the 75 % of the world’s small arms owned by civilians.

UN members had great difficulties in coming to a consensus on how to advance the PoA; the reporting to the Biennial Meetings (2003, 2005, 2008, 2010 and 2012) is disappointing.

##### 3.1.3. UN International Tracing Instrument (ITI)

The 2005 UN International Tracing Instrument (ITI) specifies requirements for the marking of SALW and cooperation in tracing them – but, remarkably, not ammunition. It spells out an additional reporting requirement for implementation of its provisions under the PoA.

##### 3.1.4. The Arms Trade Treaty (ATT)

The Arms Trade Treaty (ATT) to ban arms transfers that have the potential to lead to violations of international human rights, humanitarian law and increase conflict was negotiated but not finalized at the UN Conference in July 2012. In the ATT Conference in March 2013, 3 countries: North Korea, China and Syria blocked the Arms Trade Treaty (ATT) that was finally approved on April the 2nd 2013 at the United Nations General Assembly. The ATT failed to achieve unanimous support but garnered the support of a majority of Member States. 154 countries voted in favour, three Member States – Democratic People’s Republic of Korea (DPRK), Iran and Syria – voted against the decision, while 23 countries abstained, among them Russia, China and United States some of the main leading sellers of weapons.

The ATT would apply to all types of arms transfers - - import, export, and transshipments - of conventional arms in order to prevent arms being used to violate international law or support the abuse of human rights. Munitions are not included in the ATT that will not cover weapons of mass destruction i.e. nuclear, chemical and biological weapons.



## **3.2. Instruments of control in the European Union (EU)**

### **3.2.1. European Union Code of Conduct (CoC) and Common Position (CP) on Arms Exports**

In 1998, the EU adopted the “Code of Conduct on Arms Exports (CoC)” a voluntary, non-legally binding commitment to control transfers of arms. It contained eight criteria for assessing applications for export licenses. Arms should not be exported to countries where they risk to be used for internal repression, external aggression or for serious violations of human rights; or where the expenditure on defence is greater than on education and health combined. Yet, evidence suggests that this is not being fully kept. EU member states were to present a voluntary annual report on the licenses granted for export of arms.

In December 2008 the Code of Conduct was replaced by the EU Common Position on control of exports of military technology and equipment. This legally binding instrument strengthens the Code of Conduct and makes all its criteria and reporting obligatory. It also extends controls to brokering, transit transactions and intangible transfers of technology and it strengthens procedures to harmonise Member States’ export policies.

### **3.2.2. EU Joint Action on Small Arms (1998) and the 2002 and 2008 Council Joint Action**

In 1998, the EU agreed on a Joint Action on small arms which aimed to address the threat of small arms accumulation by tackling both control and reduction.

This was replaced by the 2002 EU Joint Action that extended the scope of the original one to cover ammunition. It set out commitments to regulate the import, export and production of small arms, increase transparency (through regional registers) and information exchange, combat illicit tracking and raise public awareness.

## **3.3. African Regional Instruments to Fight the Proliferation of SALW**

To put in place the UN Instruments regarding the proliferation and transfer control of SALW, various African regional instruments have been fixed. Some of them are legal and others political. Three of Africa’s sub-regions, namely the Great Lakes and Horn of Africa (GLHA), West Africa and Southern Africa, have established their regional coordinating agencies in line with the Bamako Declaration (see below).

### **3.3.1. Organization of African Unity Initiative (OAU Initiative)**

The negative impact of SALW in Africa raised concern among African leaders. In 1996, the Organization of African Unity (OAU) addressed the problem of proliferation but there was no real commitment.

In July 1999 the OAU General Assembly resolved to develop an African strategy to tackle the issues arising from the proliferation, circulation and illicit trafficking of SALW.

### **The Bamako Declaration (BD)**

In December 2000, in preparation for the 2001 UN Program of Action, the OAU member states met in Bamako (Mali) to develop “An African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons” commonly referred to as the Bamako Declaration.

The Bamako Declaration bound signatory governments to embrace common measures to eradicate the proliferation of SALW within Africa. The declaration was the base for further regional commitments.

The Bamako Declaration set an agenda for Africa’s fight against the proliferation and illicit trafficking of small arms and light weapons in the continent, based on seven pillars:

- o An institutional framework with a national program and focal point to coordinate regulations.
- o Regional cooperation and coordination in efforts, programs, and initiatives.



- o Legislative measures to develop a uniform and standard legal framework regarding the manufacture, possession, import, export, transfer, transit, transport and control of small arms.
- o Operational capacity-building to ensure available resources to support the regional institutions.
- o Control, seizures, forfeiture, distribution, collection and destruction of SALW in each country.
- o Exchange of information, data collection and up-to-date record keeping.
- o Programs to create public awareness of the consequences of the proliferation of SALW.

### **ECOWAS Moratorium<sup>45</sup> and ECOWAS Convention<sup>46</sup>**

In October 1998 ECOWAS<sup>47</sup> adopted a 3 year Moratorium on the Importation, Exportation and Manufacture of Light Weapons in West Africa. It aimed at coordinating a regional approach to control the illicit proliferation of small arms in West Africa. This strong political will to stop the proliferation of arms also facilitated the Disarmament, Demobilization and Reintegration (DDR) processes. In October 2001, the Moratorium was extended for a further three years.

In January 2003, a consultative review of the Moratorium by West African civil society highlighted various issues of concern pertaining to the inefficiency of the Moratorium. These included: the exclusive focus on importation at the expense of manufacture that was widespread within the region; the need to popularize the Moratorium so that communities could monitor its implementation; need to transform the Moratorium into a regional legally binding Convention on Small Arms.

In June 2006, the ECOWAS Moratorium was converted into the ECOWAS Convention<sup>48</sup> on Small Arms and Light Weapons, their Ammunition And other Related Materials. It has a Plan of Action that prescribes major actions and activities and identifies responsible parties in the implementation process. Benin, Burkina Faso, Cape Verde, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo ratified the Convention.

In March 2010 ECOWAS governments adopted a five-year Plan of Action for the Implementation of the 2006 ECOWAS Convention and approved the database mechanism to promote transparency in the transaction and imports of small arms among member states.

### **3.3.2. The Nairobi Declaration (ND) and Protocol (NP) for the Great Lakes and Horn of Africa**

The Nairobi Declaration (ND)<sup>49</sup> on the Proliferation of Illicit SALW was adopted in 2000. The document is not legally binding but contains a plan to deal with the proliferation of small arms in the region. It aimed at the disarmament in the Horn of Africa. The signatories were the IGAD<sup>50</sup> members in East Africa and Great Lakes: Burundi, the DR Congo, Djibouti, Ethiopia, Eritrea, Kenya, Rwanda, Sudan, Tanzania and Uganda.

The ND enhances good governance, respect for human rights and rule of law, improvement of democracies and promotion of economic development. It identified aspects to be improved: border security and measures and improve living standards of pastoralist; that multi-national agencies, NGOs and civil society will assist the government in controlling and reducing proliferation and illicit trafficking of SALW.

The Nairobi Protocol<sup>51</sup> (NP) for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, adopted in 2004 entered into force on 5 May 2006. It constitutes a further step to the ND, as it is a legal-

<sup>45</sup> ECOWAS Moratorium - <http://www.wcc-coe.org/wcc/what/international/ecowas.html>

<sup>46</sup> ECOWAS Convention - [http://www.ecosap.ecowas.int/index.php?option=com\\_jotloader&section=files&task=download&cid=3\\_17714a46188cf52f23f-2b926a6a857da&Itemid=84&lang=en](http://www.ecosap.ecowas.int/index.php?option=com_jotloader&section=files&task=download&cid=3_17714a46188cf52f23f-2b926a6a857da&Itemid=84&lang=en)

<sup>47</sup> ECOWAS - the Economic Community of West African States

<sup>48</sup> ECOWAS Convention - <http://www.poa-iss.org/RegionalOrganizations/ECOWAS/ECOWAS%20Convention%202006.pdf>

<sup>49</sup> Nairobi Declaration - <http://www.recsasec.org/pdf/Nairobi%20Declaration.pdf>

<sup>50</sup> Intergovernmental Authority on Development.

<sup>51</sup> Nairobi Protocol. - <http://www.recsasec.org/pdf/Nairobi%20Protocol.pdf>



ly-binding instrument and associated to the Best Practice Guidelines on Arms Control and Management adopted in June 2005.

The signatory governments are obliged to address the problem of internal conflict which is the magnet for light weapons flowing into Central and East Africa. The protocol requires states to pass laws outlawing the illicit manufacture, trafficking, possession and misuse of SALW. Signatories to the protocol are: Burundi, DR Congo, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Seychelles, Sudan, Uganda and Tanzania.

The Nairobi Secretariat that coordinated the initiatives and actions at regional level has become RECSA .

### **3.3.3. SADC Declaration and SADC Protocol<sup>52</sup> in the Southern Africa Region**

In March 2001, the SADC Declaration was adopted. It concerns Firearms, Ammunition and Other Related Materials in the Southern African Development Community (SADC). It was signed by some SADC members: Mozambique, South Africa, Swaziland, Zambia, and Zimbabwe. Signatories committed themselves to develop and adopt a legal instrument in the form of a regional protocol.

In August 2001 the legally binding SADC Protocol<sup>53</sup> on Control of Firearms, Ammunition and Other Related Materials was adopted. The objectives are to prevent, combat and eradicate the illicit manufacturing of firearms, ammunition and other related materials; regulate the import and export of legal small arms and harmonise national legislation in the region.

### **3.3.4. The Kinshasa Convention on Small Arms Control<sup>54</sup>**

The 'Central African Convention for the Control of Small Arms and Light Weapons, their Ammunition, Parts and Components that can be used for their Manufacture, Repair and Assembly', known as the Kinshasa Convention, was signed on 19 November 2010 in Brazzaville, Republic of the Congo. The signatories are Angola, Cameroon, Chad, Democratic Republic of Congo, Equatorial Guinea, Gabon, the Central African Republic, the Republic of Congo and Sao Tomé and Príncipe. The governments of Burundi and Rwanda have not yet signed the convention which will come into force once it is ratified by six signatories.

The implementation plan was later adopted by the Kinshasa Convention state parties in November 2010 at Brazzaville.

### **3.3.5. Small Arms Disarmament and Arms Collection**

Disarmament, Demobilization and Reintegration (DDR) processes have taken place in most post-conflict African countries and in certain areas where there is abundance of SALW. In Angola and Congo, cease-fires were accompanied by programmes to collect weapons and munitions from rival factions. DR Congo has followed a program of disarmament. In Mozambique, from 1995 to 2000, the Christian Council of Churches undertook a collection of weapons, in exchange for various tools and machinery. The confiscated weapons were turned into public art and practical objects.

Arms collection and destruction programs have taken place in various countries: Kenya, Lesotho, Liberia, Mali, Mozambique, Rwanda, Sierra Leone, South Africa and Uganda (among others). Only partial success was achieved at rounding up weapons.

## **3.4. Outcome of these agreements**

The Regional and international agreements identified above provide a road map for reducing the illicit small arms trade, both in Africa and globally. Efforts have been made and some steps taken, but they are insufficient and the proliferation and illicit trafficking of SALW is still rampant. The progress made by signatory countries in implementing the agreements varies greatly.

Implementing these agreements requires significant and sustained political will and resources. The international community must do more to prevent the human suffering these weapons cause.

Where Focal points exist they have facilitated the collaboration of civil society with the government, forces and police, favouring progress and building trust between government and civil society.

<sup>52</sup> RECSA, the Regional Centre on Small Arms and Light Weapons based in Nairobi. <http://www.recsasec.org/>

<sup>53</sup> SADC Protocol. <http://www.sadc.int/index/browse/page/125>

<sup>54</sup> <http://www.poa-iss.org/RegionalOrganizations/9.aspx>



## 4. THE SITUATION REGARDING SMALL ARMS IN AFRICA

The nearly 100 million small arms on the continent have caused between 8 and 11 million victims. This is why small arms, specially the AK-47 (Kalachnikoff) are considered African weapons of mass destruction, producing about 90% of all civilian casualties in conflicts.

Small arms are used in widespread violations of human rights (Liberia, Sierra Leone, Angola, DRC), of international humanitarian law (Darfur, DR Congo) and have increased the numbers of child soldiers (Rwanda, Liberia, Sierra Leone, DR Congo) and of displaced persons (2 million in Darfur alone). Children and women bear the brunt of the conflicts and there have been nearly 2 million victims of sexual violence.

The proliferation and trafficking of illicit arms is a major challenge for the security and stability of all African states. The abundant circulation of small arms and ammunition in some African states, the porosity of the borders and the ease of acquiring black market guns have favoured the escalation of violence and criminality. The result is increased low-intensity wars with rebels, mercenary groups and armed gangs causing many deaths. These conflicts have long-term effects as they devastate social welfare systems as schools and clinics are closed and children miss out on education. This paves the way for future unemployment, underdevelopment and poor health care services. In the affected areas of the DRC, 68% of children of school-age are not attending classes and 211 of the 228 schools have been destroyed.

Small arms are used for organized crime (robberies, carjacking) as for example in Mali, DR Congo, Kenya and South Africa, resulting in some cases with more deaths in a year of 'peace' than during war. In South Africa, 25,000 people were murdered in 1998 alone and 31,918 in 2000.

Small arms proliferation has contributed to several cross-border conflicts, resulting in cattle rustling among pastoralist groups along the borders of Kenya, Uganda, Ethiopia, Sudan and Somalia where this phenomenon is a major factor in the proliferation and illicit trafficking of SALW. The death toll is rising among the herdsman. In 2006 of an estimated population of 33 million, about 2 million Kenyans had access to an arm. Proliferation of small arms has also intensified violent inter-community tension over the scarce resources, land and water.

### 4.1. *Illicit and illegal Traffic of Arms in Africa*

The illicit small arms market in Africa is flourishing because of the combination of underdevelopment, insecurity, inequality, ineffective governance and corruption.

In practice, economic and national interests have contributed to violations of arms embargoes by states and arms brokers. A number of West African states make a 'triangulation.' They buy arms for their own use, but divert them *illegally* to a third state under embargo. Burkina Faso, Niger and Liberia provided arms to the RUF<sup>56</sup> of Charles Taylor during the war; Liberia to Ivory Coast; Rwanda to rebel groups in DR Congo; Djibouti to Somalia. Liberian rebels have crossed the Ivorian border to trade their weapons for motorcycles. Ethiopia, Eritrea and Djibouti have circumvented the embargo against Somalia and Djibouti has furnished arms to the Somali opposition group, the Islamic Court Union. These transfers play an important role in the disruption of regional security and socioeconomic development.

A number of brokers and companies in Africa play a decisive role in the illegal transfer of arms, transporting weapons between different countries to rebels and armed groups. Arms traffic networks operating from Tanzania, Burundi and DRC send arms to various rebel groups. About 5,000 automatic rifles a month were trafficked across the porous Kenyan-Somali borders. Malian smugglers pack small arms into waterproof sacks, attach them to the bottom of boats and run them up the Niger River. Darfur is an example of the failure of the international community regarding the control of illegal arms.

Currently most illicit small arms used in Africa originate from China, Israel and about 20 OSCE countries (Organisation for Security and Cooperation in Europe).

<sup>55</sup> [http://en.iansa.org/system/files/Pages%20from%20Convention%20de%20Kinshasa%20certifi%C3%A9\\_low\\_eng.pdf](http://en.iansa.org/system/files/Pages%20from%20Convention%20de%20Kinshasa%20certifi%C3%A9_low_eng.pdf)

<sup>56</sup> Revolutionary United Front of Charles Taylor.



Key individuals in criminal and arms trafficking networks operate with apparent impunity. These groups are increasingly involved in privatisation tenders for ports of entry and telecommunications. These doors of access to a country facilitate their illicit activities while providing them with a cover of legitimacy. This phenomenon is common in conflict zones such as the Democratic Republic of Congo (DRC), Liberia and parts of Sierra Leone and neighbouring countries.

#### **4.1.1. The Proliferation of Small Arms in Africa**

South Africa with five million licensed firearms and about one million illegal guns is the continent's most heavily armed nation followed by the Central African region with estimated civilian gun possession rates ranging from 1.1 and 1.4 firearms per 100 people in Chad and the DRC respectively, to 14.0, 17.3 and 19.9 per 100 people in Gabon, Angola and Equatorial Guinea. In 2004, Angola had an estimated 2.8 million privately held firearms.

Violence between armed groups caused death rates from 2.2 per 100,000 in the DRC, to as high as 10.1 in Chad. Intentional homicide rates have been as high as 16.1 per 100,000 in Cameroon, and 36.0 in Angola, 17.1 per 100,000 in Gabon, 18.8 in Congo-Brazza, 19.0 in Chad, 24.0 in Equatorial Guinea, 29.1 in the Central African Republic and 35.2 in the DRC. In Sudan, two million people have died and six million have been internally displaced due to the armed conflict fought primarily with illicit small arms. In Rwanda in 1994, more than 750,000 people were massacred with a combination of small arms and machetes.

#### **4.2. African Fight Against the Proliferation of Small Arms**

Most governments have failed in fighting the proliferation of small arms. Beneficiaries of the arms trade undermine any progress made. To fight the proliferation of illicit small arms needs commitment on the part of governments, armed forces and police bodies and strong measures to control sales, transfers and ownership. Above all, the root causes of violence and conflict, underdevelopment and inequality, need to be comprehensively addressed for any control measures to be effective.

#### **4.3. African Production of Small Arms and Ammunition**

The emergence of African arms producers with licenses from Western, Chinese and Russian arms companies is a new development. The major producing countries are South Africa, Egypt and Nigeria. They export part of their production to other African countries. Kenya, Uganda, Tanzania and Zimbabwe are also producers. Ammunition factories exist in Burkina Faso, Cameroun, Guinea, RD Congo and Kenya.

A number of local gunsmiths have developed unauthorised craft production in Ghana, Nigeria and some other states. This is a significant source of illicit small arms. In Ghana about 90 % of guns used by armed robbers arrested in the country were locally manufactured. The unlicensed gunsmiths have the collective capacity to produce up to 200,000 firearms a year, some of which are reportedly of very high quality.

**South Africa** produces a range of modern military products and small arms that are sold to other African countries.

**Ethiopia** currently has small military industries.

**Kenya** with assistance from FN Herstal of Belgium (1996) produces small arms and ammunition (20,000-60,000 bullets per day). Kenya refuses to open up its factories for independent verification of their facilities despite ratifying the UN Program of Action.

**Nigeria** has the domestic capacity to manufacture small arms which are similar to the AK-47 and the requisite ammunition.

**Sudan** has at least three weapons factories outside Khartoum built with Chinese assistance. The Islamic Revolutionary Guard Corps (IRGC), designated as a terrorist organization, is operating a secret weapons factory in Sudan to funnel weapons to terrorist organisations in Africa and the Middle East.

**Tanzania** has small arms ammunition factories.



**Uganda** also has three weapons manufacturers. The largest is Nakasongola Arms Factory owned by Chinese government and private sector. Uganda refuses to open up its factories for independent verification of their facilities despite ratifying the UN PoA.

**Zimbabwe** has had small arms ammunition factories since the Second World War. In 1985 the Zimbabwe Defence Industry (ZDI) was established. There are two arms production factories (both mixed private and state enterprise). In 1986, NORINCO of China was awarded the contract to build a small arms ammunition factory in Zimbabwe. By 1990, only the Explosives Filling Plant and the Small Arms Ammunition project had been built.

#### **4.4. Small Arms and Natural Resources**

Today most of the conflicts in Africa are fought over natural resources; hence the connection between the illegal trade in commodities and arms. In conflict zones, the income generated by exploiting natural resources - oil, diamonds, minerals including coltan (used in cellular phones and electronic equipment), timber and drugs - enables governments and armed groups to purchase weapons, fight wars, and support illegitimate regimes. The same networks are used to smuggle commodities and to carry out illegal arms deals. Such transactions are commonplace where the state has little control (East DR Congo) or where governments or populations in neighbouring states are friendly to their cause (as in Sierra Leone). During the 1990s, resource wars—fought mainly with small arms and light weapons—killed more than 5 million people and left as many as 20 million displaced from their homes. Diamonds and coltan are especially popular black market commodities. They are trafficked via intricate systems that extend from government palaces in Liberia and Burkina Faso to private arms smugglers in Russia and Israel and to the diamond dealers operating in cities like Antwerp and Tel Aviv - and also to some electronic companies.

Some companies in the mining and oil industries create joint ventures with African governments – sometimes helped by corrupt officials – in order to gain exclusive rights over the exploration, exploitation and commercialisation of the resources (e.g. diamonds, other minerals, cotton and coffee). The taxes they pay are minimal. Some of these companies have links with the organized crime and all this facilitates the steady flow of weapons that is making conflict in Central Africa so difficult to contain.

#### **4.5. How to Reduce the Proliferation of Small Arms**

While the responsibility lies primarily with African governments, the international community must do more to prevent the human suffering that small arms cause in Africa and create greater stability, peace and security. The following 4 actions<sup>57</sup> would help alleviate the situation considerably:

- o Expand foreign aid programmes that target the illicit arms trade by increasing the funding for the destruction of small arms and the improvement of storage security. Allocate funding for African governments for the vehicles, equipment and training they need to improve control of their seaports, airspace and land borders, making sure they have the capacity to use and maintain the equipment.
- o Crack down on violations of UN arms embargoes by stopping arms transfers to regimes that repeatedly violate UN arms embargoes and by aggressively investigating and dismantling the network companies used by Africa's "merchants of death" to front their trade.
- o Strengthen national arms control legislation by supporting the establishment and effective implementation of national arms control legislation through the provision of resources and technical expertise.
- o Address the factors that fuel the illicit small arms economy by helping African governments to address comprehensively the root causes of violence and conflict - underdevelopment, insecurity, inequality and ineffective governance.

This is typically a long term and multi-dimensional process.

<sup>57</sup> From « The Illicit Arms Trade in Africa, A Global Enterprise » by Matt Schroeder and Guy Lamb, pp. 77-78.



## 5. WHAT AEFJN DOES

AEFJN seeks to make people safer from gun violence in Africa by improving firearm regulation and strengthening controls on arms transfers at international level.

### 5.1. At the UN

For years AEFJN, with other groups, has been calling for a UN commitment to a global, robust and legally-binding Arms Trade Treaty (ATT). Finally, in October 2009, thanks to the strong advocacy and lobbying of civil society and some governments, the UN agreed to hold a Negotiating Conference in July 2012 to discuss and finalise the Treaty. AEFJN is insistent that there should be strong and consistent regulation from manufacture through to transfer and end-use. Such legislation should include measures to trace weapons wherever they are used and to put a stop to the illegal arms trade.

AEFJN has urged EU member states to persuade reticent states to support and sign such an international Arms Trade Treaty.

### 5.2. At the EU

Since 1988, AEFJN in its desire for peace and stability in Africa, has, as part of civil society, lobbied the EU to establish strong legislation to control the transfer of small arms. Finally in 1998, the EU approved the Code of Conduct on Arms Exports. This was the first international instrument for control of arms exports but was not legally binding. AEFJN continued to lobby for legislation to strengthen the Code of Conduct and to make it legally binding. In 2008, the EU member states signed a legally binding Common Position (CP) on arms exports. AEFJN continues to lobby member states to adapt their legislation to the Common Position. It monitors the implementation of the CP, highlights loopholes and censures any failure on the part of EU member states to respect the criteria in their exports to Africa.

### 5.3. In Africa

In Africa, governments and civil society have joined forces to introduce mechanisms to halt the influx of guns in 14 countries in Eastern Africa and the Horn (Nairobi Protocol), 15 countries in Western Africa-ECOWAS and 4 countries in Southern Africa. AEFJN works with the secretariats and civil society of the different regions and countries for a greater control of small arms transfers.

## 6. TOOLS FOR ACTION ON SMALL ARMS

A general introduction on how to carry out action following the various steps of the Pastoral Circle can be found in the first part of this manual. In this section you will find additional suggestions and tools for action specifically on the Control of Small Arms and Light Weapons.

### 6.1. Knowing the Situation

Below are some questions you might like to explore to help you to have a clearer picture of the small arms situation in your selected country or region. Choose those that seem most relevant.

#### **Questions about the small arms situation in your country or region.**

First decide on the country, province or region you want to focus on and define the specific issue.

How many small arms are there in your country in your chosen area?

How many people are injured and killed by small arms (civilians and military groups). Newspapers are a good source of general information.

What laws and regulations exist regarding the tenure and transfer of small arms?

Your chosen area's participation in a regional body regarding SALW: International policies impacting on the situation



1. Your area's SALW strategy
  - Kinds of small arms being used. Range and specifications of the products. Where do the SALW come from?
  - Government expenditure on the armed forces and defence? Percentage of the national budget and of the GDP?
  - Who produce and/or sell the arms used in your country, legal and illegal.
  - How are the arms of the police and forces stored? How secure are the stockpiles in your country?
  - What do you know about the illegal traffic of small arms?
  - Who are the key people involved in violence and the transfer of arms?
  - What is the impact of arms and violence on civilians in general and on women and children?
  - What do women do in conflict and to encourage peace?
  - What action is taken by the community and other people?
2. Groups of civil society that are interested in arms, peace building.
3. Names of people in the forces, police and government ministries that can help you in your research on small arms.
4. Find out if there are arms or munitions factories in your country. To whom do they belong? What do they produce? Where do their products go? What regulations are there for export of arms or munitions in your country? For owning firearms?

Check the Small Arms Survey and the SIPRI Databases for information relating to your country.

### ***Civilians Use of Arms***

Value and direction or origin of imports, exports and other transfers of arms.

Where are the stockpiles of small arms held? How secure are they?

How much do you know about the threat from the proliferation of SALW in your country and/or region?

How efficient and effective is your country/region in tackling the proliferation of small arms and light weapons? What challenges stand in the way? How are the government and civil society overcoming these challenges?

If you are in a region suffering from violence, the Ammunition Tracing Kit published by the Small Arms Survey is a useful resource for finding out the quantity and origin of the ammunition and arms in the country. The Survey has also produced a database to help with the identification of small arms.

- o The Ammunition Tracing Kit. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-06-ATK/SAS-Ammunition-Tracing-Kit.pdf>
- o The Weapons ID Database - to classify small arms. <http://www.smallarmssurvey.org/weapons-and-markets/tools/the-weapons-id-database.html>

For name and contact details of groups and organisations working on these issues, see the AEFJN Booklet "Organisations fighting the proliferation of Small Arms in Africa." <http://www.aefjn.org/index.php/364.html>

## **6.2. Analysing the Situation**

It can be helpful to map out the existence of small arms and the groups using them

The WHY Analysis (Manual Part 1) is useful for understanding why civilians and armed groups use weapons and for discovering the root causes of violence. It also gives information about the impact on the population of the use of small arms.

When you compare the percentage or the amount of the expenditure on the forces and defence to other expenses (education, health, social, etc.), what do you notice?

Can you see links between the use of small arms by civilians and the economic situation, job creation, etc.?

## **6.3. A Christian Reflection on Small Arms**

### **6.3.1. The Bible**

[Isaiah 2:4] "He will settle disputes for many peoples. They will beat their swords into ploughshares and their spears into pruning hooks. Nation shall not take up sword against nation; nor will they train for war any more."

[Leviticus 26:6] "I shall give peace in the land, and you shall go to sleep with no one to frighten you. I shall rid the land of beasts of



prey. The sword will not pass through your land.”

[Luke 22:38] The disciples said: “See, Lord, here are two swords.” “That’s enough!” Jesus replied.

[John 18:10-11] Then Simon Peter having a sword drew it and struck the high priest’s servant and cut off his right ear. The servant’s name was Malchus. Jesus commanded Peter: “Put your sword away! Shall I not drink the cup the Father has given me?”

### 6.3.2. The Social Teaching of the Church

#### **Gaudium et Spes**<sup>58</sup>

**Gaudium et Spes**, one of the main documents of the 2<sup>nd</sup> Vatican Council, dedicates a number of passages to the weapons and condemns nuclear war.

- o (#80) talks against the development of armaments. “The horror and perversity of war is immensely magnified by the addition of scientific weapons...”
- o (# 81) affirms that the arms race is not a safe way to maintain real peace. It denounces the injustice of huge sums being spent on weapons while millions starve and suffer. It encourages us to say “no” to weapons of mass destruction and to the arms race. “... The arms race is an utterly treacherous trap for humanity, and one which ensnares the poor to an intolerable degree. It is much to be feared that if this race persists, it will eventually spawn all the lethal ruin whose path it is now making ready. Warned by the calamities which the human race has made possible, let us make use of the interlude granted us from above and for which we are thankful to become more conscious of our own responsibility and to find means for resolving our disputes in a manner more worthy of man. Divine Providence urgently demands of us that we free ourselves from the age-old slavery of war. If we refuse to make this effort, we do not know where we will be led by the evil road we have set upon [...]”
- o *Pacem in Terris*<sup>59</sup> (Peace on Earth) Encyclical of Pope John XXIII on Establishing Universal Peace in Truth, Justice, Charity, and Liberty. It mentions the Causes of the Arms Race (#109 to #111) and the Need for Disarmament (#112-#113).
- o (#112) Hence justice, right reason, and the recognition of man’s dignity cry out insistently for a cessation to the arms race.
- o (#113) [...] Unless this process of disarmament be thoroughgoing and complete, and reach men’s very souls, it is impossible to stop the arms race, or to reduce armaments, or - and this is the main thing - ultimately to abolish them entirely.

#### **The Compendium of the Social Doctrine of the Church**<sup>60</sup>

N. 432. “[...] The unity of the human family is not to be built on the force of arms, terror or abuse of power [...]”

N. 508. “The Church’s social teaching proposes the goal of ‘general, balanced and controlled disarmament’. [1067] The enormous increase in arms represents a grave threat to stability and peace. The principle of sufficiency, by virtue of which each State may possess only the means necessary for its legitimate defence, must be applied both by States that buy arms and by those that produce and furnish them. [1068] Any excessive stockpiling or indiscriminate trading in arms cannot be morally justified. Such phenomena must also be evaluated in light of international norms regarding the non-proliferation, production, trade and use of different types of arms. Arms can never be treated like other goods exchanged on international or domestic markets...”

N. 509. “Arms of mass destruction — whether biological, chemical or nuclear — represent a particularly serious threat. Those who possess them have an enormous responsibility before God and all of humanity. [1071] The principle of the non-proliferation of nuclear arms, together with measures of nuclear disarmament and the prohibition of nuclear tests, are intimately interconnected objectives that must be met as soon as possible by means of effective controls at the international level....”

N. 511. “Appropriate measures are needed to control the production, sale, importation and exportation of small arms and light weapons, armaments that facilitate many outbreaks of violence to occur. The sale and trafficking of such weapons constitute a serious threat to peace: these arms kill and are used for the most part in internal and regional conflicts; their ready availability increases both the risk of new conflicts and the intensity of those already underway. The position of States that apply severe controls on the international transfer of heavy arms while they never, or only very rarely, restrict the sale and trafficking of small arms and light weapons is an unacceptable contradiction. It is indispensable and urgent that Governments adopt appropriate measures to control

<sup>58</sup> [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_cons\\_19651207\\_gaudium-et-spes\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html)

<sup>59</sup> [http://www.vatican.va/holy\\_father/john\\_xxiii/encyclicals/documents/hf\\_j-xxiii\\_enc\\_11041963\\_pacem\\_en.html](http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html)

<sup>60</sup> [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html)



the production, stockpiling, sale and trafficking of such arms [1076] in order to stop their growing proliferation, in large part among groups of combatants that are not part of the military forces of a State.”

### ***Reports of the Gothenburg Process of the World Council of Churches***

The Gothenburg process is an ecumenical initiative gathering churches and church-related organisations around the issue of the arms trade. The process takes its point of departure in the ethical dimension of the production, trade and proliferation of military equipment. Within the Gothenburg process, churches and church related organisations are working together ecumenically, with the aim to raise the understanding and the knowledge of the ethical challenges posed by the arms trade. The process also encourages an inclusive and constructive dialogue with the defence industry, with control authorities and armed forces.

Report from the Gothenburg III conference in Nairobi 2007 (World Council of Churches).

[http://www.gothenburgprocess.org/download/18.20293872121acfae03080001400/Armstrade\\_III.pdf](http://www.gothenburgprocess.org/download/18.20293872121acfae03080001400/Armstrade_III.pdf)

Report from the Gothenburg III conference in Gothenburg 2004 (World Council of Churches).

[http://www.gothenburgprocess.org/download/18.514cc05910c58eb13ad800019013/Armstrade\\_II.pdf](http://www.gothenburgprocess.org/download/18.514cc05910c58eb13ad800019013/Armstrade_II.pdf)

### ***Recommendations of the 2<sup>nd</sup> African Synod***

Proposition 23 was dedicated to the Arms Trade: Because of the prevalence of armaments and land mines on the Continent and its Islands, the Church in Africa, gathered in Synod, associates itself with the Holy See and gladly welcomes UN initiatives, African Union and regional intergovernmental organisations like ECOWAS - Small-Arms Embargo, to stop illegal arms-trafficking and to make transparent all legal trading in arms...

The Synod Fathers encourage national governments to support the on-going study and preparation of an Arms’Trade Treaty (ATT) within the UN, with binding universal standards for the global commerce of conventional weapons, which would respect human rights and humanitarian international law...

The Synod Fathers propose that the design and production of all kinds of arms be drastically reduced for the sake of education and agricultural development which respects the environment.

The Episcopal Conferences in arms-producing countries are encouraged to advocate that their governments pass legislation restraining the production and distribution of arms to the detriment of African peoples and nations.”

### ***6.3.3. Other Christian Documents on Arms***

‘Evolving Christian Attitudes towards Personal and National Defence’ by David B. Kopel – Independence Institute, Denver University, 2007 <http://davekopel.org/Religion/Evolving-Christian-Attitudes.pdf>

## ***6.4. Planning the Action***

In your planning, the development of the team’s expertise on the issues is crucial.

Parishes can also be a great support. The better informed they are about the proliferation and control of small arms, the more ready they will be to commit themselves to action.



## ANNEXE 1 - ORGANISATIONS AND DOCUMENTS ON SMALL ARMS BY COUNTRY

You can find the organisations working on small arms classified by countries on the document of AEFJN:

[http://www.aefjn.org/tl\\_files/aefjn-files/arms/arms\\_material%20eng/1101AEFJN\\_SALW Organisations\\_Africa\\_eng.pdf](http://www.aefjn.org/tl_files/aefjn-files/arms/arms_material%20eng/1101AEFJN_SALW Organisations_Africa_eng.pdf)

### ANGOLA

#### Organisations working on small arms

Angola 2000 - [angola2m@yahoo.com](mailto:angola2m@yahoo.com) - [angola2000@ebonet.net](mailto:angola2000@ebonet.net)

Angolan Centers for Teaching Peace (ACTP) - [www.peace.ca/angola.htm](http://www.peace.ca/angola.htm)

Centro de Estudos Estrategicos de Angola (CEEA) - [www.ceeaa.angoladigital.net](http://www.ceeaa.angoladigital.net)

Fundação Madre Teresa de Calcuta (FMTC) - <http://www.sarpn.org/>

Igreja Profética Vencedora no Mundo (IPVM)

### BENIN

#### Organisations working on small arms

Réseau des Communicateurs pour la Sécurité et la Paix - Email: [jogoun@yahoo.fr](mailto:jogoun@yahoo.fr)

Tomorrow Children - [www.reunite.org/news/tomorrow\\_children.asp](http://www.reunite.org/news/tomorrow_children.asp)

#### Material on Small arms relating to the country

Armed Groups and Small Arms in Benin, by Eric G. Berman and Nicolas Florquin, 2005. In Nicolas Florquin and Eric G. Berman, eds. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-Part-2-01-Benin.pdf>

### BOTSWANA

#### Organisations working on small arms

Centre for Strategic Studies - Email: [whitman@mopipi.ub.bw](mailto:whitman@mopipi.ub.bw) ; [molomomg@mopipi.ub.bw](mailto:molomomg@mopipi.ub.bw)

### BURKINA FASO

#### Material on Small arms relating to the country

Armed Groups and Small Arms in Burkina Faso, by Eric G. Berman and Nicolas Florquin, 2005. In Nicolas Florquin and Eric G. Berman, eds. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-Part-2-02-Burkina-Faso.pdf>

### BURUNDI

#### Organisations working on small arms

Action Philanthropique au Burundi (PACT) - Email: [pactbu@yahoo.fr](mailto:pactbu@yahoo.fr)

Bonne Génération du Burundi (BGB) - Email: [goodgenerationbdi@yahoo.com](mailto:goodgenerationbdi@yahoo.com)

Colonie des Pionniers du Développement (CPD) - <http://www.grip.org/rafal/membres/cpd.html>

Compagnie des Apotres pour la Paix (CAP) - [www.grip.org/rafal/membres/cap.html](http://www.grip.org/rafal/membres/cap.html)

Encadrement des Personnes Vulnérables en Afrique (EPVA) - <http://www.grip.org/rafal/membres/epva.html>

Mission des Jacobins Sages (MiJas) - Email: [mijas\\_asbl@yahoo.fr](mailto:mijas_asbl@yahoo.fr)

#### Material on Small arms relating to the country

Insecurity Is Also a War': An Assessment of Armed Violence in Burundi, by Stéphanie Pézard and Savannah de Tessières, October 2009– Geneva Declaration. <http://www.genevadeclaration.org/fileadmin/docs/Geneva-Declaration-Armed-Violence-Burundi-EN.pdf>

Small Arms in Burundi: Disarming the Civilian Population in Peacetime, by Stéphanie Pézard and Nicolas Florquin, August 2007. <http://www.smallarmssurvey.org/fileadmin/docs/C-Special-reports/SAS-SR07-Burundi-EN.pdf>



Armed Violence in Burundi: Conflict and Post-Conflict Bujumbura, by Nicolas Florquin and Stéphanie Pézard, 2007. In Small Arms Survey - <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2007/en/full/Small-Arms-Survey-2007-Chapter-06-EN.pdf>

Armed Violence in Burundi: Conflict and Post-Conflict Bujumbura - Florquin, Nicolas, and Stéphanie Pézard. 2007. In Small Arms Survey - <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2007/en/Small-Arms-Survey-2007-Chapter-06-summary-EN.pdf>

Video: Bang For Your Buck by Shooting Poverty. <http://www.oxfam.org/en/campaigns/conflict/controlarms>

## **CAMEROON**

### **Organisations working on small arms**

Association of UNESCO Volunteers (Ascvo-UNESCO). <http://orgs.tigweb.org/association-of-unesco-volunteers>

Association Camerounaise pour l'Evaluation Environnementale (ACAMEE) – Yaoundé - <http://data.cameroun-foret.com/>

Cameroon Youths & Students Forum for Peace (CAMYOSFOP) - <http://profiles.tigweb.org/camyosfop>

Commission Diocésaine Justice et Paix de Yaoundé - <http://www.peacebuildingportal.org/index.asp?pgid=9&org=3995>

Ecumenical Service for Peace (SeP) - Email: [contact@peacehumanus.org](mailto:contact@peacehumanus.org)

Fondation Paul Ango pour la Promotion de la Géopolitique en Afrique Centrale (FPAE) - [www.fpae.net](http://www.fpae.net)

Trauma Centre Cameroon - Email: [tc\\_rehabilitation@yahoo.com](mailto:tc_rehabilitation@yahoo.com)

## **CAPE VERDE**

### **Material on Small arms relating to the country**

Armed Groups and Small Arms in Cape Verde, by Eric G. Berman and Nicolas Florquin, 2005. In Nicolas Florquin and Eric G. Berman, eds. - <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-Part-2-03-Cape-Verde.pdf>

## **CENTRAL AFRICAN REPUBLIC (CAR)**

### **Material on Small arms relating to the country**

The Central African Republic and Small Arms: A Regional Tinderbox, by Eric G. Berman with Louisa N. Lombard, December 2008 (also available in French). - <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-07-CAR/SAS-Central-African-Republic-and-Small-Arms.pdf>

La République Centrafricaine: une étude de sas sur les armes légères et les conflits, by Eric G. Berman, with the support of UNDP, July 2006. Special Report No. 6 – <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-07-CAR/SAS-Central-African-Republic-and-Small-Arms.pdf>

Executive Summary. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-07-CAR/SAS-Central-African-Republic-and-Small-Arms-Executive-Summary.pdf>

Français - <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-07-CAR/SAS-Central-African-Republic-Small-Arms-FR.pdf>

The Central African Republic: A Case Study of Small Arms and Conflict, by Eric Berman, 2005. In Small Arms Survey <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2005/en/Small-Arms-Survey-2005-Chapter-11-EN.pdf>

## **CHAD**

### **Organisations working on small arms**

Amnesty International – Chad - Email: [diocndja@intnet.td](mailto:diocndja@intnet.td)

### **Material on Small arms relating to the country**

Echo effects: Chadian instability and the Darfur conflict, February 2008. HSBA Issue Brief No. 9 (also in French) <http://www.smallarmssurveysudan.org/pdfs/HSBA-SIB-9-Chadian-instability.pdf>

Ploughshares – 2011 Armed Conflicts Report – Chad. <http://ploughshares.ca/content/chad-1965-first-combat-deaths#-Summary>



## D.R. CONGO

### Organisations working on small arms

L'Action Contre l'Impunité pour les Droits Humains (ACIDH) - <http://www.acidhrdc.net/>

Congolese Association for Peace & Development (ACOPAD).

AVEVENA - Email: muhinjuka@yahoo.fr

AVREO - [www.grip.org/rafal/membres/avreo.html](http://www.grip.org/rafal/membres/avreo.html)

Centre d'Education et d'Information Intégrée (CEFI asbl) - Email: cefi.org@caramail.com ; kisoze\_kasha@yahoo.fr

Congolese Physicians for Peace (IPPNW-DRC) - Email: sbokongo@hotmail.com ; amcpaix@hotmail.com

Encadrement des Veuves et Orphelins Victimes des Guerres (EVOVIG) - Email: evovigcongo@yahoo.fr

Fondation Chirezi - Email: florizozo@yahoo.com ; fchirezi@yahoo.fr

Groupe AMOS - [www.ib.be/grip/afri/amos.html](http://www.ib.be/grip/afri/amos.html)

Groupe de Réflexion et d'Echanges sur la Paix et la Nonviolence (GREN) - Email: mangogren@yahoo.fr

Initiative pour la Prévention des Conflits (IPC) - Email: muanzaphil@yahoo.fr

Service de Renforcement des Appuis aux Communautés de Base en Afrique Centrale (SERACOB).

### Material on Small arms relating to the country

Ploughshares 2011 Armed Conflicts Report – Democratic Republic of the Congo. <http://ploughshares.ca/content/democratic-republic-congo-1990-first-combat-deaths>

Selective outrage: the dangers of children's DDR in eastern DRC – By Claudia Seymour - <http://www.unidir.org/pdf/articles/pdf-art3142.pdf>

Conflict Minerals in the Democratic Republic of the Congo - Aligning Trade and Security Interventions Bu Ruben de Konig – SIPRI Policy paper - June 2011. <http://books.sipri.org/files/PP/SIPRIPP27.pdf>

## ETHIOPIA

### Material on Small arms relating to the country

Ploughshares 2011 Armed Conflicts Report - Ethiopia-Ogaden - <http://ploughshares.ca/content/ethiopia-ogaden-2007%E2%80%93first-combat-deaths>

## GAMBIA

### Material on Small arms relating to the country

Armed Groups and Small Arms in Gambia, by Eric G. Berman and Nicolas Florquin, 2005. In Nicolas Florquin and Eric G. Berman, eds. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-Part-2-05-Gambia.pdf>

## GHANA

### Organisations working on small arms

African-Diaspora & Other Races' Development (ADORDEM) - Email: adordem@yahoo.co.uk

Child Watch - Email: akklegal@hotmail.com

Foundation for Security & Development in Africa (FOSDA) - [www.fosda.org](http://www.fosda.org)

West Africa Network of Peacebuilding (WANEP) - Email: wanep@wanep.org

Material on Small arms relating to the country

The Anatomy of Ghana's Secret Arms Industry, by Emmanuel Kwesi Aning, 2005. In Nicolas Florquin and Eric G. Berman, eds. - <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-Part-1-Chapter-03.pdf>

Armed Groups and Small Arms in Ghana, by Eric G. Berman and Nicolas Florquin, 2005. In Nicolas Florquin and Eric G. Berman, eds. - <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-Part-2-06-Ghana.pdf>

IMANI Center for Policy & Education - Think-Tank, Accra - <http://www.imanighana.com/wordpress/>



## **GUINEA BISSAU**

### **Organisations working on small arms**

Associação Guineense de Estudos e Alternativas (ALTERNAG) - Email: alternag@hotmail.com

### **Material on Small arms relating to the country**

Armed Groups and Small Arms in Guinea-Bissau, Eric G. Berman and Nicolas Florquin, 2005. In Nicolas Florquin and Eric G. Berman, eds. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-Part-2-08-Guinea-Bissau.pdf>

## **GUINEA [CONAKRY]**

### **Material on Small arms relating to the country**

The Militarization and Demilitarization of Refugee Camps and Settlements in Guinea, 1999-2004, by James Milner and Astrid Christoffersen- 2006. In Robert Muggah, ed. <http://www.smallarmssurvey.org/publications/by-type/book-series/no-refuge.html>

The Militarization and Demilitarization of Refugee Camps in Guinea, by James Milner, 2005. In Nicolas Florquin and Eric G. Berman, eds. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-Part-1-Chapter-05.pdf>

Children Associated with Fighting Forces (CAFF) and Small Arms in the Mano River Union (MRU), by Christina Wille, 2005. In Nicolas Florquin and Eric G. Berman, eds. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-Part-1-Chapter-06.pdf>

Armed Groups and Small Arms in Guinea, by Eric G. Berman and Nicolas Florquin, 2005. In Nicolas Florquin and Eric G. Berman, eds. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-Part-2-07-Guinea.pdf>

## **IVORY COAST**

### **Organisations working on small arms**

African Center for Human Security.

Amnesty International – Côte d'Ivoire - Email: [amnestycotedivoire@aviso.ci](mailto:amnestycotedivoire@aviso.ci)

Club Union Africaine – CI - Email: [traorewodjom@yahoo.com](mailto:traorewodjom@yahoo.com)

INADES-Formation - <http://www.inadesfo.net/>

### **Material on Small arms relating to the country**

Reforming the Ranks: Public Security in a Divided Côte d'Ivoire, by Savannah de Tessières, 2011. In Small Arms Survey, <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2011/en/Small-Arms-Survey-2011-Chapter-07-summary-EN.pdf>

Armed Groups and Small Arms in Côte d'Ivoire, by Eric G. Berman and Nicolas Florquin, 2005. In Nicolas Florquin and Eric G. Berman, eds. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-Part-2-04-Cote-Ivoire.pdf>

## **KENYA**

### **Organisations working on small arms**

Africa Peace Forum/International Resource Group (APFO) - [www.amaniafrika.org](http://www.amaniafrika.org)

Amani People's Theatre (APT) - <http://www.aptkenya.org/>

Fellowship of Christian Councils in the Great Lakes & Horn of Africa (FECCLAHA) - [www.fecclaha.org](http://www.fecclaha.org)

IPPNW – (International Physicians for the Prevention of Nuclear War) - Email: [bhileni@yahoo.co.uk](mailto:bhileni@yahoo.co.uk)

Kenya Associates of Physicians & Medical Workers for Social Responsibility (IPPNW - Kenya) - [bhileni@yahoo.co.uk](mailto:bhileni@yahoo.co.uk)

Kenya Coalition Against Landmines (KCAL) - Email: [kcak@africaonline.co.ke](mailto:kcak@africaonline.co.ke)

Kibera Youth Programme for Peace & Development - Email: [kenodhiss@yahoo.com](mailto:kenodhiss@yahoo.com)

Larjour Consultancy - Email: [ochaw@iconnect.co.ke](mailto:ochaw@iconnect.co.ke)



Norwegian Church Aid (NCA), Kenya - <http://www.kirkensnodhjelp.no/en/What-we-do/Where-we-work/Eastern-Africa/kenya/> Email: [pmbae@ncakenya.org](mailto:pmbae@ncakenya.org)

Umoja be One – Perfect Mission for Peace Initiative

Youth Initiatives Kenya (YIKE)

Peace Forum

PeaceNet Kenya - [www.peacenetkenya.org](http://www.peacenetkenya.org)

People for Peace in Africa (PPA) - <http://peopleforpeaceafrica.org/>

Saferworld – Eastern Africa - [www.saferworld.org.uk/smartweb/where/kenya](http://www.saferworld.org.uk/smartweb/where/kenya)

Security Research & Information Centre (SRIC) - [www.srickenya.org](http://www.srickenya.org)

United Network of Youth Foundation/Imotong Ranges Agency for Development (UNOY/IRAD) - [www.unoy.org](http://www.unoy.org)

### **Material on Small arms relating to the country**

Blowback: Kenya's Illicit Ammunition Problem in Turkana North District, by James Bevan, June 2008. Occasional Paper No. 22 <http://www.smallarmssurvey.org/fileadmin/docs/B-Occasional-papers/SAS-OP22-Kenya.pdf>

Ploughshares 2011 Armed Conflicts Report – Kenya - <http://ploughshares.ca/content/kenya-1991-first-combat-deaths>

## **LESOTHO**

### **Material on Small arms relating to the country**

Destroying Surplus Weapons: An Assessment of Experience in South Africa and Lesotho, by Sarah Meek and Noel Stott, UNIDIR, 2003. [http://www.smallarmssurvey.org/fileadmin/docs/E-Co-Publications/SAS-UNIDIR-2003-Destroying-Surplus-Weapons\\_03.pdf](http://www.smallarmssurvey.org/fileadmin/docs/E-Co-Publications/SAS-UNIDIR-2003-Destroying-Surplus-Weapons_03.pdf)

## **LIBERIA**

### **Organisations working on small arms**

Centre for Democratic Empowerment (CEDE) - Email: [cede94@aol.com](mailto:cede94@aol.com)

Centre for Peace Education and Democracy (COPE) - Email: [copeliberia@yahoo.com](mailto:copeliberia@yahoo.com)

### **Material on Small arms relating to the country**

Reading between the Lines: Crime and Victimization in Liberia, September 2011. Liberia Armed Violence Assessment Issue Brief No. 2. <http://www.smallarmssurvey.org/fileadmin/docs/G-Issue-briefs/Liberia-AVA-IB2.pdf>

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## **MADAGASCAR**

### **Material on Small arms relating to the country**

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## **MALAWI**

### **Organisations working on small arms**

Centre for Human Rights & Rehabilitation (CHRR) - Email: undule@sdpn.org.mw

### **Material on small arms relating to the country**

Trading Life, Trading Death: The Flow of Small Arms from Mozambique to Malawi, by Gregory Mthembu-Salter, January 2009. <http://www.smallarmssurvey.org/fileadmin/docs/F-Working-papers/SAS-WP6-Trading-Life-Trading-Death.pdf>

## **MALI**

### **Organisations working on small arms**

Association des Femmes pour les Initiatives de Paix (AFIP) - Email: fatimafip@yahoo.fr ; fatimafip@hotmail.com

Coalition Nationale de la Société Civile pour la Paix et la Lutte contre la Prolifération des Armes Légères (CONASCIPAL) - Email: mdm7@datatech.toolnet.org

Mouvement National des Femmes pour la Sauvegarde de la Paix et de l'Unité Nationale (MNFPUN) - Email: mdm7@datatech.toolnet.org

Napoleon Abdulai – PCASED - Email: napoleonabdulai@yahoo.com

### **Material on small arms relating to the country**

Insurgency, Disarmament, and Insecurity in Northern Mali, 1990-2004, by Nicolas Florquin and Stéphanie Pézard, 2005. In Nicolas Florquin and Eric G. Berman, eds. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-Part-1-Chapter-02.pdf>

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## **MAURITANIA**

### **Material on small arms relating to the country**

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## **MOZAMBIQUE**

### **Organisations working on small arms**

FOMICRES – Mozambican Force for Crime Investigation and Social Reinsertion - Email: forquilha@tv cabo.co.mz

Episcopal Commission for Justice and Peace – Mozambique - <http://www.juspax.co.mz/>

### **Material on small arms relating to the country**

Firearm-related Violence in Mozambique, Ministry of the Interior of Mozambique, the World Health Organization—Mozambique, and the Small Arms Survey, 2009 Special Report No.10 - <http://www.smallarmssurvey.org/fileadmin/docs/C-Special-reports/SAS-SR10-Mozambique.pdf>

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## **NIGER**

### **Material on small arms relating to the country**

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## **NIGERIA**

### **Organisations working on small arms**

Affection for Human Rights Association of Nigeria (AFHURAN) - Email: [afhuran@yahoo.com](mailto:afhuran@yahoo.com)

Africa Strategic and Peace Research Group (AFSTRAG - Nigeria) - Email: [afstragcentre@linkserve.com](mailto:afstragcentre@linkserve.com) ; [afstrag@infoweb.abs.net](mailto:afstrag@infoweb.abs.net)

Environmental and Human Development Agency (AFRIDA) - [www.afrida.org](http://www.afrida.org)

Campaign Against Arms Trade (CAAT) Network, Nigeria - [www.idradr.com](http://www.idradr.com)

Centre for Democracy & Development (CDD) - [www.cdd.org.uk](http://www.cdd.org.uk)

Centre for Environment, Human Rights, & Development (CEHRD) - Email: [jaopara@yahoo.com](mailto:jaopara@yahoo.com)

Childolescent & Family Survival Organization (CAFSO) - Email: [tolawinjobi58@yahoo.com](mailto:tolawinjobi58@yahoo.com)

Children's Rights Network (CHRINET) - Email: [chrinetngo@yahoo.co.uk](mailto:chrinetngo@yahoo.co.uk)

Human Rights Network - Email: [humanrightnetwork@justice.com](mailto:humanrightnetwork@justice.com)

Global Network for Human Development (GOLHD Centre) - Email: [inl\\_iansa@yahoo.ca](mailto:inl_iansa@yahoo.ca)

Niger Delta Project for Environment, Human Rights, & Development (NDPEHRD) - Email: [nigerdeltaproject@yahoo.com](mailto:nigerdeltaproject@yahoo.com)

Peace Education Centre - Email: [peacecorps@oauife.edu.ng](mailto:peacecorps@oauife.edu.ng) ; [peaceeducentre@yahoo.co.uk](mailto:peaceeducentre@yahoo.co.uk)

Society of Nigerian Doctors for the Welfare of Mankind (IPPNW Nigeria) - Email: [imejohn@yahoo.com](mailto:imejohn@yahoo.com)

Voice for the Young - Email: [biowal@yahoo.com](mailto:biowal@yahoo.com)

World Environmental Movement for Africa (WEMFA) - Email: [wemfa@yahoo.com](mailto:wemfa@yahoo.com) ; [azaiki@yahoo.com](mailto:azaiki@yahoo.com)

### **Material on small arms relating to the country**

A Deadly Cycle: Ethno-Religious Conflict in Jos, Plateau State, Nigeria by Jana Krause, published by the Geneva Declaration Secretariat, November 2011. <http://www.genevadeclaration.org/fileadmin/docs/regional-publications/GD-WP-Jos-deadly-cycle.pdf>

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## REPUBLIC OF CONGO (BRAZZA)

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## RWANDA

### Organisations working on small arms

Collectif des Ligues et Associations de Defense des Droits de l'Homme au Rwanda (CLADHO) - [www.collectif.org.rw/cladho/home.htm](http://www.collectif.org.rw/cladho/home.htm)  
 FARMAPU, INTER & CECOTRAP - Email: [alisai2000@yahoo.fr](mailto:alisai2000@yahoo.fr)

### Material on small arms related to the country

The Wheel Turns Again: Militarization and Rwanda's Congolese Refugees, by Gregory Mthembu-Salter. In Robert Muggah, ed. No Refuge, co-published with Bonn International Center for Conversion (BICC), published by Zed Books. <http://www.smallarmssurvey.org/publications/by-type/book-series/no-refuge.html>

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## SENEGAL

### Organisations working on small arms

Mouvement contre les Armes Légères en Afrique de l'Ouest (MALAO/Sénégal) - <http://www.grip.org/rafal/membres/malao.html>

Open Society Initiative for West Africa (OSIWA) - [www.osiwa.org](http://www.osiwa.org)

Réseau Sénégalais des Journalistes pour la Paix (RSSP) - Email: [diopkhoudia@hotmail.com](mailto:diopkhoudia@hotmail.com)

### Material on small arms related to the country

Armed Groups and Small Arms in Senegal, by Eric G. Berman and Nicolas Florquin, 2005. In Nicolas Florquin and Eric G. Berman, eds. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-Part-2-13-Senegal.pdf>

## SIERRA LEONE

### Organisations working on small arms

Cavalry & Liberation Ministries of Sierra Leone (CALMIN – SL) - Email: [calvarym@yahoo.com](mailto:calvarym@yahoo.com)

Community Initiative Programme (CIP) - <http://cipsierraleone.blogspot.com/>

Council of Churches in Sierra Leone (CCSL) - [www.ccsweb.org](http://www.ccsweb.org)

Oxfam GB – Sierra Leone – Email: [oxfamft@sierratel.sl](mailto:oxfamft@sierratel.sl)

Rural Youth Development Organization – Sierra Leone (RYDO-SL) - Email: [rydosl@yahoo.com](mailto:rydosl@yahoo.com)

Sierra Leone Action Network on Small Arms (SLANSA) - <http://www.slansa.org/cms/>



### **Material on Small arms related to the country**

Assessing Progress toward Demobilization and Reintegration in Sierra Leone, by Macartan Humphreys and Jeremy Weinstein, 2009. In Robert Muggah, ed. <http://www.smallarmssurvey.org/publications/by-type/book-series/security-and-post-conflict-reconstruction.html>

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## **SOMALIA**

### **Organisations working on small arms**

KISIMA Peace & Development Organization - Email: [kisimais@yahoo.com](mailto:kisimais@yahoo.com) ; [kisima\\_org@hotmail.com](mailto:kisima_org@hotmail.com)

Somali Women Education Campaigners (SWEC) - Email: [swecsom@gmail.com](mailto:swecsom@gmail.com)

### **Material on small arms related to the country**

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Ploughshares Armed Conflicts Report 2011 – Somalia - <http://ploughshares.ca/content/somalia-1988-first-combat-deaths>

## **SOUTH AFRICA**

### **Organisations working on small arms**

Amnesty International – South Africa (AISA) - <http://www.amnesty.org.za/aboutai.htm>

Centre for Conflict Resolution (CCR) - <http://ccrweb.ccr.uct.ac.za>

Denis Hurley Peace Institute - South Africa - <http://www.sacbc.org.za>

Gun Free South Africa (GFSA) - [www.gca.org.za](http://www.gca.org.za)

Coalition for Peace in Africa (COPA) – Action Support Centre - [www.action-global.org](http://www.action-global.org) ;

[www.copaffrica.org](http://www.copaffrica.org)

The Desmond Tutu Peace Foundation - [www.tutufoundation-usa.org/the\\_peace\\_center.html](http://www.tutufoundation-usa.org/the_peace_center.html)

Institute for Security Studies (ISS) - [www.iss.co.za](http://www.iss.co.za)

Peace & Security Program (University of Witwatersrand) - [www.wits.co.za](http://www.wits.co.za) ; <http://www.sadsem.org/English/sadsempartners.htm>

Quaker Peace Centre, Cape Town, South Africa - <http://www.quaker.org/capetown/>

SaferAfrica - [www.saferfrica.org](http://www.saferfrica.org)

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<http://www.smallarmssurvey.org/fileadmin/docs/F-Working-papers/SAS-WP3-South-Africa.pdf>

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## **SOUTH SUDAN**

### **Organisations working on small arms**

Sudanese Women's Voice for Peace (SWVP) -Email: [lpihap@africaonline.co](mailto:lpihap@africaonline.co) ; [swvporg@yahoo.com](mailto:swvporg@yahoo.com)

### **Material on Small arms relating to the country**

Back to the Brink: Armed Violence in Southern Sudan, by Claire McEvoy and Emile LeBrun, 2010. In Small Arms Survey - <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2010/en/Small-Arms-Survey-2010-Chapter-11-EN.pdf>

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People-to-People Peacemaking and Peacebuilding - <http://kms1.isn.ethz.ch/serviceengine/Files/ISN/.../en/Chapter+4.pdf>

The Creation of South Sudan: Prospects and Challenges. By Observer Research Foundation – November 2011. [http://www.observerindia.com/cms/export/orfonline/modules/occasionalpaper/attachments/ocp\\_27\\_1322816964485.pdf](http://www.observerindia.com/cms/export/orfonline/modules/occasionalpaper/attachments/ocp_27_1322816964485.pdf)

Weapon transfers to peacekeeping missions: nothing to report? by Timothy Ghilain, researcher-stagiaire at GRIP - December 2011 (Français) - [http://www.grip.org/en/siteweb/images/NOTES\\_ANALYSE/2011/NA\\_2011-12-15\\_FR\\_T-GHILAIN.pdf](http://www.grip.org/en/siteweb/images/NOTES_ANALYSE/2011/NA_2011-12-15_FR_T-GHILAIN.pdf)

## **SUDAN**

### **Organisations working on small arms**

Centre for Affairs Resource Management (CHARM) - Email: [charm@sudanmail.net](mailto:charm@sudanmail.net)

Human Security Initiative Organization (HSIO) - Email: [osmarabi@hotmail.com](mailto:osmarabi@hotmail.com) ; [hsiosuad@hotmail.com](mailto:hsiosuad@hotmail.com)

Sudanese Group to Control Use & Trade in SALW - Email: [warchild@sudanmazil.net](mailto:warchild@sudanmazil.net)

Civil Society Action for Peace & Development (CISA) - Email: [akius@yahoo.com](mailto:akius@yahoo.com)

Women, Child Development Organization - Email: [mustafabashar@maktoob.com](mailto:mustafabashar@maktoob.com)

### **Material on Small arms relating to the country**

Armed Conflicts Report 2011– Sudan - <http://ploughshares.ca/content/sudan-1983-first-combat-deaths>

Armed Conflicts Report 2011– Sudan – Darfur - <http://ploughshares.ca/content/sudan-darfur-2003-first-combat-deaths>

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## TANZANIA

### Organisations working on small arms

Concern for Development Initiatives in Africa (ForDIA. - [www.fordia.org](http://www.fordia.org))  
Human Rights Education & Peace International (HUREPI –Trust). - Email: [mcomalla@yahoo.com](mailto:mcomalla@yahoo.com) ; [hurepi@hotmail.com](mailto:hurepi@hotmail.com)  
Mwanza Environmental Sympathizers Organization (MES). - Email: [mes2tz@yahoo.com](mailto:mes2tz@yahoo.com)  
Tanzania Human Rights Foundation (TAHURA) - Email: [tahuret@yahoo.com](mailto:tahuret@yahoo.com)  
Tanzania National Action Network on Small Arms (TANANSA) - Email: [mcomalla@yahoo.com](mailto:mcomalla@yahoo.com) ; [hurepi@hotmail.com](mailto:hurepi@hotmail.com)

## TOGO

### Organisations working on small arms

Amnesty International (AI) – Togo - Email: [aitogo@cafe.tg](mailto:aitogo@cafe.tg)  
Association Catholique de la Veuve et de L'Orphelin (ACVO) - Email: [acvo2@yahoo.fr](mailto:acvo2@yahoo.fr)  
Association Eclair du 3<sup>e</sup> Millenaire pour le développement (A.E3eMD) - <http://atjdong.ifrance.com/atjd-ong/>  
Cercle des Jeunes pour une Societe de Paix (CJSP) - Email: [cjspaixtogo@yahoo.fr](mailto:cjspaixtogo@yahoo.fr) ; [yaossim\\_kpela@nomade.fr](mailto:yaossim_kpela@nomade.fr)  
Concorde Internationale pour la Paix et le Développement (CIPD) - Email: [concipaixde@yahoo.fr](mailto:concipaixde@yahoo.fr)  
Vie Libre et Positive (VLP) - Email: [vielibrepositive@yahoo.fr](mailto:vielibrepositive@yahoo.fr)

### Material on Small arms relating to the country

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## UGANDA

### Organisations working on small arms

Centre for Conflict Resolution (CECORE-Uganda) - [www.cecore.net](http://www.cecore.net)  
Injury Control Centre – Uganda (ICC-U) - [www.iccu.or.ug](http://www.iccu.or.ug)  
People with Disabilities Uganda (PWDU) - [www.pwd-u.org](http://www.pwd-u.org)  
Small Arms & Conflict Studies (SACOS) - Email: [bwayo2001@yahoo.co.uk](mailto:bwayo2001@yahoo.co.uk)  
Ugandan Association of Medical Workers for Health & Environmental Concerns (IPPNW-Uganda) - Email: [polupotolupot@yahoo.com](mailto:polupotolupot@yahoo.com)  
Uganda Joint Christian Council (UJCC) - Email: [ujcc@utlonline.co.ug](mailto:ujcc@utlonline.co.ug)  
Uganda Action Network on Small Arms (UANSA) - Email: [pwd@imul.com](mailto:pwd@imul.com)

### Material on Small arms relating to the country

Crisis in Karamoja: Armed Violence and the Failure of Disarmament in Uganda's Most Deprived Region, by James Bevan, June 2008. Occasional Paper No. 21. <http://www.smallarmssurvey.org/fileadmin/docs/B-Occasional-papers/SAS-OP21-Karamoja.pdf>  
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 The proliferation and illicit trafficking of small arms and light weapons in the Great Lakes and Horn of Africa By Aphaxard Muthuri Kiugu, 2007. <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA471369>

## **ZAMBIA**

### **Organisations working on small arms**

Zambia Healthworkers for Social Responsibility (ZHSR) - (IPPNW – Zambia) - [www.ippnw.org](http://www.ippnw.org)

## **ZIMBABWE**

### **Organisations working on small arms**

Catholic Commission for Justice & Peace, Zimbabwe (CCJPZ) - Email: [isccjpz@telco.co.zw](mailto:isccjpz@telco.co.zw)  
 Centre for Defence Studies (CDS) - [www.uz.ac.zw/units/cds](http://www.uz.ac.zw/units/cds)

## **INTERNATIONAL ORGANISATIONS WORKING ON SALW**

Africa Europe Faith and Justice Network – <http://www.aefjn.org/index.php/arms-361.html>  
 Amnesty International - <http://www.amnesty.org/>  
 Campaign Against Arms Trade – CAAT - <http://www.caat.org.uk/>  
 Control Arms – <http://www.controlarms.org>  
 Global Security - <http://www.globalsecurity.org/military/index.html>  
 Human Rights Watch - <http://www.hrw.org/>  
 IANSA – International Action Network on Small arms - <http://www.iansa.org/>  
 Institute for Security Studies <http://www.issafrica.org/default.php>  
 ISS - Institute for Security Studies - <http://www.iss.co.za/default.php>  
 Oxfam - [http://www.oxfam.org.uk/get\\_involved/campaign/control\\_arms/att\\_qanda.html](http://www.oxfam.org.uk/get_involved/campaign/control_arms/att_qanda.html) [http://www.oxfam.org.uk/get\\_involved/campaign/conflict-and-disaster/control-arms.html](http://www.oxfam.org.uk/get_involved/campaign/conflict-and-disaster/control-arms.html)  
 Ploughshares Canada <http://ploughshares.ca>  
 Fr. Réseau Africain Francophone sur les Armes Légères (RAFAL). <http://www.reseau-rafal.org/>  
 Saferworld - <http://www.saferworld.org.uk/>  
 Safe world Women - <http://www.asafeworldforwomen.org/>  
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 Small Arms Survey - <http://www.smallarmssurvey.org/>

## **MATERIAL ON SMALL ARMS IN GENERAL**

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 Blood at the crossroads: Making the case for a global Arms Trade Treaty – 2008 – Amnesty International <http://controlarms.org/wordpress/wp-content/uploads/2011/02/Blood-at-the-Crossroads-making-the-case-for-a-global-ATT.-Amnesty.pdf-.pdf>  
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 Killer Facts: The impact of the irresponsible Arms Trade on lives, Rights and livelihoods – Amnesty International [http://controlarms.org/wordpress/wp-content/uploads/2011/03/killer\\_facts\\_en.pdf](http://controlarms.org/wordpress/wp-content/uploads/2011/03/killer_facts_en.pdf)  
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How to Guide The Establishment and Functioning of National Small Arms and Light Weapons Commissions - United Nations Development Programme (UNDP) – April 2008 [http://www.undp.org/cpr/documents/sa\\_control/SALWGuide\\_English.pdf](http://www.undp.org/cpr/documents/sa_control/SALWGuide_English.pdf)

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Rhetoric or Restraint?: Trade in Military Equipment Under the EU Transfer Control System: A Report by Conflict Research Group <http://www.psw.ugent.be/crg/Publications/rhetoric%20or%20restraint.pdf>

Ticking time bombs. Ineffective weapons stockpile management in Africa By ISS <http://www.iss.co.za/uploads/Paper223.pdf>

The SIPRI Arms Trade values and weapons category or recipient/supplier By countries, years and weapon category.

The SIPRI range of main suppliers or main recipients of arms by range of years .

SIPRI Yearbook

## **DATABASES ON ARMS AND MILITARY EQUIPMENT**

The SIPRI Arms Trade Register – Select the supplier country, the recipient country and the period of time for your enquiry.

The document will be downloaded and you can save it. [http://armstrade.sipri.org/armstrade/page/trade\\_register.php](http://armstrade.sipri.org/armstrade/page/trade_register.php)

The SIPRI Military Expenditure Database – You can find the military expenditure of any country. <http://milexdata.sipri.org/>

The SIPRI Arms Embargoes Database - <http://www.sipri.org/databases/embargoes>

SIPRI National Reports Database - [http://www.sipri.org/research/armaments/transfers/research/armaments/transfers/transparency/national\\_reports/sipri-national-reports-database](http://www.sipri.org/research/armaments/transfers/research/armaments/transfers/transparency/national_reports/sipri-national-reports-database)

SIPRI Generate importer/exporter TIV tables by country and by year - <http://armstrade.sipri.org/armstrade/page/values.php>

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## **KITS ON SMALL ARMS**

The Ammunition Tracing Kit - <http://www.smallarmssurvey.org/weapons-and-markets/tools/the-ammunition-tracing-kit.html>

Small Arms, Light Weapons and Landmines, From Inclusive Security, Sustainable Peace: a Toolkit for Advocacy and Action – By Camille Pampell Conaway - [http://www.huntalternatives.org/download/48\\_small\\_arms.pdf](http://www.huntalternatives.org/download/48_small_arms.pdf)

## **MATERIAL ON THE ARMS TRADE TREATY – ATT**

Implementing the Arms trade Treaty: Reporting International Arms transfers by E. Kytömäki, P. Holtom and M. Bromley - UNIDIR Resources 2012. [http://www.sipri.org/research/armaments/transfers/controlling/att/research/armaments/transfers/publications/other\\_publ/other%20publications/Reporting%20International%20Arms%20Transfers.pdf](http://www.sipri.org/research/armaments/transfers/controlling/att/research/armaments/transfers/publications/other_publ/other%20publications/Reporting%20International%20Arms%20Transfers.pdf)

How an Arms Trade Treaty can help prevent Armed Violence – IANSA & Amnesty International <http://controlarms.org/wordpress/wp-content/uploads/2011/03/How-an-Arms-Trade-Treaty-Can-Help.pdf>

The vital components of an Arms Trade Treaty – Control Arms - [http://controlarms.org/wordpress/wp-content/uploads/2011/02/ATT-one-pager\\_english.pdf](http://controlarms.org/wordpress/wp-content/uploads/2011/02/ATT-one-pager_english.pdf)

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Arms Exports and Transfers from Sub-saharan Africa to Sub-Saharan Africa – By AEFJN Africa Europe Faith and Justice Network – December 2010 [http://www.aefjn.org/tl\\_files/aefjn-files/arms/arms\\_material%20eng/1101AEFJNReportArmsAfrica\\_Africa\\_eng.pdf](http://www.aefjn.org/tl_files/aefjn-files/arms/arms_material%20eng/1101AEFJNReportArmsAfrica_Africa_eng.pdf)

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Focus on Arms in Africa – Volume 4 No. 1 – Newsletter ISS and the AU (African Union). <http://reliefweb.int/sites/reliefweb.int/files/resources/B57F4959095C4DC2C12570520036EDA6-iss-afr-27jul.pdf>

Implementation of PoA in Africa – Saferworld – 2006 - <http://www.saferworld.org.uk/downloads/pubdocs/BtB-Africa-briefing-jun06.pdf>

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Tackling the availability and misuse of small arms in Africa – Saferworld - <http://www.saferworld.org.uk/downloads/pubdocs/SCID%20Submission%20Africa%20Com.doc>

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## **WEST AFRICA ORGANISATIONS WORKING ON SMALL ARMS**

West African Action Network on Small Arms (WAANSA) - [www.waansa.org](http://www.waansa.org)  
Réseau Journalistes Afrique de l'Ouest - [mamadoukoume@hotmail.com](mailto:mamadoukoume@hotmail.com)

### **Material on small arms relating to the region**

Armed and Aimless: Armed Groups, Guns, and Human Security in the ECOWAS Region ; Edited Edited by Nicolas Florquin and Eric G. Berman – Small Arms Survey Publication 2009. <http://www.smallarmssurvey.org/fileadmin/docs/D-Book-series/book-01-Armed-and-Aimless/SAS-Armed-Aimless-1-Full-manuscript.pdf>

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## **EASTERN AFRICA AND HORN OF AFRICA**

Regional Centre on Small Arms (RECSA) Great Lakes and horn of Africa regions). <http://www.recsasec.org>  
Fellowship of Christian Councils in the Great Lakes & Horn of Africa (FECCLAHA) - [www.fecclaha.org](http://www.fecclaha.org)  
East Africa Action Network against Small Arms (EAANSA) - <http://eaansa.org/>

### **Material on small arms relating to EASTERN AFRICA and HORN OF AFRICA**

Trade, aid and conflict in the Horn of Africa. The role of the EU-ACP Cotonou Partnership Agreement – By Benson Ochieng – Africa Peace Forum & Saferworld 2005. <http://www.saferworld.org.uk/downloads/pubdocs/Ochieng%20report.pdf>

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Video: Cattle Raiding in South Sudan – Saferworld - <http://controlarms.org/wordpress/wp-content/uploads/2011/02/Scope-Types-of-Transfers.English.pdf>

## **SOUTHERN AFRICA**

### **Material on Small arms**

Southern African Defence & Security Management Network (SADSEM) - <http://www.sadsem.org/>







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