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The African continent is mostly reported as a land of poverty, civil strife and endless lines of begging hands. Problems facing the continent are portrayed and communicated mostly by foreign eyes through the monopoly-controlled news media.

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Africa loses out again

THE WTO round was tagged Doha Development Agenda (DDA) but for Africa it has yet to prove to be a development agenda as recent events at Bali during the 9th WTO ministerial have once again confirmed how ‘non-developmental’ the Doha Round is to Africa. Africa has come back from Bali with little of substance to enhance her development efforts. Time was when developed countries could be blamed mostly for the state of affairs during ministerials but in Bali African ministers could be blamed for their own downfall as they gave in without a fight to the so-called Bali Package. A Bali Package, that is set to worsen Africa’s predicament as far as its development agenda is concerned. (See page 5 Bali package of little benefit to Africa.)

Africa had gone to Bali on the wings of a declaration from the 8th Ordinary Annual Meeting of the Conference of African Union Ministers of Trade (CAMoT), held in Addis Ababa, just prior to Bali, that ‘Strongly object to any attempt to link non-trade issues or add new issues to the DDA, before development issues such as agriculture (including cotton), LDC issues, S&D and implementation related concerns are satisfactorily addressed and the DDA is fully exhausted and successfully concluded.’ In spite of this declaration wholly agreed to by African countries preparatory to the Bali Ministerial, the same African countries accepted a Bali Package that clearly runs counter to their Addis Ababa declaration. Indeed and strangely so, some African ministers, in their speeches welcomed the Bali Package as one that has taken care of Africa’s ‘expressed concerns’. African civil society groups present in Bali, scandalized by this complete turnaround of their ministers could not help but express that the behavior of their ministers, ‘underlies the fact that at this ministerial, African ministers can be said to have colluded with the marginalization of the interests of their people by the developed countries’. (See page 8, Africa Trade Network statement on the Bali Package.)

From Seattle, through Doha, Hong Kong, and Cancun African countries had held on to the fact that such issues as trade facilitation, competition, procurement among others referred to as Singapore Issues had no place in the WTO. Unfortunately, at Bali, trade facilitation took a foothold after inching itself in over the years and the same African countries that earlier objected to it have given in to the demands of the developed economies. The repercussions of this on Africa’s long-suffering economies cannot be lost on anybody least of all African trade ministers but these were the same people who applauded the Bali Package.

Africa’s attitude towards the negotiations was rather lackadaisical this time round. Some African delegations were led by people with not much knowledge of the issues or by others with no experience of negotiations and thus were at the mercy of hard-nosed, experienced and wily developed country negotiators. Some trade ministers did not attend at all and were represented by minions with no idea about the negotiations. In the end, no serious account was taken of the repercussions of the trade facilitation accepted as part of the Bali package, even though as African civil society groups pointed out this comes with a heavy cost to Africa’s economies.

There are serious lessons Africa must learn from these negotiations if it is to derive the maximum benefits from them. First and foremost, the continuous change of negotiators by countries should end as it leaves the negotiating teams always starting afresh with negotiation nous and tactic instead of building on accumulated experience. This gives, the developed country negotiating teams great advantage since they keep their negotiators longer, with a better and well-resourced back up team of experts always on the ball, thereby, dazzling the inexperienced, starry-eyed and ever-changing African negotiators. Lack of institutionalisation of trade policy by African countries is also a great setback to efforts by Africa to remain on point as far as trade negotiations are concerned. As developed countries and blocs of countries like the US and the EU have trade policy entrenched in their development agenda and so whether governments, ministers and negotiators change or not keep to their ‘regional or national strategies’ African countries keep vacillating or at best change their policies at will depending on who is in control.

Another critical issue for Africa is ensuring that they keep to decisions taken at the continental level and make them binding on all delegations during such negotiating rounds. At Bali, African countries let down their citizens as they did not hold on to positions agreed on during the CAMoT held in Addis Ababa purposely for the Bali Ministerial. While this about turn may sound strange it is not surprising as some African countries’ delegations to Bali, were reportedly, sponsored by the European Union. So it was merely an issue of he who pays the piper calling the tune!
Bali package of little benefit to Africa

The agreements reached at the just-ended WTO Ministerial in Bali has been hailed by some as major progress and great stepping stone in the Doha Development Agenda but *Tetteh Hormeku contends the package is of little benefit to Africa.

AS they celebrated the adoption of the “Bali Package” at the closing of the 9th Ministerial Conference of the World Trade Organisation (WTO) in Bali, Indonesia, both WTO Director-General Roberto Azevêdo and Indonesia’s Trade Minister and conference president Gita Wirjawan admiringly quoted Nelson Mandela who had just died two days earlier: “It always seems impossible, until it’s done”.

It is likely that once the Bali package is opened and assessed for what it contains for Africa, this attempt by the two gentlemen to wrap themselves in the glory of one of Africa’s greatest sons will come to look more like an act of dancing on his grave. For what is being celebrated in Mandela’s name has little of benefit to the African people that he held dear instead it imposes a lot of onerous new obligations.

As the Africa Trade Network --(ATN) a grouping of civil society organisations working on trade in Africa--put it in their analysis from Bali: “whatever the expectations with which African countries went to Bali, they are left virtually empty-handed stated. There is hardly anything of substance in the just adopted Bali package that addresses Africa’s “developmental imperatives”.

Strangely, when they had a chance to comment, several African ministers queued up to welcome the deal, some going as far as saying that all their concerns had been taken care of. For the ATN and other civil society groups, this behaviour “underlies
the fact that at this Ministerial, African Ministers can be said to have colluded with the marginalisation of the interests of their people by developed countries."

Three main subjects form the critical components of the Bali package:

(a) a binding new WTO agreement on Trade Facilitation;

(b) a set of initiatives meant to address particular problems of least developed countries (LDCs); and

(c) an interim measure on food security.

The interim measure on food security, meant to protect the ability of developing country governments to fund public purchase of food from farmers to stock for emergency use, by-passed many an African country. Developing countries had originally proposed clarification and/or changes to the existing rules to ensure similar freedom in this regard as enjoyed by developed countries. However, the developed countries led by the US opposed this.

The compromise deal arrived in Bali was an interim measure that, subject to a lot of heavy restrictions, would enable countries to apply such policies while negotiations for the a more enduring deal are carried. By the terms of the compromise, however, this interim measure is only available to those countries which already have food purchase programmes in place. Thus many African countries which face the same needs, but which have not, for financial and other reasons, got such programmes in place will not be able to apply them, at least during the four years contemplated for the substantive negotiations to be complete.

With regard to the initiative in favour of the LDCs, 34 of the 49 of which are in Africa, the measures contained in the Bali package are essentially a re-hash of old promises that should have been implemented long ago, with little new that will ensure they are implemented this time.

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expeditiously" address the huge subsidies paid mainly by the US to its farmers whose cotton ended being dumped on the world market at the expense of more efficient farmers from Mali, Burkina Faso, Benin and Chad. The Bali package basically reaffirmed the importance of this decision, regretted there has not been progress made, and promised among others, to hold dedicated discussions on this issue.

Perhaps a more "concrete" Africa-specific in the Bali package is the decision to establish a committee/mechanism to monitor progress in meeting the special and differential needs of developing countries in the WTO agreements. But this mechanism, if established, will essentially report their observations and possible recommendation to other appropriate bodies for appropriate action. But appropriate bodies are composed of all members of the WTO, and therefore will sit the very powerful developed countries which have denied all but the least effective and/or superficial special and differential treatment to developing countries since 1996.

In exchange for this mix of rhetoric and warmed-up promises from the past, African countries (like all WTO members) will now assume obligations under trade facilitation agreement, the first new agreement which is binding on all members adopted since the WTO was established. While they will surely struggle to comply with these obligations, there is little to show that these measures will address the peculiar challenges that African countries face in the movement of goods across national boundaries. For, under the guise of reducing customs bureaucracy, the terms of the agreement are essentially the customs standards in operation in developed and big emerging economies, and which are most likely to open up customs operations to domination by world’s large shipping lines and freight operators.

Trade facilitation as such is a disarmingly positive idea. Its declared aim of simplifying customs procedure and speeding the movement goods across borders is music to many ears in all countries. Not least in Africa where complex and sometimes arbitrary customs procedures and rules feed corruption and have long frustrated regional integration measures such as the free regional circulation of goods.

However, far from its stated aim, what is contained in the WTO’s trade facilitation agreement is a set of new procedures and standards some of which introduce new complexity in the place of old ones. One instance is the terms relating to information and transparency. Among the fairly straightforward if sometimes burdensome requirement of governments to publish information on the rules and procedures relating to the shipment of goods to their countries is the obligation for governments to grant traders and other interested parties, irrespective of citizenship, opportunity to comment on proposed new rules or changes to existing rules before they are made.

Thus a Dutch citizen, sitting in Holland, must be able to comment on amendments that the Ghana government intends to make to its customs rules. This intrusion in the legislative sovereignty of countries and their citizen is even more grievous when it is realized it is not simply foreign individuals, but corporate behemoths with armies of lawyers and accountants at their disposal that are being allowed the right to lobby and influence legislation in African and other developing countries.

Another important set of ‘innovations’ that will likely change the terms of operations between foreign and local customs operators and agents is that under the agreement, states are obliged not to ‘introduce’ the mandatory use of local clearing agents. While this may appeal to the widespread even if sometimes exaggerated disenchanted with clearing agents, this provision goes hand in with other provisions which will enable established and large, typically foreign, operators easier and speedier routes to clear their goods through customs at both sea and airports. At the same time, it allows ‘big resident’ companies to operate their own customs clearance. The combined effect is likely to be consolidation of...
customs business and market among the handful of big international players and their subsidiaries at the expense of small and medium scale domestic operators.

A third area of concern relates to fees and charges. Essentially the new agreement requires that fees and charges imposed in relation to customs must be commensurate with the related customs service being provided. While this sounds fair on the face of it, the implication is to abolish the use of customs charges for other legitimate needs. As one official explains it, it may even mean that imposing a customs levy for the purposes of building new toilet facilities at the port may not be possible, since the new toilets to be built are for the future and not an existing service against which an equivalent charge must be imposed. Petty as this example may sound, it does illustrate the dilemma for many African countries where customs charges have constituted a means of raising money social and economic infrastructure.

Advanced industrial countries don’t face such problems since their level of economic development has meant that they don’t rely on customs duties and charges for social and economic purposes. On the other hand, African and many other developing countries still need to rely on these as some of the most predictable sources of domestic resource mobilisation.

This illustrates further problems posed by the trade facilitation agreement. Most of the provisions in the agreement embody practices and procedure that are already standard practice in developed countries. Therefore they do not have to incur new costs in complying with the agreement. The same applies to a number of big emerging economies like India and Brazil whose level of development gave them both the means and rationale to begin to apply these measures.

On the other hand most African will have to “undertake massive legislative, policy and infrastructural changes to live up to these new obligations”, with huge financial and human cost implications. An illustration is the human resource and institutional implications for meeting the “advanced ruling” provisions of the agreement, another of the new obligations with controversial implications introduced. Australia which, a developed country, already applies this, has 5 staff for Valuation and Origin Advices; and 22 staff for Tariff Advices. Australia’s Customs and Border Protection issued 2918 tariff classification advices, 42 rules of origin advices and 89 valuation advices in Financial Year 2010-11. The staff needs to be subject matter experts.

This gives an idea of the scale of work confronting African counties which now have to start from scratch. And this is in relation to just one of the many new obligations. Unfortunately, not only is the ability of African countries, to raise revenue for these from the customs charges undermined by the very agreement. What is more the technical assistance and support that they expected will be provided as part of the agreement has been diluted. In the agreement as finally adopted, developed countries ensured that even references to finance were removed from critical provisions relating to assistance to poorer countries to meet their obligations.

Above all it is arguable that while they are important, customs simplification are not the most strategic obstacles for the movement of goods across Africa. Rather the main obstacles are key capacities and facilities of infrastructure. For instance Nigerian manufactures have reported that it costs them twice as much to send a consignment of locally produced shoes to Liberia as to the Netherlands. This is because there is no dedicated shipping line serving connecting Nigeria and Liberia (as well as other countries on the West African coast) and must therefore “hitch a ride” on say Maes, the giant Dutch lines, with implied costs. Or as others have put it, the infamous corruption and customs bureaucracy in African has not prevented Chinese manufactures from flooding domestic markets, even the remotest of village markets.

The Maeska example highlights as a key challenge, the major transportation gap that has opened since the privatisation and collapse of major African shipping lines like Ghana’s Black Star Lines. Whatever the role of domestic private capital, such an operation will benefit from state support, as examples from Singapore and elsewhere illustrate. But even if African governments were minded to, raising the financial resources for this stand they will be constrained by the very implication of the trade facilitation and other WTO agreements.

These and other peculiar issues that define the specifically African challenge of “trade facilitation” are obscured in the usual narrative with bold claims of the billions or sometime trillions of dollars of global trade waiting to be unlocked by a WTO trade facilitation agreement. The fantasy of such claims lies not only in the constantly shifting and differing size of the figures that are usually quoted; many serious analyses have long debunked these claims as statistical game playing, the latest being Capital Economics, a think tank that one could hardly accuse of being against global trade liberalisation.

Even more importantly it is difficult to see how the proclaimed benefits can apply to African countries with existing trade and economic structure. As one developing county trade negotiator pointed out, the argument that trade facilitation is key to enable producers tap into global value
1. Whatever the expectations with which African countries came to Bali, they are leaving virtually empty-handed. There is hardly anything of substance in the just adopted Bali package that addresses Africa’s developmental imperatives.

2. The agreed text on trade facilitation is the very opposite of what African countries need to address the fundamental and peculiar challenges that they face in moving goods and services across national borders. The text imposes obligations on all countries to adopt customs procedures which are standard in the advanced industrial countries, and which most of the big emerging economies have already voluntarily adopted, and which are commensurate with the stage of economic development. African countries on the other hand, have to undertake massive legislative, policy and infrastructural changes to live up to these standards. However, the prior understanding to provide commensurate policy, technical, institutional and financial space and support for African countries to meet these changes was not adequately addressed in the text. If anything, the even weaker commitments agreed at the start of the Bali meeting were diluted even further - e.g. references to financial support have been removed from the text. Furthermore, the new binding rules adopted take away even the means by which African countries can mobilise their own resources to meet these new changes. Above all, rather than simplify customs procedures, the text introduces new processes which stand to give foreign corporations undue influence in the customs of African countries and diminish the role of domestic customs operators, further undermining African agenda of boosting intra-African trade and regional integration.

3. On agriculture and food security, the compromise deal, that is the peace clause, will protect the existing food security programmes of those countries that can already afford it. Poorer African countries who have the need to, but have not yet mobilised the finances to start these programmes, are restrained. Other issues that affect agriculture in Africa such as subsidies and dumping have been effectively sidelined.

4. With regards to the special package for Least Developed Countries, what have been agreed in the Bali package are essentially best endeavour clauses which little operational value. Indeed these provisions are a further weakening of the commitments that these countries have won on the same issues in earlier Ministerial Conferences. On cotton, which has been Africa’s litmus test of equity of the multilateral system, the Bali package only promises consideration of further action on earlier commitments. This is similar for other issues such as duty free quota free, and rules of origin.

5. Thus, on balance, African countries are leaving Bali essentially with diluted rhetoric on the issues of interest to them, while being encumbered with the onerous terms demanded by the developed countries.

6. Paradoxically, African Ministers have enthusiastically welcomed the package as meeting all their needs. Sadly, this underlies the fact that at this Ministerial, African Ministers can be said to have colluded with the marginalisation of the interests of their people by developed countries. As in other instances, this contributes to, rather than challenge, the systemic tendency of World Trade Organisation to exclude the effective articulation of the trade and non-trade concerns of ordinary people other than through further neo-liberal measures.

7. All these demonstrate the level of challenge that African citizens face in holding their governments to delivering the needs of their people. As civil society, meeting this challenge is our common task for the future.

8. We will expect our States to wake up, go back to the drawing board, take the negotiations seriously as having grievous implications for their people, and revisit the numerous proposals for redressing the imbalances in the multilateral trade system, arrest the introduction of new issues that expand and deepen the inequity of the WTO, and to deliver development for Africa’s peoples in international trade.

**United States fails to completely block new flexibilities for food security in World Trade Organization Talks**

*Overall “Bali Package” is a setback for development; Post-Bali agenda must urgently focus on permanently removing WTO obstacles to food security, urges Global Civil Society “Our World is Not for Sale” network*

The WTO was not ‘saved’ at the 9th Ministerial Conference. While developing countries managed to push back against one of the most damaging of existing WTO rules, the “price” extracted by powerful countries such as the U.S. was high, and the process to get the deal was wrecked with unfair and undemocratic machinations. That avoiding a total meltdown has been touted as a break through just shows how ‘de-legitimate’ the corporate-led model of trade liberalization embodied by the WTO has become.

This week’s 9th WTO Ministerial culminated a year of efforts by the United States to block a historic potential deal to modify one of the most damaging of existing WTO policies, which constrains developing - but not developed - countries
from subsidizing their farmers to promote Food Security. But civil society pressure, particularly from the Right to Food campaign in India and global civil society, succeeded in bolstering India’s case and resulted in opening up some initial steps towards flexibilities for developing countries to reduce global hunger. Still, the overall package from Bali is immensely unbalanced, given that it imposes new obligations on developing countries on Trade Facilitation, while policies demanded by Least Developed Countries remain optional. It also fails to respond to the urgent need for serious transformation of the global trade and economic system in light of the global food and economic crises.

Rules on agricultural subsidies in the WTO are massively stacked against developing countries and the poor worldwide. Negotiators here in Bali failed in the urgent need to permanently change the current WTO agricultural rules. But India was successful in its hard-won campaign to at least prevent that the “Peace Clause” in which countries agree to desist from filing disputes against each other would expire before a permanent solution is agreed. Unfortunately, the Peace Clause only applies to existing Food Security programs, leaving out poor countries that might be in the process of developing such programs. Details remain to be interpreted, but what is clear is that developing countries should not have had to fight so hard for a small “roll-back” of existing harsh rules. The resistance within the WTO to these obviously needed changes exposed dramatically to the world that agricultural rules in the WTO, which promote liberalization in agricultural trade, rather than Food Security, farmers’ livelihoods, or rural development, are completely unacceptable in the context of price volatility, global hunger, and rural impoverishment, a subject which must be taken up by civil society and governments worldwide.

We are dismayed that governments agreed to lopsided, unfair deal on Trade Facilitation. The deal on Trade Facilitation - which was shamelessly over-hyped in the media in terms of claimed economic gains - represents more of the same failed model of pro-corporate globalization and liberalization. The bad deal binds developing countries to the customs and port-of-entry policies and procedures that rich countries have implemented over many decades to their own advantage, imposing excessive regulatory, human resources, and technological burdens on developing countries. In the future, we must ensure that developing countries have the full sovereignty to assess their own levels of capacity before any potential implementation of the rules, and that developed countries must come through with commitments to provide financial resources for poor countries to modernize their facilities, so that developing countries do not have to prioritize computerizing their customs offices over their schools, and improving infrastructure at ports rather than at hospitals.

The package of policies for the LDCs, which members agreed to almost a decade ago but have failed to implement, is completely non-binding. It is shameful that it was held hostage to rich country demands pro-corporate on Trade Facilitation. This state of unfairness further exposes the WTO as an institution that facilitates the corporate priorities of developed countries over the needs of the poorest members.

The Bali Ministerial embodied the unequal, un-transparent, and un-participatory nature of negotiations at the WTO. After being called to a “non-negotiating Ministerial,” to which many countries sent small delegations, back-room, off-schedule negotiations were held between only a few countries, in which text which had been hotly disputed for months, suddenly appeared as a take-it-or-leave-it text, giving Ministers only three hours to finally approve the package.

A clearly defined work program on the remaining Doha Development Agenda issues is to be prepared by the WTO Trade Negotiations Committee within the next 12 months. As civil society organizations, we shall campaign to ensure that this program does not entrench existing inequalities in the multilateral trading system. Developing countries need a permanent and full solution to unequal rules in agriculture, as well as serious treatment of the “implementation issues” outlined in Cancun, in order to promote an agenda of decent jobs, food security and sustainable development.

We will likewise campaign to ensure that topics such as Singapore issues of investment, government procurement or competition, which have been repeatedly rejected by WTO members, are not included in any future work program. Further, we warn members to avoid the backdoor inclusion of such issues through the disguise of “global value chains”, and to reject work programs that lead to further liberalization of services, non-agricultural market access, environmental goods, or the so-called emerging or 21st century issues.

The deal is far off from the development proposals of developing countries which were pushed aside in the negotiations. The agenda on the table this week was also a poor response to the urgent needs of serious transformation of the global trade system, embodied in the corporate globalization model of the WTO. Our World Is Not For Sale reiterates its call for a completely transformed global trade system that promotes Food, Jobs, and Sustainable Development.

[OWNIFS is a global network of NGOs and social movements working for a sustainable, socially just, and democratic multilateral trading system. www.ourworldisnotforsale.org]
chains is difficult to apply to Niger whose only product of export is uranium. And yet Niger is expected to undertake the massive costs that are required for it to implement the trade facilitation agreement, just like most other African countries whose economy is structured as primary commodity exporters importing virtually all manufactured products.

In sum, for Africa, the Bali package is, in the words of one African civil society campaigner, “a bargain to bind themselves to one agreement, which mixes definite obligations with flamboyant claims of benefit and soothes with inconsequential promises in other agreements.”

And yet the greatest irony in Bali is the near ecstatic enthusiasm with which several African ministers were reported to have welcomed the Bali deal. At the penultimate informal meeting of the Heads of Delegation where the WTO leadership sought approval for the compromise, seasoned and even sometimes cynical African officials reported their marvel as many ministers welcomed the deal as having addressed all their concerns.

To the African Trade Network, such behaviour highlighted the “fact that at this Ministerial, African Ministers can be said to have colluded with the marginalisation of the interests of their people by developed countries.”

Part of the force of this statement resides in the widespread observation that even when given the opportunity, the Ministers from countries most negatively affected by this or that aspect of the deal under negotiation did not speak up. Many were astounded that the African and least developed countries that stood to suffer most from it, did not speak up even when the provisions of the agreement relating to assistance for meeting the obligations were being diluted, whereas India which had shown most resistance to the agreement, had indicated many times that it could live with it.

It may take a long time to understand what really happened, and what processes in the normally opaque workings of the WTO ministerial conference generated this. In the meantime, a number of factors can be sign-posted for further consideration.

First is the question of how seriously many African countries took this ministerial and were prepared for it. Many stories abound that must give one pause. One otherwise “prominent” country did not send the trade minister, who was engaged elsewhere in a meeting on security, and the country’s delegation was led by the head of the parliamentary committee of trade. Knowledgeable he may have been, and a good speech did he make in the plenary hall; but it’s almost unimaginable that a parliamentary will be invited into the small group meetings of ministers where deals were being hammered.

Another country sent a sizable delegation made of ministers from sector ministries like education, health, etc, but with only two from the ministry of trade because the EU did not provide appropriate per-diem cover. This absurd expectation that the EU should fund their counterpart negotiators is not strange, since most African countries are used to this even in the EPA negotiations.

Isolated and extreme these examples may be, but the general tendency that they illustrate of the (seriousness or lack of one) with which these countries take these negotiations is a real challenge that must be addressed.

Related to this is the fact of institutional memory. Due to the longevity of the Doha negotiations, most of the Ministers that appeared in Bali were certainly new. But whereas in many key countries like EU, the US, etc this is balanced by the institutionalisation of trade policy, in most African countries this is hardly the case. Most of the ministers that appeared in Bali did not benefit from an inkling of what went before. Combined with their over in officials in Geneva, this could lead to sad results.

Above all, however, one may argue that many African countries are now reaping the fruits of an attitude to trade negotiations that have developed over time. Instead of developing their negotiating positions on the basis of developmental interests derived from clear national and regional strategies for development, the tendency has been to put forward capacity-building support as the key issues in discussing international obligations.”

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* Tetteh Hormeku is head of Programmes, Third World Network-Africa.
At its media briefing, the United States identified industrial tariff reduction, multilateral services liberalization and agricultural market access as the issues that it wants to pursue “very aggressively” as part of the post-Bali agenda.

The EU, at its media briefing following that of the US’s, said that trade facilitation is the attractive centerpiece of the Bali package (see below).

Speaking at the US briefing, Punke said: “There is an awful lot of satisfaction that comes to all of us, I think, from having reached a very significant result this week.” Asked if the US will refocus its resources to the WTO after having been a leader in bilateral and regional initiatives, Punke said that “I have a pretty good sense that if you talk to anybody who has been in Geneva for the last 3 or 4 years that one thing they wouldn’t tell you is that the US has given up on the WTO.”

Punke was proud of the fact that the US was able to play a very strong leadership role “in driving towards a very historic result here in Bali this week... I think we as the United States see all of these different fora for international negotiations as complementary. Multilateralism is the ultimate way obviously of reaching the largest number of countries, and we saw that this week with the Bali package.”

The fact that the trade facilitation agreement, for example, creates a common set of standards for 159 countries is something that is extremely significant for traders.

US, EU unveil post-Bali assault plans on Third World

At separate media briefings in Bali, following the closing of the WTO Bali Ministerial Conference, the US and EU set out their plans for a post-Bali agenda, that they would be pursuing in Geneva, writes Kanaga Raja.
who are looking at participating in a global economy and it is especially significant, for example, for small and medium sized enterprises, who for the first time now, for example, will be able to use their home computer to look up a sort of how to do exporting to 159 countries, he said.

"So, wherever we can use multilateralism to get that broad sweep, it's a good thing. We can always do that. And where we can't, I think plurilateralists provide another very useful tool. We've seen that, for example, in the area of services, (and) in the area of information technology. And of course, with bilateralists we have the opportunity to go truly deep in terms of something like US-EU where we're looking very much at regulatory issues, for example."

"So, I think all of these different tools have a place, and we'll continue to use all of them very aggressively," stressed Ambassador Punke.

Asked if he would see the negotiations that are going to take place on finding a permanent solution to the food security issue as part of the revived Doha agriculture negotiations or whether that would be separate, the US trade envoy said he thought that it was very hard to separate out the various negotiations in Geneva very much.

"And so we would see certainly the issue of food security being a one important priority and that's a commitment that we made in the context of the food security agreement here at Bali. But I would also see us as being sort of nimble enough as an institution to be able to walk and chew gum at the same time to address other agriculture issues including (agriculture) market access and also to include that broader set of issues that I just mentioned in terms of industrial tariffs, services etc."

Asked whether the issue of the US’s trade-distorting agriculture subsidies can be brought back into focus in the discussion on food security, Ambassador Punke added: "And the way that work plan is structured with regard to that issue is that we'll look at all of those issues together - not just export subsidies, not just export credits, not just food aid - but also the issue of state trading enterprises. And I think that if we're going to be successful in addressing global distortions to agricultural markets, it'll be important to look at all of those."

In response to another question on food security, Ambassador Punke said that it was a very complex and tough negotiation and "I feel extremely comfortable about where we ended up at the end of the day in terms of balancing on the one hand the desire to be able to accommodate legitimate food security programmes put in place by developing countries on the one hand with on the other hand making sure that those programmes don’t distort global markets."

The reason for the need for that balance is that if those programmes distort global markets they can have the very perverse effect of actually harming the food security of other countries and that’s why one of the reasons why this debate was so complex and one of the reasons why there were a significant number of developing countries that had concerns about this proposal, he claimed.

For example, at various junctures, "we saw opposition to this proposal from countries like Uruguay, Paraguay, Thailand, Ecuador, and so we had to find a balance; and the reason that I'm comfortable with the balance is because there are very clear protections in the agreement to ensure that markets are not distorted."

He said that there is a very strict test that the foods that are stockpiled under the agreement cannot distort markets, and if they do, the 'peace clause' goes away. There is a very strict limitation that only existing food security programmes are covered by the peace clause so as to not create what the US views as potentially an "inappropriate" incentive for moving programmes too much in this direction.

There is the maintenance under the mechanism of the ability to access the Agreement on Subsidies and Countervailing Measures (SCM), which is another very important protection, he said.

"So I think all in all we've been able to balance out the two things that I mentioned."

The US briefing was followed by that of the EU, by Trade Commissioner Karel De Gucht, Agriculture Commissioner Dacian Ciolos and Customs Commissioner Algirdas Semeta.

Punke's remarks about the 'downward trend line in developed countries on agricultural subsidies' is in contrast to both WTO data and the annual reports of the OECD on agricultural subsidies. see (www.solidarite.asso.fr, Jacques Berthelot, 2013 and 2012 papers).

A recent South Centre Report, 'The WTO's Bali Ministerial and Food Security for Developing Countries: Need for Equity and Justice in the Rules on Agricultural Subsidies,' citing WTO data said that “in fact the total domestic support of the United States grew from US$61 billion in 1995 (of which $46 billion was in the Green Box) to US$130 billion in 2010 ($120 billion in the Green Box). Similarly, (the South Centre said) the European Union's domestic support went down from 90 billion euro in 1995 (19 billion in the Green Box) to 75 billion euro in 2002 and then went up again to 90 billion in 2006 and 79 billion in 2009 (of which 64 billion euro was in the Green Box).

The report added that according to a broader measure of farm protection, known as total support estimate, used by the OECD in its reports on agricultural subsidies, "the OECD countries' agriculture subsidies soared from US$350 billion in 1996 to US$406 billion in 2011." (Kanaga Raja, 'Experts stress importance of public stockholding for food security' SUNS #7697, 15 Nov 2013).
De Gucht, at the EU briefing, said that "we have very good news today. I think we don't overstate (it) when we say that today we have safety at the WTO. And I am delighted that compromise has been found over the issue of food security for India. That we have been able to all agree a full Bali package on trade facilitation, development issues and agriculture."

"I admit that I am even very relieved because this Bali package will benefit all of us but particularly millions of poor people across the globe in the least developed countries. That has been the objective of the European Union from the outset and I am also relieved because today marks the return of the WTO from the darkness of multilateral irrelevance into the light of multilateral action and success."

He added: "Today we have saved the WTO and the Bali package and we have avoided throwing away the potential benefits that this package of measures will have for all of us but notably the developing world."

As to what the Bali package means, De Gucht said just to take trade facilitation, which he underlined, is essentially a way to help many countries cut red tape at their borders to become more efficient and effective traders.

"This deal will help developing countries save around 325 billion euros per year," he claimed. Mature economies are winners too, reducing their trade costs by about 10 per cent. "So, everybody wins."

The EU, he said, will also cover a significant share of the funding needs of developing countries to implement the agreement - some 400 million euros have been earmarked.

"Let me be crystal clear: the European Union is committed to helping developing countries be able to help themselves. That's the success story of the Bali package today."

On the issue of food security, De Gucht said that he had already stated several times this week that the European Union fully supports food security measures to ensure the world's poor can eat. People everywhere must have enough to eat - this is a fundamental human right.

He noted that the EU is the "world's largest donor of food security and agricultural development assistance providing around 1 billion euros for food security each year."

"So, I am very pleased that a compromise has been found with India and the developing world to meet their concerns. And I fully support this solution," he said. EU Agriculture Commissioner Ciolos said that on the issue of export competition, the EU had the opportunity to renew its commitment to eliminate export refunds and this is in parallel with disciplines on all other measures with equivalent effect.

He added that the EU is very committed in this chapter of the Bali package, especially taking into account the fact that inside the EU, in the last three to four months with the Common Agricultural Policy, the EU decided to put at zero the utilization of export refunds.

"So for the European Union, export refunds is not an essential element in the management of our market."

It was also very important for the EU to have a deal on public stockholding for food security purposes, he said, adding that for the EU, food security in the developing and least developed countries is a very important chapter.

"No one and certainly not the European Union has ever questioned the right of a country to provide food for free or (at) low price" for the needy citizens. "Our only concern was to find a way in order to do this in a manner to not affect the right and the possibility of other countries to develop their production or to affect the trade with these kind of products."

According to EU Customs Commissioner Semeta, trade facilitation is the attractive centerpiece of the Bali package.

In practice, it means less complex procedures, border bureaucracy and costs. It means more transparency in rules, duties, rates and fees. It means greater certainty for traders and greater ease in trading, he added, going on to provide several examples.

He said that the developing world has much to gain from trade facilitation too, and thanks to this package, they will. As to what comes next and how to tackle the Doha Round, De Gucht said that the General Council has been asked to come forward with a programme within the next 12 months.

"I think it's a good idea to make a smaller package but then you have to be able to make a smaller package that is balanced. And one of the difficulties that we have been encountering here is that a number of members felt that it was not completely balanced. On the one hand, you had the legally binding text of trade facilitation, which by the way - and that is certainly true - is beneficial to everybody, but that on a number of other issues, like for example, LDCs, the legal obligations are less clear."

"So, I believe that then you come to the next, let's say, small package or medium package, we will have to pay attention to the internal balance of the package that we are putting forward," he added.

On the top three issues for the EU post-Bali, he said that "once we want to attack, say the broader issues, then there will need to be a balance between agriculture, NAMA (non-agricultural market access) and services. Obviously so, and that's also reflected in the text, by the way."

On the twenty-first century issues, he mentioned subsidies, where much more has to be done, and everything that has a subsidy element in it, and some more order on local content rules. He also referred to non-tariff barriers (NTBs), and for an effective barrier to NTBs, such as a standstill clause.

* Raga Kanaja wrote this report from Bali during the WTO Ministerial.
African ministers responsible for mineral resources development have expressed concern over the rising threat posed to the continent’s right and ability to pursue policies that promote resource-based industrialization, improve local beneficiation and value addition as a result of the increasing competition and demand for Africa’s raw materials and the imposition of trade conditionalities.

At the third ordinary session of the African Union conference of ministers responsible for mineral resources development held in Maputo, Mozambique, between December 13-17, 2013, the ministers also urged AU member states to work more closely together to ensure that international agreements they sign on to enhance rather than further undercut Africa’s policy space for integrating mineral resources development into the continent’s fledging economies.

Currently, a host of African states and regional economic groupings are locked in highly contentious free trade negotiations with a number of advanced economies and powerful bloc of countries including the European Union (EU).

Against this backdrop, the mining ministers challenged African countries and the Regional Economic Communities (RECs) to ensure that the ongoing Economic Partnership Agreement negotiations with the European Union and the World Trade Organisation talks do not undermine Africa’s right and ability to pursue policies.

The ministers adopted and launched the African Minerals Development Centre (AMDC) and its Business Plan as a project to accelerate the implementation of the ambitious African Mining Vision (AMV) at the meeting held under the theme “Leveraging the Africa Mining Vision for Africa’s Renaissance Towards Broader Ownership”.

The business plan outlines a road map with seven result areas and their expected outcomes namely policy and licensing, geological and mining information systems, artisanal and small-scale mining, as well as linkages, investment and diversification.

The Mozambican Minister of Natural Resources, Esperanza Bias launched the AMDC at a brief ceremony at the Radison Blu Hotel in Maputo.

The AMDC, co-sponsored by the African Union Commission (AUC), the Economic Commission for Africa (UNECA) and the African Development Bank (AfDB) is a response by African nations to a search for solutions to the multifaceted challenges facing the extractive sector. In many ways, the launch represents the commitment of African Union members to the AMV project.

Africa’s natural resources sector is plagued with debilitating challenges. The establishment of the AMDC is therefore crucial because presently there is no single institution that links Africa’s socio-economic development to its vast mineral endowment, as demanded by the AMV. In effect, the Centre is expected to fill this gap and provide “a central and strategic coordinating capacity” for implementing the AMV and its Action Plan.

The AUC’s Commissioner for Trade and Industry, Fatima Haram Acyl noted at the launch that Africa’s future depends to a large extent on how it manages its mineral resources now. Against this setting, the Centre will seek to create a transparent, equitable and optimal exploitation of Africa’s mineral resources as a way to underpin broad-based sustainable growth.
and socio-economic development.

Fatima Denton who is in charge of special initiatives at the United Nations Economic Commission for Africa said the AMDC is an initiative that should be embraced by all actors to translate the transformative agenda the AMV espouses to enable African states to derive maximum benefits from their vast natural resources.

The AMDC is designed to provide strategic operational support for the AMV and its Action Plan. The Centre is also tasked to work with member states and their national and regional institutions to promote the transformative agenda and the role of mineral resources in the development of African nations through increased economic and social linkages. The AMDC is also expected to ensure that Africa’s interests and concerns in the sector are adequately researched and well publicized to promote its domestication.

As a knowledge-driven Centre, the AMDC is also designed to promote geological and geospatial information to manage long-term developmental outcomes in African mining countries, as well as a well-governed African mining sector that is socially and environmentally accountable. The Centre will thus contribute to fostering a highly skilled and knowledge-driven mining sector which delivers both economic and social benefits.

The Ministers emphasized the need for a financing mechanism to enable member states to make financial contribution to the Centre as a means of ensuring long-term ownership and sustainability. They also stressed the need to strengthen the African Peer Review Mechanism (APRM) as the tool for achieving a shared understanding of mineral value chain creation and improving the overall mineral resource sector governance in Africa.

The meeting was also attended by senior African officials responsible for mineral resources development, AUC and officials from the RECs, representatives of UN agencies, African Development Bank, African experts in mineral resources development, private sector, African chambers of mines and industry, NGOs and CSOs and development partners.

A two-day senior officials meeting preceded the Ministerial. A side event round-table explored how coordination could be enhanced at the national, regional and continental levels to drive the change. Successful models of skills coordination and strategy setting in countries as diverse as Chile, Brazil and Australia were also presented and discussed.

In October 2008, the first Session of AU Ministers Responsible for Mineral Resources Development, held in Ethiopia, adopted the AMV as a strategic framework for the management of Africa’s mineral resources in order to promote growth, reduce poverty and promote sustainable development in Africa.

The AMDC Business Plan outlines a road map with seven result areas and their expected outcomes including policy and licensing, geological and mining information systems, artisanal and small-scale mining, and building human and institutional capacities, as well as linkages investment and diversification.

The AMDC is in short:
• A one-stop information centre on best practice in sustainable mining policy and management, as well as information-sharing and networking, to support sustainable mining practices and development
• A continental forum for countries, stakeholders and donors to discuss innovative ways to increase mining’s contribution to sustainable development and poverty reduction in Africa
• A focal point for identifying the needs of Member states in the management of the mining sector and deploying appropriate expertise
• A source of technical expertise to help African countries manage their mining sector responsibly and transparently
• A research centre to promote mining policy harmonization among African countries.

Africa’s mining, oil and gas sectors are thriving, partly due to high commodity prices and improved exploration technologies. This mix of factors has led to important discoveries.

Host country Mozambique for example has made huge discoveries of oil, gas and coal in recent years. Subsequently, Mozambique has seen a flood of foreign investment into its mining sector, particularly gas and coal, in the last few years.

The southern African nation is estimated to have some of the world’s largest reserves of coking coal, used in steel-making. Rio Tinto, Vale, Anadarko and Eni are some of the major corporations developing large gas, oil and coal reserves in Mozambique.

Nineteen out of 46 countries in sub-Saharan Africa have commercial reserves of hydrocarbons oil, gas, coal and/or minerals and 13 countries are in the process of exploring additional reserves.

The extractive sector is projected to play a critical role in the development of most African countries in the next decade, triggering growth in new and dynamic economic sectors and industries, as well as investments in jobs, infrastructure and basic social services which lag far behind population growth in Africa.

But countries endowed with huge mineral resources are faced with challenges such as limited participation by marginalized groups particularly women and youths in extractive sectors, conflict over land and resources, environmental degradation and the creation of capital intensive economies that fail to create jobs and benefits for local communities and corruption.

For these resources to truly benefit people in Africa, participants in Maputo said, countries should seek to better manage mineral resource extraction, revenues and link the extractive sector to the larger economy. This will strengthen financial responsibility and macro-economic planning, as well as implementation of policies that maximize people’s participation, reduce inequalities and ensure natural resources are used in an environmentally sustainable manner.

* Kwesi W. Obeng is assistant editor of African Agenda.
Tributes to Nelson Mandela

In the wake of the death of Nelson Mandela’s, many tributes were given, here are two that more or less sum up his life, anti-apartheid struggle and legacy.

The Revolution that Nelson Mandela dedicated his life to so many years ago has not yet been completed. We still inhabit a world in which black people are routinely devalued, denigrated and disrespected asserts *David A. Comissiong* in this tribute.

MANY years ago - before Nelson Mandela was President of South Africa; before he was the darling of the Western media; and before he was claimed as a role model by the President of the United States and the Prime Minister of Britain - he was OUR hero!

In those pre-Truth and Reconciliation Commission days - when he was still in prison, and was denounced and reviled as a terrorist by the Establishment of Europe and North America - he was our hero!

And he was our hero simply because he was the most outstanding example that we possessed of a determined and implacable foe of the intertwined doctrines of “white supremacy” and “black inferiority”! Nelson Mandela was the perfect example of a man who was utterly convinced of the inherent dignity of the black African person and irrevocably committed to a lifetime of struggle -- non-violent and, where necessary, violent --to usher in a new regime of freedom and fulfilment for the oppressed black people of his beloved African continent.

Nowadays it is popular (and permissible) for those who once reviled Mandela to make a show of embracing him. And they do so because Mandela did not seek to impose retributive justice on the Whites of South Africa who were responsible for the unspeakable horrors of apartheid. They also do so because their white “kith and kin” in South Africa were permitted to keep the great wealth that they had illicitly amassed during the oppressive Apartheid era.

Nelson Mandela was always a great humanist - a great believer in the concept of universal brotherhood. But let us get this right - when Mandela spoke about universal brotherhood he was always very clear that a place of absolute and utter equality had to be reserved for the black or African people of the world! This son of the royal family of the Thembu people of the Transkei region of South Africa was never in any doubt as to the inherent right of black or African people to dignity and respect, and to a just and equal share in all that their society and nation has to offer.

It would do us well to remember this, and to reflect on the fact that we still inhabit a world in which black humanity is routinely devalued, denigrated and disrespected. Examples of this abound - one of the most current and poignant can be found in the recent stripping away of the civil rights of black persons of Haitian ancestry who reside in the Dominican Republic.

In other words, the Revolution that Nelson Mandela dedicated his life to achieving so many years ago has not yet been completed! Nelson Mandela was nothing less than the pre-eminent strategist, moral guide and military commander of the forces that attempted to carry out that Revolution. He played his role - and what a tremendous role he played! Let us honour his memory by striving to complete that sacred Revolution.

“Nelson Mandela was nothing less than the pre-eminent strategist, moral guide and military commander of the forces that attempted to carry out that Revolution. He played his role - and what a tremendous role he played! Let us honour his memory by striving to complete that sacred Revolution.”

* David A. Comissiong is President, Clement Payne Movement and Chairman, Caribbean Pan-African Network
Mandela’s greatest contribution is that he tried his best to secure a prosperous and happy future for everyone in South Africa, but the greed of the architects of apartheid backed by the West betrayed him. The victims of apartheid in the end gave far more to “reconciliation” than the perpetrators. *Motsoko Pheko* contends.

“A Mandela’s greatest contribution is that he tried his best to secure a prosperous and happy future for everyone in South Africa, but greed on the part of the forces of apartheid backed by the West, simply did not use the golden opportunity that President Mandela gave them. They did not respond to the South African political situation on equally magnanimous terms and in the spirit of justice. The victims of apartheid gave far more to “reconciliation” than the perpetrators of colonialism and apartheid.”

AFTER my imprisonment for my anti-apartheid activities, I spent some years at the United Nations in New York and at the UN Commission on Human Rights in Geneva as an accredited representative of the victims of apartheid and colonialism in South Africa. One of my many duties was to call for the release of all political prisoners in this country and expose the barbarism of apartheid colonialism. Some of these prisoners were Mangaliso Sobukwe, Nelson Mandela, Zephania Mothopeng, Walter Sisulu, Nyati Pokela, Govan Mbeki and Jaftha Masemola.

When I spoke in Parliament on the 90th birthday of President Nelson Mandela, I said, “It is an extra-ordinary birthday of a man who has lived his life for others, sometimes at the expense of his own people, in the quest to harmonise humanity.”

I received the news of the departure of President Nelson Mandela from this planet on 5th December. I was that day commemorating the birthday of Prof Mangaliso Robert Sobukwe for whom the apartheid colonialist regime had a special law called “Sobukwe Clause.” This law enabled this regime to imprison him on Robben Island without even a mock court trial.

Some of the things I admired about President Mandela were humour, tolerance and perseverance in struggle. I believe diligence as well. He was a hard-working person.

My disappointment is that I think the people with whom he negotiated freedom in South Africa did not respond as they should have done. They wanted to eat their cake and still have it. They took the magnanimity of the colonially land robbed Africans of Azania (South Africa) for political imbecility.

Through the Native Land Act 1913, the British colonial government allocated the then five million Africans only 7% of their land and gave its European colonial settlers numbering 387,349 souls 93% of the African country. This law is now disguised as “abolished” in Section 25(7) of the “New South Africa” constitution. Even though, the Native Trust Land Act 1936 added a mere 6% of land to make it 13%.

The freedom fighters of this country, especially those who belonged to the military wings of the Pan African Congress (the Azanian Peoples Liberation Army) and to the African National Congress (Umkhonto Wesizwe) were imprisoned after being paraded before the “Truth and Reconciliation Commission” (TRC) with the perpetrators of apartheid. Many, like Kenny Motsamai, are still jail. This is despite the International Convention on the Suppression and Punishment of the Crime of Apartheid through which the United Nations declared apartheid a crime against humanity. This has now passed as “miracle” and “rainbow nation.”

The consequences of wrong political response to the statesmanship of President Mandela by the representatives of the apartheid colonialist regime are that in South Africa today, there are “two nations.” One is extremely rich and white settler minority. Another one is extremely poor and 79.2% African majority.

Mandela’s greatest contribution is that he tried his best to secure a prosperous and happy future for everyone in South Africa, but greed on the part of the forces of apartheid backed by the West, simply did not use the golden opportunity that President Mandela gave them. They did not respond to the South African political situation as magnanimous terms and in the spirit of justice. The victims of apartheid gave far more to “reconciliation” than the perpetrators of colonialism and apartheid.

The passing on of Nelson Mandela is a serious challenge to this country to rise to the occasion and ensure that there is equitable redistribution of land and its resources according to population numbers. The Marikana Massacre of African workers has already sent a signal that something urgent must be done to intensify the economic and social emancipation of the African majority in Azania for the good of everyone.

The African people cannot live like slaves in their own country perpetually. The poverty, the filthy inhuman shacks in which millions live must go. Azania (South Africa) is four times the size of Britain and Northern Ireland combined and richer in natural resources.

Indeed, liberation without repossession of land and its resources by the dispossessed is a gigantic colonial fraud. The effects of the 1884-1885 Berlin Conference must be banished from the shores of Africa.

Perhaps, now that the greedy ones missed the “Mandela magic,” the hope for genuine freedom, will lie in the words of James Russell when he said, “Truth is forever on the scaffold. Wrong forever on the throne, yet that scaffold sways the future and behind the dim unknown stands God within the shadow of keeping watch above His people.”

Farewell Madiba! You have done your share. You have shown the light. Let all the people of the world who cherish human freedom regardless of race, nationality and class walk in this light from Africa. Greet Sobukwe, Sisulu, Lembede and all African heroes for Africa’s total liberation. Remember Kwame Nkrumah, Patrice Lumumba, Marcus Garvey and Malcolm X.

* Dr. Motsoko Pheko is a former Member of the South African Parliament as well as former President of the Pan Africanist Congress of Azania (PAC). He is a historian, political scientist, lawyer, theologian and author of several books.*
An African dream called Lampedusa

The desire by African emigrants to go to Europe where the grass is 'greenest' has led to all kinds of dangerous adventures across the desert and the Atlantic leading to death through hunger and thirst through the perilous Sahara and drowning through boat disasters. All these dangers notwithstanding, the adventurers are not deterred, writes *Karlos Zurutuza.

YOUSSEF crossed the Sahara desert with a folded school map of Europe in his pocket. "Could you please point [out] Lampedusa in the map for me? I cannot find it."

The 28-year-old Nigerian undertook an arduous journey from the capital Abuja to Libya in the hope of some day making it to the Italian island of Lampedusa, 600 km northwest of this city.

"There are no direct flights from Abuja to Tripoli, so I came overland. I paid 800 euros for a five-day journey across the desert on top of a heavily packed truck. They told me to tie myself to it as they would not stop if anybody fell down," he tells IPS.

"Boats usually stop going by November due to difficult sea conditions, but there is still a slight chance of leaving before the year ends."

"Libya continues to be a gateway for thousands of undocumented African migrants who are willing to risk its violent militias, harsh detention centres and often fatal rides on overloaded, rickety boats to set sail for Lampedusa - for them the closest point in Europe. Even Asians have been found to use Libya as a transit point."

"Libya continues to be a gateway for thousands of undocumented African migrants who are willing to risk its violent militias, harsh detention centres and often fatal rides on overloaded, rickety boats to set sail for Lampedusa - for them the closest point in Europe. Even Asians have been found to use Libya as a transit point."

Youssef stands by the roadside holding some roller paint. It’s easy to spot him among the dozens of sub-Saharan Africans who stand under the Gargaresh bridge south of Tripoli, until somebody picks them up.
up for a day of work.

The average daily payment for this kind of work is 20 dinars (12 euros), but not everyone is lucky enough to find work at this rate.

"Last week I worked for 10 hours in a row at a construction site, but they didn't pay me anything at the end of the day. When I started to complain, they put a gun to my head and told me to go away," recalls Suleyman, a 23-year-old Malian who can hardly wait to leave Tripoli "forever".

"I'd rather go back home as this is no life. Clashes between militias are constant here and I often get into trouble with them just because I'm black," he says. "As soon as I have enough money, I'll head for Lampedusa or it may be too late."

Work is scarce and the competition severe due to the growing number of migrants gathering in Gargaresh. The charge for a seat on one of the many boats leaving the Libyan coast is around 1,000 dollars. Even if an exhausting day of work is fully paid for, it could take years to save a sum like that.

Besides, there is always a chance of missing the boat.

"Boats usually stop going by November due to difficult sea conditions, but there is still a slight chance of leaving before the year ends," says 27-year-old Christian.

According to him, growing instability in Libya is pushing many to take greater risks to make it to Lampedusa despite the rough sea.

During the regime of Muammar Gaddafi, Libya turned into a major transit point for African migration to Europe. Gaddafi had famously asked European countries for money to stop the flow.

After he was ousted and killed in 2011, the number of those fleeing the north has increased as lack of security has made it easier for human traffickers to operate.

"Amid growing unrest in the country, the current Libyan government is too busy to monitor the coast. Now our main hurdle is the waves," a human trafficker told IPS on condition of anonymity.

He admitted to earning around 20,000 euros from each successful trip to Lampedusa. Payments, he said, were only accepted on arrival and through an intermediary in Tripoli.

But the coast is not unwatched.

Imran, 21, came all the way from the Pakistani part of Kashmir to end up sailing aimlessly on a boat for three hours before they were captured by the Libyan coastguard.

"The captain simply didn't know the route and he got lost," recalls the young Kashmiri, who spent three months in jail after his first and only attempt to get to Lampedusa.

Despite the harsh conditions at the Libyan detention centre, he still claims he was lucky. "We were around 50 in the same cell, but at least the guards never hit me. For the black guys, though, it was completely different. They would be tortured and beaten in the most brutal way and on a daily basis."

Women, he adds, were asked for sex in exchange for their release.

His testimony is corroborated by an Amnesty International (AI) report released last June, where the human rights NGO called on the Libyan government to end indefinite detention of refugees, asylum seekers and migrants, including children, who had ended up there solely for immigration purposes.

After visiting seven "holding centres", AI also documented several cases where detainees, including women, were reportedly "subjected to brutal beatings with water pipes and electric cables."

Imran hopes to try a different boat next time.

"I only paid 500 dinars (300 euros), but the cheap boats, most of them run by Somalis, are the ones that never make it. Next time I'll try one run by Syrians. They're way more expensive, but most of them reach shore," claims Imran, who now works at a hotel as a cleaner.

Elijah, his workmate, is considering the possibility of joining Imran in his next attempt. So far only one thing has prevented him from taking the last step - the risk involved.

"Even if you pay the regular 1,000 dollars fee, you cannot see the boat until the very moment you leave. And they won't let you pull back," explains the 28-year-old from Arlit in northern Niger.

The migrants and even local fishermen know only too well the risk of getting into a packed, fragile, raft-like boat.

As Abdala Gheryani, who works at the tiny fishing port of Gargaresh, says, "Every now and then I find corpses trapped in my nets."

"Karlos Zurutuza writes for the IPS from Tripoli, Libya."
Lions go digital: the Internet's transformative potential in Africa

Following a decade of rapid urbanization and strong economic growth, Africa is going digital. While just 16 per cent of the continent’s one billion people are online, that picture is changing rapidly, according to a new report by the *McKinsey Global Institute.*

Evidence of what is to come can already be seen in Africa’s major cities, where consumers have greater disposable income, more than half have Internet-capable devices, and 3G networks are up and running. Significant infrastructure investment—such as increased access to mobile broadband, fibre-optic cable connections to households, and power-supply expansion—combined with the rapid spread of low-cost smartphones and tablets, has enabled millions of Africans to connect for the first time. There is a growing wave of innovation as entrepreneurs and large corporations alike launch new web-based ventures.

Today, Africa’s iGDP (which measures the Internet’s contribution to overall GDP) remains low, at 1.1 percent—just over half the levels seen in other emerging economies. But there is significant variation among individual countries. Senegal and Kenya, though not the continent’s largest economies, have Africa’s highest iGDPs, and governments in both countries have made concerted efforts to stimulate Internet demand (exhibit).

The Internet’s contribution to Africa’s overall GDP is low. Senegal and Kenya, though not the continent’s largest economies, are in the lead.

By 2025, Africa’s iGDP should grow to at least 5 to 6 percent, matching that of leading economies such as Sweden, Taiwan, and the United Kingdom. However, if the Internet achieves the same kind of scale and impact as the spread of mobile phones in Africa, iGDP could account for as much as 10 percent, or $300 billion, of total GDP while producing a leap forward in economic and social development.

Under this scenario, increased Internet penetration and use could propel private consumption 13 times higher than current levels. Demographic trends—including urbanization, rising incomes, and a huge generation of young, tech-savvy Africans—will drive this growth.

More than half of urban African consumers already have Internet-capable devices. Basic smartphones have already fallen below the “tipping point” of $100 per unit, and companies are introducing new affordable models specifically geared to the African market. Africa’s smartphone penetration, currently at 2 to 5 percent, could reach 50 percent in leading countries and 30 percent overall. This translates into 300 million new smartphones being sold in Africa in the decade ahead. PC, laptop, and tablet penetration could double, to 40 percent.

**Transforming six key sectors**

The Internet’s greatest impact in Africa is likely to be concentrated in six sectors: financial services, education, health, retail, agriculture, and government. Technology-related productivity gains in these sectors could reach $148 billion to $318 billion by 2025, and large populations stand to benefit as a result.

• Financial services. The Internet will reduce transaction costs and bring financial services to people who may live far from the nearest bank branch or ATM. With digital technology, more than 60 percent of Africans could have access to banking services by 2025, with more than 90 percent using mobile wallets for daily transactions and remittances.

• Education. Many schools that currently lack sufficient textbooks could soon access the world’s best educational content on affordable tablets or e-books; teachers, too, will benefit from more effective training. The technology-related productivity gains in education could reach $30 billion to almost $70 billion—enabling governments to achieve more with their education budgets and providing millions of students with the foundation for a better future.

• Health. Today, Africa has only 1.1 doctors and 2.7 nurses per 1,000 people, and many people travel long distances for care. But the Internet is enabling greater use of remote diagnosis, treatment, and education. Technology-related benefits in health care could range from $84 billion to $188 billion by 2025—and the broader social and economic impact of improved health outcomes will be far greater.

• Retail. E-commerce will open up a new shopping experience for Africa’s growing middle class. By 2025, it could account for 10 percent of retail sales in the continent’s largest economies, which will translate into some $75 billion in annual revenue.

• Agriculture. Farmers can access expertise and information on everything from weather, crop selection, and pest control to management and finance. It can also improve access to markets, generating better prices for produce.

• Government. The Internet is a powerful tool to improve transparency, streamline service delivery, and automate revenue collection, delivering productivity gains of $10 billion to $25 billion.

Despite a slow start, Africa’s digital development is now accelerating. As the continent grows more connected, it is already producing innovative web-based applications and dynamic new business models. For now, the Internet in Africa remains a wide-open space where companies can capture large opportunities if they move rapidly and decisively. Most exciting of all are the possibilities for using the Internet to revamp the delivery of education, health, and other public services-transforming lives in the process.

• The report was authored by James Manyika, a director of the McKinsey Global Institute; Michael Chui is a principal; Armando Cabral is a director in McKinsey’s Lisbon office; and Suraj Moraje and Saffroadu Yeboah-Amankwah are directors in the Johannesburg office, where Lohini Moodley is an associate principal and Jerry Anthonyrajah is a consultant.
This is how Structural Adjustment Policies worked in Africa - a rejoinder to Carlos Lopes

Former chief Economist of the World Bank’s Africa division, *Shantayanan Devarajan*, argues that SAPs may not have worked in the ’80s and ’90s, but that they have in the past 15 years.

ON 7 May, 2013, Think Africa Press published an interview with Shantayanan Devarajan, then chief economist of the World Bank’s Africa division, entitled World Bank: “Structural Adjustment Programmes Worked in Africa”, in which he argued that SAPs were a major reason behind Africa’s current economic growth. On 25 November, Carlos Lopes, Executive Secretary of the UN Economic Commission for Africa, wrote a reply to Devarajan, argued that SAPs rather impoverished the continent. Below is Devarajan’s rejoinder to Lopes, which was originally published as a comment under Lopes’s article.

I welcome Carlos Lopes’ reply to my interview with Think Africa Press, both as an opportunity to clarify what was - and was not - said; and to engage in an evidence-based discussion about Africa’s structural transformation.

First, what I said was that the reason for Africa’s recent growth was that “African policymakers followed Structural Adjustment Programmes over the last 10-15 years” (emphasis added). This is different from saying that SAPs worked in Africa during the structural adjustment era of the 1980s and 1990s. Unfortunately, the head-
long period of sustained economic growth. The difference was that in the 2000s, macroeconomic policies were better. When the 1970s commodity boom ended, African economies suffered immensely. But in 2009, when commodity prices fell due to the global economic crisis, most African countries were able to cushion themselves thanks to the prudent economic policies of the previous decade. Here too, I think Lopes agrees because he lists "prudent macroeconomic management" among the list of factors that fuelled Africa’s recent economic growth.

**Industrial policy**

The rest of Lopes’ reply is about the case for a more active industrial policy in Africa to achieve structural transformation. Although the topic was not discussed in my interview, I am happy to engage on it, especially since I have written about it elsewhere. In our article in Foreign Affairs, Wolfgang Fengler and I make the same case for a more active industrial policy in Africa to achieve structural transformation.

Lopes seems to think that the reason is the lack of industrial policy to address the many market failures. However, the evidence points in another direction: most of the constraints to Africa’s transformation are government failures, not market failures. For instance, high transport costs along Africa’s roads are mainly due to profits accruing to trucking companies whose monopoly power is guaranteed by regulations (and the fact that, in many countries, the president’s family members own the trucking company).

Similarly, Lopes attributes Africa’s weak human capital to the cutbacks in social spending from the structural adjustment era. But the evidence is that, in public schools in Tanzania, Kenya, Senegal and Uganda, teachers are absent about 20-30% of the time. When present, they spend about a quarter of their time teaching.

Doctors, whose absentee rate is even higher, spend an average of 29 minutes a day seeing patients. And money allocated to public health clinics leaks at alarming rates - 99% in Chad. In light of all these government failures, it is not clear that an increase in public spending in education and health will lead to better human development outcomes.

Finally, active industrial policy has already been tried in Africa: this was the import-substitution strategies of the 1960s and 1970s. Everyone - including advocates of industrial policy today like Joe Stiglitz and Justin Lin - agrees that they were a colossal failure, mostly because of political capture. The challenge today is to design policies to minimise the inexorable tendency for politically powerful people to capture them for their own interest. There are no easy answers, but some form of transparency and citizens’ holding government to account - by, for example, information campaigns and the use of mobile phone technology for two-way communication between government and citizens - will have to be part of the solution.

* Shantayanan Devarajan is the chief economist of the World bank’s Middle East and North Africa Region.

Credit: Think Africa Press
President Zuma, think like an African - it helps

While we can forgive the ignorance of musicians and other artists, President Jacob Zuma’s attempt at humour is not funny, writes *Takura Zhangazha.
PRESIDENT Jacob Zuma is generally a man who harbours little fear of the negative consequences of his words or actions. Or if he does, he exhibits a certain confidence that he will overcome any such problematic effects of what he says or does. His reported utterances at a meeting organised by his party, the ANC, about what was essentially a domestic matter, however went on to betray his unfortunate attitude toward Africa.

As reported, he jokingly advised the meeting on the matter of e-tolls, saying South Africans must not “think like Africans, in Africa generally, we’re in Johannesburg. This is Johannesburg”. He is reported to have added that the Gauteng highways are “not some national road in Malawi”, to further buttress his distasteful humour.

If these statements were being attributed to an ordinary citizen of any African country, they probably would not have made any headlines. But coming as they are from South Africa’s president, they cannot be swept under the carpet.

Being a Zimbabwean, I am acutely aware that humour has a general role in politics - particularly where it is used for comparative assessment of progress between countries. Or even domestically, as it relates to freedom of expression. I however do not agree with humour being used to connote false stereotypes of others, let alone beingused in such an abrasive and far-reaching manner by a sitting head of state and government. More so by an African one at a time when the continent remains on an international back-foot due, in part, to the perpetuation of uninformed stereotyping of some countries as being more equal than others.

Zuma’s regrettable comments could implying that he believes his country is exceptional and therefore cannot be viewed from the prism of being a sister African country. He may be correct in the eyes of his supporters but the premise of this argument is however politically misplaced. South Africa is indeed an exceptional country but not by way of narrow, self-serving comparison to the status of the development of other African countries. It is exceptional in the sense that it owes its liberation not only to the current ruling party but the contribution of many African countries and peoples that its current president finds fit to deride.

South Africa is indeed an exceptional country but not by way of narrow, self-serving comparison to the status of the development of other African countries. It is exceptional in the sense that it owes its liberation not only to the current ruling party but the contribution of many African countries and peoples that its current president finds fit to deride.

“Furthermore, assumptions of any economic or development superiority of South Africa must also be premised on the knowledge that due to the colonial development of forced (political and economic) circular migration in Southern Africa, contributions to its current status are also historically grounded in the peoples of the sub-region.”

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* Takura Zhangazha is a Zimbabwean blogger. This post, which has been slightly edited, was originally published on www.takura-zhangazha.blogspot.com
Over the past 20 years, as many developing countries have been trying to tackle the problem of under-nutrition, especially amongst its children, a new health threat has quietly been emerging - namely, over-nutrition.

Across the world, this more modern form of malnutrition has been increasing ominously, and Africa has been particularly badly hit. The statistics from the continent are startling.

According to a 2009 report, the prevalence of urban overweight and obesity in sub-Saharan Africa increased by almost 35 per cent between 1992 and 2005. In Madagascar, the rate of overweight children nearly quadrupled from 1.6 to 6.2 per cent between 1992 and 2004. The International Association for the Study of Obesity claims that 39 per cent of women in South Africa and Egypt could be suffering from obesity. And the World Health Organisation (WHO) predicts that by 2030, nearly one-fifth of African adults will be obese.

As Hester Vorster from the Centre for Excellence in Nutrition at North-West University, South Africa, puts it, “The problem in Africa is [that] both under- and over-nutrition are the worst in the world. We really are facing a double burden.”

The new poor man’s disease
The dynamics behind Africa’s problem are similar to those driving overweight and obesity in other parts of the world.

Firstly, urban populations have been

Africa widening
Africa may or may not be “rising” but it’s certainly widening. Obesity is on the rise, and is rising fast, writes *Doreen Akiyo Yomoah.*
New technologies for work, transportation, and the home - a rice cooker, a fridge, a propane gas stove, taps instead of dragging water for miles or wood for fire - all of these save time and energy and they are related to the increase in overweight,” says Barry Popkin, professor of nutrition at the University of North Carolina and author of The World is Fat. “It’s because of huge reductions in activity.”

Indeed, according to Popkin, “modern technology is a mismatch” in terms of how human beings have evolved over several thousands of years. “We were designed to run and work hard, eat basic foods, and drink water,” he explains.

Secondly, this shift in ways of life has been compounded by changes in diet. “Instead of water, people are encouraged to drink soft drinks, energy drinks, fruit juice, all of which are sugar water in biological effect,” says Popkin. “Junk food is prevalent, and it’s sugary, fatty, salty, tasty.”

This shift in diet has also been driven by a highly lucrative global industry, increasingly pushing people towards cheaper, but less healthy, foods. “Trillions of dollars globally go into product placement in movies, newspapers, computer games, advertising in every medium, at every international sporting event, pushing food,” continues Popkin. “Food systems are becoming omnipresent in every country - it’s beginning to occur across the globe.”

Growing and many people are leading more sedentary lifestyles.

“This shift in diet has also been driven by a highly lucrative global industry, increasingly pushing people towards cheaper, but less healthy, foods. “Trillions of dollars globally go into product placement in movies, newspapers, computer games, advertising in every medium, at every international sporting event, pushing food,” continues Popkin. “Food systems are becoming omnipresent in every country - it’s beginning to occur across the globe.”

“Everyone knows that HIV/AIDS is the biggest cause of death in South Africa - but the second biggest is cardiovascular disease,” points out Ama deGraft Aikins, Senior Lecturer at the Regional Institute for Population Studies, University of Ghana. “The challenge is to make NCDs [non-communicable diseases] visible in a way that captures the attention not just of local policy makers but also their development partners.”

Indeed, the experiences of other countries around the world suggest that if African countries want to tackle obesity, concerted and targeted action is necessary. According to Popkin, almost all countries have seen a shift from underweight to substantial obesity in the face of decreased physical activity and increased availability of calorific foods, but the exceptions - namely Scandinavia, South Korea and Japan - managed to avoid this fate through highly proactive governmental efforts.

Denmark, Sweden, and Norway, for example, "had some very aggressive programmes to ban media and all promotions of junk food towards children," says Popkin, while “they also have a system that tells you which foods are healthy.”

But so far in Africa, little is being done. If this continues and obesity rates keep climbing - along with the accompanying problems of diabetes, heart disease, osteoarthritis and other issues - a widening Africa will soon face another deepening public health crisis.

*Doreen Akiyo Yomoah is a writer based in London focusing on human rights, gender and race.
Credit: Think Africa Press.
Restoring sight to gender-blind rice sector

Local culture and economic considerations continue to hamper the efforts of the women of Cameroon as they struggle to eke a living from agriculture especially, rice farming, writes *Busani Bafana.*

FOR more than 20 years, Anastasia Ngwakun from Bamunkumbit village in central Cameroon has been farming rice the hard way - using only hand tools. But Ngwakun knows that if she were a man, she would have access to the technology that would not require her to work so hard.

"Rice farming is hard work, especially for a woman, because I am involved in the planting and processing using limited or no resources and tools, unlike the men folk in my village, who can easily get credit or have access to a tractor," Ngwakun, who grows rice on a 1.5-hectare plot, told IPS.

"Women do not have access to land, and many times we farm plots that are owned by men, and they dictate where tractors are available, which plots are ploughed first, and that we can only plough after [they have first done so]," she added.

Ngwakun also does not have access to the use of threshing machines, which would save her from the labourious task of removing the rice husks by hand.
Rice production and processing would be easier for Ngwakun if she used improved technology like threshing machines, weeding tools and parboiling vessels, which can boil up to twice the amount of rice normal pots can. But Ngwakun, like many women in Cameroon and in the rest of Africa, does not have access to this.

Research by Africa Rice Centre, a pan-African rice research organisation, shows that compared to women, who statistically form the bulk of rice farmers in Africa, male rice farmers have greater and unequal access to resources, such as farming land, inputs, capital, equipment and knowledge.

These entrenched differences between female and male rice farmers are partially fuelled by local culture and economic considerations.

Afiavi Agbhor-Noameshie, a socio-agronomist and gender specialist at Africa Rice Centre, told IPS that there is a glaring absence of gender mainstreaming in the rice sector.

"Women are in all the activities of rice farming from seed to market, yet the available technologies are not made with them in mind," she told IPS.

"There is need for drudgery reduction in the rice value chain by building awareness and getting the buy-in from men that when we talk about gender we are not talking about how to gather women or how to work with women but about equalisation of opportunities," she added.

Currently, Africa is a net rice importer and consumes more than it produces. Last year, the continent spent five billion dollars importing 12 million tonnes of rice, the same amount it consumed, according to statistics from Africa Rice Centre.

Agbhor-Noameshie, Abdoulaye Kabore and Michael Misiko are co-authors of a reference book on rice in Africa titled "Realising Africa's Rice Promise".

In the book, the scientists say that despite the active involvement of both men and women in rice farming, processing and marketing, the gender perspective has not been appreciated or considered in development research.

But women should be consulted and considered in the development of rice farming in Africa, according to Nathalie Me-

Nsope, an agricultural economist and gender specialist at the Global Centre for Food Systems and Innovations at Michigan State University.

"We cannot continue talking about farmers when we know that women are not a homogenous group because they face specific challenges that limit their production and the marketing of their produce, challenges which men do not face," Me-Nsope told IPS.

"There are serious gender inequalities in the rice sector in Africa and specific efforts must be made to address these gender-based constraints as a result of roles, responsibilities and division of labour by doing a detailed analysis of what happening."

Cisse Peinda Gueye, a rice seed grower from Senegal, says science research should help make rice farming less of a burden and more of an opportunity for women to be able to balance both farming and caring for their families.

"Rice quality is important for rice farmers and for customers who buy it. Science researchers should help in improving quality so that women meet the expectation of the market where they sell the rice," Gueye told IPS.

Ngwakun agreed that women need to be given better access to resources.

"I would be a happy farmer, like male farmers, if I had the same access to resources such as better seed to produce more and better quality rice that will earn me more income. But for a woman farming rice, the struggle does not seem to end."
KENYA'S Male MPs changed the Matrimonial Property Bill to state that a man and his wife will share matrimonial property according to each person’s contribution.

They also forced another change to the Bill which, if it becomes law, means that spouses are only entitled to a share of property which is in their joint names. Property which is in the name of only one spouse is no longer matrimonial property.

Stay at home mothers
In its current form, the Bill is a blow to stay-home mothers who contribute to the family in non-financial ways. Also, family property is traditionally and as a matter of routine, registered in the father’s name.

Women MPs wanted a simple formula where the wealth is shared equally, irrespective of what each partner contributed.

But with only 34 women MPs in the House, they were beaten 87-28 in a physical vote.

The House - whose attendance yesterday was unusually high - also passed the Bill which, while requiring the couple to share wealth depending on contribution, says the burden of debt incurred by the family is to be shared equally by both partners. The debt will be shared so long as it was “for the benefit of the marriage”.

According to another amendment pushed by the MPs, matrimonial property is

Bill strips women of family wealth rights

On November 12, Kenya's male-dominated Parliament passed a lop-sided law stripping women of the right to an equal share of family property in case of divorce, writes *John Ngirachu.*
defined as “matrimonial homes, household goods and effects in those homes and any other immoveable or movable property jointly owned by both spouses”.

“If there is any property to be divided, it must be in accordance with the share of each spouse’s contribution to the matrimonial property. It ensures that no one person just sits and waits for the other person,” said Justice and Legal Affairs Committee chairman Samuel Chepkong’a, who proposed the amendment.

In the debate touched off by his amendment, there were impassioned speeches.

**Dr James Nyikal**

Dr James Nyikal (Seme, ODM) was among MPs who argued that property ought not to be shared equally irrespective of contribution.

“If it is taken for granted that just being in the marriage everything will be shared equally and there will be no question, I don’t think that will be fair,” said Dr Nyikal.

Ms Millie Odhiambo (Mbita, ODM) lost despite her argument that equal sharing is a constitutional principle and MPs had no business suggesting that the contribution of each partner should be determined.

“The Constitution is very clear about equal rights before, during and after dissolution of a marriage. It is not really anything we have a choice about and that is an argument that we would have had very well when making the Constitution but at this point, unless it is calling for the amendment of the Constitution, the principle is clear in the Constitution,” she said.

Ms Zainab Chidzuga (Kwale County, ODM) argued that women’s contributions to marriages are more than just the financial.

“Mwanamke akiolewa anaweza kuwa pengine hana kazi lakini mfahamu kwamba atakuja kwake kufagia, kumchemshia bwana maji amabayo pia ni contribution, na mengineo mengi ya kwake waeze kupata equal share (A woman might be unemployed but remember she will clean her husband’s house, warm his bath water and many other things that may be considered a contribution that should enable her get an equal share of any matrimonial property),” she said.

**She is entitled to 50 per cent**

Ms Esther Murugi (Nyeri Town, TNA), said: “Whether the woman has contributed or not, she has fed the man, she has cleaned the man, she has taken care of the family. She is entitled to 50 per cent.”

When Ms Rachel Shebesh, who was chairing the session, put the matter to the vote by acclamation, the amendment appeared to have sailed through, but the women MPs marshalled the numbers to force a physical vote. That was where the men won 87-28.

David Ochieng (Ugenya, ODM) had the MPs return to the Bill after the Third Reading to include the provision that only property that would have been owned jointly would be shared equally.

This drew protests from Ms Wanjiku Muhia (Nyandarua County, TNA), who said that would be unfair to women because many of them are not jointly registered as owners of property acquired by their husbands.

She was supported by Ms Florence Kajuju (Meru County, TNA) who argued along the same lines.

“We don’t live in Utopia. We know that in our society, it is very rare for a woman to be registered as the owner of property,” she said.

The women were once again outnumbered by the men in the vote.

Chepkong’a had to withdraw an amendment removing a provision which allows spouses to go to court to nullify a pre-nuptial agreement if it is determined that it was influenced by fraud, coercion or is manifestly unjust.

*John Ngirachu is a Kenyan journalist based in Nairobi, Kenya. Ngirachu writes for the Daily Nation, Kenya’s leading daily newspaper.*
Mega-mining law in place, before the minerals

A recent law on large-scale mining passed by the government of Uruguay, has been seen by some as pandering to the interests of mining corporates to the detriment of the people of Uruguay, writes *Pablo Tosquellas*.

The Uruguayan government, which recently passed a law on large-scale mining, does not actually have a clear idea of the country’s mineral wealth and has only just now proposed a geological study to find out.

For decades, geological studies have been low priority in this farming country of gently rolling hills, where there are neither mountains, volcanoes nor geological faults.

That was until the appearance of plans by Aratiri, a subsidiary of the Indian mining company Zamin Ferrous, to extract some 18 million tonnes of iron ore a year from a huge open-pit mine in the central Uruguayan district of Valentines, on the border between the provinces of Treinta y Tres and Florida, 234 km north of Montevideo.

The plans unleashed a heated debate in this small country wedged between Argentina and Brazil.

And when the controversial new set of mining rules that regulate large-scale mining projects was passed in early September, many claimed they were tailor-made for Aratiri.

Only in late October did the left-wing Broad Front government decide to hold an
international tender for a geological survey of the country, for which seven companies submitted bids.

Pier Rossi, the head of the national mining and geology office, Dinamige, told the Tierramérica that up to now, the state had left the exploration of possible mineral resources up to private companies.

On Sept. 11, 2012, the government enacted law 19,126, which regulates large-scale mining activity.

The law applies to any mining project covering 400 hectares or more, with an investment greater than 108 million dollars in construction and infrastructure or annual revenues of 108 million dollars or more.

Mining initiatives that use substances or chemical products hazardous to health or the environment, which have annual electricity consumption of 500 GWh or more, or which produce acid mine drainage can also be classified as large-scale.

The aim of this study is "to detect magnetic anomalies to define the areas of interest, without waiting for private firms to do the work," Rossi said.

The information from the magnetic and radiometric aerial survey will indicate "the ages of evolution of the minerals in the rocks" in order to assess their value, added Rossi, a geologist by profession.

"Once all of the information is in, the state will be in a position to negotiate on an equal footing with the companies," he said. "Then I will be able to decide when and how the work will be carried out."

But even with a geological survey, the state is unlikely to have the capacity to oversee what the companies do, said Leda Sánchez, a professor in the geology department of the Science Faculty at the University of the Republic.

"The state is responsible for ensuring that things are done properly, but it is a vicious circle of problems. Without good geology, there is no good mining," Sánchez said.

Among the shortcomings pointed out by the professor is the impossibility of establishing clean-up plans that mining companies must comply with after they are done working in a given area.

Rossi said "we're not going to fix what hasn't been done in 60 years. We have to redefine everything."

Even without the new data, Sánchez disputed the "extraordinary volumes" claimed for the Aratiri iron deposit, which she told Tierramérica is "actually small."

"The dimensions seem big to us because we're a small country. We aren't a mining country per se. Uruguay will continue to be a livestock-producing country," she said.

There are 12 million head of cattle and 7.8 million sheep in this country of 3.3 million people.

The mining industry chamber is also opposed to the term "large-scale".

It is not possible to have a "mega" project in Uruguay given the size of the territory, one of the heads of the chamber, who asked not to be identified, told Tierramérica.

The law applies to any mining projects of over 400 hectares. "If you think of it in terms of cattle, only 200 calves can be raised on that much land, and no one refers to 'large-scale' livestock production," the businessman commented.

One of the aspects of the law that the mining chamber has the most problems with is that the mining permit and contract with the government are only granted once the companies have invested in exploration.

In the past, the permits were issued prior to the exploration work. The chamber says that only one out of 1,000 exploration efforts are successful.

The source with the chamber said the state "has no idea" about the country's mineral resources. "They only have hypotheses," he said, pointing out that Uruguay doesn't even have a mining engineering degree programme.

Professor Sánchez said the companies that mine for gold, limestone, iron ore, semi-precious stones and other mineral products should make a contribution to the University of the Republic, "because they are the ones who take the country's geology students.

"As an academic institution we are not prepared for the influx of students we are receiving," she said. According to Sánchez, what is needed is not only economic support from the private sector, but also academic interaction.

The professor also complained that the government had put into effect a law on large-scale mining without increasing the budget of the Science Faculty.

When Congress discussed "taxes on mining companies, no one remembered that the geologists receive their training at the University of the Republic, which is under-funded," she said.

The University of the Republic, the oldest and most prestigious higher education institution in the country, is tuition-free.

* Pablo Tosquellas writes for the IPS from Montevideo, Uruguay.
IN the last year or so, Malawi’s justice system has had more than its fair share of VIPs coming through its doors. In October 2012, several high-level officials linked to Democratic Progressive Party (DPP) were arrested in connection with the death of student activist Robert Chasowa, who was murdered in 2011 when the DPP was in office.

And in light of the recent government corruption scandal - dubbed Cashgate in reference to the wads of cash found in suspects’ homes and cars - more high-ranking figures, including former justice minister Ralph Kasambara, have been taken into custody.

For once, these individuals are seeing their country’s justice system from the inside. But in Malawi, justice, like so many other things, seems to be a privilege rather than a universal right. And the experience of Malawi’s VIPs is likely to be a universe away from that of the 12,000 ordinary citizens detained in prisons across the country.

A tale of two justice systems

Robert Chasowa, a student activist and critic of the late Malawian president Bingu wa Mutharika, died in September 2011. Against much outcry and suspicion, his death was originally classified as a suicide. After Mutharika passed away and Joyce Banda took over the presidency in April 2012, however, she reopened the case. A few months later, in October 2012, several figures - many members of the DPP - were arrested in connection with Chasowa’s death, now being treated as the result of murder, and transferred to Chichiri prison in Blantyre, the largest in the Southern region.

Working in the prison at the time, the
high-profile detainees were immediately noticeable. After all, it is extremely unusual to find well-fed inmates dressed in suits and laughing with the prison guards. And it is even more unusual that within an hour of arriving in the prison, these detainees had met with their private lawyers who soon set to work on their bail applications.

This treatment could not be more different to that of the majority of Malawian prisoners. Most of those who find themselves in Chichiri arrive handcuffed, emaciated, and in torn clothing. They are welcomed by being lined up in the prison courtyard and humiliatingly strip-searched. 90% of all Malawi’s prisoners cannot afford legal representation and have to rely on the country’s 28 overworked and underpaid legal aid lawyers. Defendants rarely get the opportunity to meet their lawyers before trial.

Furthermore, the conditions for ordinary prisoners are dire. Overcrowding means prison cells built to hold 60 men are often filled with 200. Disease spreads easily, resulting in a high number of deaths from the likes of tuberculosis and AIDS. And if you manage to avoid catching an infectious disease, you are also at risk of dying from malnutrition as inmates may only be given one small cup of Nsima (a maize based staple food) a day, depending on the prison budget.

**Waiting for ages**

Malawi’s ordinary prisoners can also expect to stay a lot longer in these prisons. In the case of Chichiri’s high-level guests, the suspects spent seven days in the prison’s VIP section before being brought to court and released on bail the same day - and to the tune of an estimated 7 million Kwacha ($17,000). When releasing the accused, High Court judge Sylvester Kalembera declared that the defendants should not remain in custody as they await their trials "unless the State justify why the applicants must remain in custody."

Unfortunately, this is not a test that is rigorously applied to all who find themselves in prison on murder charges. In Chichiri, there are currently over 300 men awaiting trial on murder charges, and the average wait is around 3 years. When speaking to these men, it is hard to think of reasons the state can justify these prolonged pre-trial detentions, and even harder when you discover that the majority of these men don’t even have a case file.

One of the most devastating examples of unjustified pre-trial detention was the case of Boxten Kudziwe, who was recently found not guilty and released after a staggering seven years in Chichiri prison. Boxten had been held on remand since 2006 on the basis of a false confession, signed after days of beatings by police.

To try to support these inmates, a small group of paralegals at the Centre for Human Rights, Education, Advice and Assistance (CHREAA), headed by Executive Director Victor Mhango, have been working hard for the past 12 years to educate prisoners on their basic legal rights and assist them in applying for bail whilst waiting for trial. Since January 2012, I have also worked with CHREAA to help establish an access to justice project, focusing on educating arrested persons on their right to bail using booklets, audio tapes and a 24/7 toll-free paralegal advice line. By informing those arrested of their right to bail prior to their first court appearance, the aim is to increase the number of bail applications granted and consequently reduce the large number of people unnecessarily held in pre-trial detention across Malawi.

Every defendant should be able to receive the “privileged” treatment of having legal advice and being able to apply for bail. Justice, minister?

Earlier this month, former justice minister Ralph Kasambara was arrested in connection with the attempted murder of Paul Mphwiyo, the government’s budget director and a prominent figure within the Anti-Corruption Bureau. While updating his Facebook status from his prison cell, Kasambara’s lawyers were speaking with various judges across the country to arrange for his bail application to be heard as quickly as possible.

His case was submitted to the High Court on 11 November, however his bail hearing was unexpectedly delayed until 22 November. Then, in a surprise verdict last week, Justice Esme Chombo chose not to release Kasambara on bail and ruled that he should remain in custody for another 30 days to give the prosecution time to finalise their preparations for trial.

This could be interpreted as the judiciary taking a stand against the rich and well-connected. But this seems unlikely. Instead, it probably has more to do with Malawi trying to show it is taking a strong approach to corruption before it restarts its aid programme. Malawi’s Centre for Human Rights, minister?

In an unexpected twist of fate then, Kasambara finds himself on the other side of justice system he once oversaw. He may well be wishing he’d done more to change things when he had the chance.

* Charlotte Mackenzie has worked with Malawi’s Centre for Human Rights, Education, Advice and Assistance (CHREAA) since January 2012. Her work has focused on penal reform, specifically protecting the rights of those held in pre-trial detention across Malawi.

Credit: Think Africa Press.
An overview of Warsaw climate change conference outcomes

The UN climate change conference (COP 19) held in Warsaw, Poland in November was dubbed the “Finance COP” by developing countries. However COP 19 did not deliver on long term finance albeit some progress was made on other finance mechanisms. A landmark decision at Warsaw opens the road to international efforts to assist countries affected by climate change, writes *Martin Khor.*

Fishing at risk due to climate change

The climate conference held in Warsaw, Poland has set up a new international mechanism to help developing countries affected by loss and damage from climate change, such as the Philippines typhoon.

The setting up of a loss and damage international mechanism was the major achievement of the 19th Conference of Parties of the UNFCCC (COP19) that ended on 23 November, a full day after its scheduled conclusion.

Other major outcomes of the Conference were a decision on how to proceed with negotiations on the Durban Platform, and seven decisions on climate finance. On the latter issue, the developing countries were deeply disappointed that what they termed as the Finance COP yielded hardly any concrete results except a topping up of funds for the depleted Adaptation Fund.

The new loss and damage mechanism to help victims of typhoons, floods, drought and other effects of climate change was set up after many days of negotiations. The landmark decision will open the road to international coordination of efforts to assist countries affected by extreme weather events and slow onslaught events.

The over 5,000 deaths and devastation to homes and towns in the Philippines caused by Typhoon Haiyan just as the conference started two weeks ago were a grim backdrop that helped spur the delegates as they worked to create the mechanism to deal with “loss and damage”, in the parlance of the UN talks.

The new mechanism is tasked to provide countries with technical support, to
facilitate actions and improve coordination of work inside the UN Climate Convention as well as with other organisations.

Most importantly, it will also mobilise and secure funds, technology and capacity building activities to address loss and damage associated with climate change impacts. There are already official UN humanitarian and disaster-related agencies as well as voluntary groups such as the Red Cross, Medicin Sans Frontier and Oxfam that spring into action whenever a disaster such as the Philippine typhoon, the Asian tsunami of 2005, or the Haiti earthquake takes place.

But funds have to be raised when these events take place and that takes time and are not enough. Also, countries that are hit are often too devastated or poor to respond quickly.

It took many days before the victims of the Philippines typhoon or the tsunami in Aceh could be reached or helped with food, health care and shelter. And it will take years, if ever, for shattered houses, cities and farmlands to be rebuilt.

The loss and damage mechanism is meant to fill in the organisational and financial gaps within the UN Climate Convention, which is the world’s premier body dealing with climate change.

The UNFCCC presently mobilises funds for mitigation (reduction of emissions) and adaptation (preparing for the effects of climate change such as building sea-walls and drainage systems) but until now it did not have the clear mandate for helping countries recover from loss and damage.

With the new mechanism, a burst of pent-up energy and organisational efforts can be expected at least from developing countries which will also request for funding for this newly accepted issue of loss and damage inside the framework of the Climate Convention, and to complement the work of other agencies.

Damage caused by natural disasters has risen from about US$200 billion a year a decade ago to around $300-400 billion annually in recent years. Climate scientists say that climate change is exacerbating the incidence and strength of extreme weather events. Delegates from developing as well as developed countries at the Convention hall were in jubilant mood when the decision to set up the “Warsaw international mechanism for loss and damage associated with climate change impacts” was gavelled after a last minute hitch in the negotiations.

Developing countries, led by the G77 and China and supported by several groups including the LDC, Africa and AOSIS and individual countries like the Philippines and Bolivia, made an impassioned plea to amend the text that the loss and damage mechanism would be “under the Cancun Adaptation Framework”.

In the long days of negotiations, the developing countries made clear they wanted the loss and damage issue to be separate from adaptation because conceptually and operationally it should be treated on its own. As such, they did not want the implication of the mechanism being “under” the adaptation framework.

All developed countries except the United States had agreed that a different term than “under” be used instead, and a long time in the COP plenary on the loss and damage issue was spent in developing countries arguing the case for a different term than “under”, which was a proxy for a fight for an independent treatment in the Convention for the loss and damage concept and mechanism.

After a prolonged “huddle” between the US, the G77 and China and other developing and developed country delegations, a compromise was worked out that included three components: (i) adoption of a new preambular paragraph, (ii) the acceptance of the term “under” the adaptation framework but subject to a review of this in three years at COP22 in December 2016, and (iii) specific reference to a review on the structure, mandate and effectiveness in para 15, with an understanding (read out at the COP plenary by the Secretariat prior to the adoption of the decision) that the issue of structure would include the placement of the loss and damage mechanism.

The important new preambular paragraph, emerging from the “huddle” and adopted by the COP, is as follows: “Also acknowledging that loss and damage associated with the adverse effects of climate change includes, and in some cases involves more than, that which can be reduced by adaptation.” For developing countries, this means that the “loss and damage” concept and issue can go and does go beyond the adaptation issue in the Convention.

Up to now, the Convention recognises the two major elements of mitigation and adaptation. That loss and damage in some cases involves “more than adaptation” is a significant acknowledgement by the COP decision.

The final text adopted by the COP in its important operational para 1 is as follows: “Establishes the Warsaw international mechanism for loss and damage, under the Cancun Adaptation Framework, subject to review at the twenty-second session of the Conference of the Parties (November-December 2016) pursuant to paragraph 15 below, to address loss and damage associated with impacts of climate change, including extreme events and slow onset events, in developing countries that are particularly vulnerable to the adverse effects of climate change (hereinafter referred to as the Warsaw international mechanism), and in
Durban Platform Negotiations

A lot of the energy of COP19 was focused on discussion on how to take forward the talks in the next two years (dubbed the Durban Platform) that will lead to a new climate change agreement in December 2015.

Some of the rich countries were determined to break the differences in mitigation obligations between developed and developing countries. On the other hand, many developing countries were fighting to retain the “firewall” between the commitments of developed countries (which carry a higher legal obligation) and the enhanced actions of developing countries (which are to be supported by finance and technology).

The inability to agree on a crucial paragraph of the decision on this issue almost led to a collapse in the talks on the Durban Platform.

At the last minute, the countries agreed on neutral language on how all countries would put forward details of their “commitments” (rather than their “commitments”) for the future discussions on the details of the obligations or actions that Parties are asked to put forward to prepare for the decision establishing the Durban Platform. The term to describe the nature of the obligations is seen as very significant to the major political issue of whether there will be a continued difference (often called a “firewall”) between the developed and developing countries.

Many developing countries have long maintained that under article 4 of the Climate Convention there is a clear difference between the legal commitments in mitigation of developed countries and the mitigation actions of developing countries supported by finance and technology transfers.

Developed countries argue that in the Durban Platform decision (adopted in Durban in December 2011), the difference had disappeared. Most developing countries maintain that since the decision is “under the Convention”, the differentiated responsibilities remain.

At the COP18 in Doha in December 2012, more than a day was spent by delegates wrangling over the description of the obligations, with developed countries led by the US insisting on describing this simply as commitments (implying this applies to all Parties) while many developing countries led by China proposing the terms “commitments and actions” (implying the continuation of the difference between developed and developing countries).

Eventually it was agreed in Doha that the neutral term “enhanced actions” be used, a term that is also in the title of the decision establishing the Durban Platform.

The battle over terms resumed in Warsaw in the consultations on the ADP (Ad Hoc Working Group on the Durban Platform for Enhanced Action). The BASIC (Brazil, South Africa, India and China) Ministers made it known through their negotiators that they could accept the term “commitments” only if it was accompanied by “in accordance with Article 4 of the Convention”. A Co-Chairs’ text dated 5.45 am of 22 November led to a whole-day discussion on Friday 22 November, with para 2(b) still being the main bone of contention.

The Co-Chairs issued their final text on Saturday 23 November, and the final plenary of the ADP debated it, with many developing countries expressing deep concerns with its para 2(b): “To invite all Parties to initiate or intensify domestic preparations for their intended nationally determined commitments in the context of adopting a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to Parties towards achieving the objective of the Convention as set out in its Article 2 and to communicate them well in advance of the 21st session of the COP (by the first quarter of 2015 by those Parties ready to do so) in a manner that facilitates the clarity, transparency and understanding of the intended commitments.” It was clear that the text was not going to be accepted, and a crisis was imminent. The Co Chairs called for a break and invited interested Parties to meet in a “huddle” (the “new normal” method of trying to resolve differences). The “huddle” involved the delegations of developed countries and many developing countries, with 30-50 taking part within the conference room itself.

After about an hour, when the plenary resumed, the Indian delegation announced that the “huddle” had produced a result, with a newpara 2(b) as follows: “To invite all Parties to initiate or intensify domestic preparations for their intended nationally determined contributions, without prejudice to the legal nature of the contributions, in the context of adopting a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties toward achieving the objective of the Convention as set out in its article 2 and to communicate them well in advance of the 21st session of the COP (by the first quarter of 2015 by those Parties ready to do so) in a manner that facilitates the clarity, transparency and understanding of the intended contributions, without prejudice to the legal nature of the contributions.”

Eventually the ADP plenary (and then the COP plenary) adopted this sub-paragraph, as well as the rest of the decision, to applause by the hall of relieved and exhausted delegates. Two other sub-para related to this were also adopted:

- Para 2c. To request the ADP to identify, by the 20th session of the COP, the information that parties would provide when putting forward their contributions, without prejudice to the legal nature of the contributions, referred to in para 2b above.

- Para 2d. To urge and request developed country Parties, the operating entities of the financial mechanism, and any other organisations in a position to do so, to provide support for the related activities referred to in para 2b and 2c above as early as possible in 2014.
line with the provisions contained in paragraphs 2-15 below.

The decision also in Para 2 established an executive committee of the Warsaw international mechanism, which shall function under the guidance of, and be accountable to, the Conference of the Parties, and to guide the implementation of functions.

As an interim measure, the executive committee shall consist of two representatives from each of the following bodies under the Convention; ensuring that there is a balanced representation between developed and developing country Parties: the Adaptation Committee, the LDCs Expert Group, the Standing Committee on Finance, the Technology Executive Committee and the Consultative Group of Experts on National Communications from non Annex I Parties.

The Warsaw international mechanism is given many functions, including (a) Enhancing knowledge and understanding of comprehensive risk management approaches to address loss and damage associated with the adverse effects of climate change, so as to enable countries to undertake actions. This decision on loss and damage lifted the general gloom that had been prevalent during most the two-week negotiations at the annual UN climate convention.

There were two other pieces of good news - the adoption of a work programme for results based financing for reducing emissions from forest-related activities (known as REDD-plus) and pledges from developed countries to meet the goal of having US$100 million for the Adaptation Fund whose resources had dried up after the drastic fall in carbon prices.

Climate Financing Issues

The gloom was caused mainly by the lack of progress on the main issues of finance—how to mobilise funds up to the already pledged US$100 billion a year by 2020, to help developing countries take climate actions. So far there has only been a trickle of funds and no road map between now and the 2020 deadline. The developing countries had persisted in asking that milestones on a roadmap be established, mentioning US$70 billion by 2016, on the way to the US$100 billion by 2020 target. This was not accepted by developed countries that did not agree to any roadmap or milestone. This gave rise to wide expressions of disappointment and frustration by many developing countries and their groupings.

The G77 coordinator for finance mentioned this lack of figures and commitments as a "great failure" in what is supposed to be a Finance COP.

Some developed countries were even at one point not agreeing to continuing with a work programme on long-term finance. Eventually a decision was adopted on continuing deliberations on long-term finance which includes in-session workshops on scaling up long-term finance; a biennial high-level ministerial dialogue on climate finance starting in 2014 and ending in 2020; and a request to developed countries to provide biennial submissions on their updated approaches for scaling up climate finance from 2014 to 2020 including elements of a pathway.

In fact a major test of climate finance will be the developments in the Green Climate Fund in the next one to two years, as the GCF is supposed to become the major climate finance entity, and so far it has not received any substantial contributions.

The use of the neutral term "contributions" to replace the loaded term "commitments" has provided for a more level playing field for the future negotiations on whether there is a difference or "firewall" between the responsibilities of developed and developing countries.

The battle on how various countries will have to "contribute" their efforts to addressing mitigation and adaptation activities, especially whether there is to be differentiation and if so what type of differentiation, and the issue of securing the support of financing and technology for developing countries, will be the subject of very intense talks next year. The ADP is scheduled to meet in 10-14 March next year, as well as June and December, with possibly an extra session.

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