

# WASHINGTON NOTES ON AFRICA

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## *A Millennial Campaign for Africa: Toward a more just US policy*

The Washington Office on Africa's Board of Directors, meeting in December, set the stage for a Millennial Campaign for Africa for the coming Congress. Given the political uncertainties of recent weeks, the campaign agenda is not yet finalized, but our effort to focus our energies and define our priorities – in solidarity with African partners, with our faith-community sponsors, and with the rich range of progressive organizations around the nation – can be summarized below. Elsewhere in this issue we examine them in more detail. We invite you and welcome you to this initiative.

### Economic justice

- ☞ Toward a US policy in support of African efforts to protect community rights and traditional practices against the strategy of multinationals to patent life forms, a partnership to coincide with African civil society efforts to have their governments adopt draft OAU legislation on intellectual property rights addressing **biotechnology**.
- ☞ The struggle for **debt cancellation** for African nations. There is much left to do, not only continued funding but also the largely neglected issues of stolen wealth and odious debt.
- ☞ Advocacy for **fair trade** relationships between the US and Africa. This is more than a general statement of principle. The US and other industrialized nations are moving forward aggressively on international trade agreements that work to the detriment of Africa.

### Peace and reconciliation

- ☞ Meaningful sanctions preventing the marketing, in the US and worldwide, of **"conflict diamonds"** whose sale funds the tragedies of Sierra Leone and Angola.
- ☞ Ratification of the **child soldiers protocol**, while securing meaningful culturally-appropriate support for the **rehabilitation** of those children caught up in a violent adult world.
- ☞ Ratification of the **landmines treaty**, while seeking broadened support for the removal of landmines that threaten African families every day.
- ☞ Toward a for a **just resolution** of the tragic conflicts around the continent. We seek to keep before government and people these human tragedies – from the Sudan to the Congo to Sierra Leon – and to advocate for policies that affirm both our common humanity and the integrity of African initiatives.

### Health and human welfare

- ☞ Full funding for the **AIDS** bill passed in this last Congress, and advocacy for a US trade policy that protects African governments against US retaliation when they try to obtain **affordable medicines** for both AIDS and opportunistic infections.
- ☞ Development assistance for **health infrastructure** and health programs that address broad needs in Africa, beyond a single disease, no matter how tragic it is.
- ☞ Aid initiatives that enhance the role of **African civil society** in decisions that deeply affect their lives.

## *The issue is still justice*

I have a fantasy. I picture President-elect George W. Bush lecturing African leaders on free and fair elections. I picture him telling them that democratization means finding *judicial* means to prevent votes from being counted. I picture him taking President Daniel arap Moi aside and saying that he, Bush, is finding remarkable similarities between his approach to Florida and KANU's frequent declarations that particular districts are opposition-free zones. It would be a fascinating thing to see.

The reality is that – at a minimum – we are left with a *perception* that raw politics, not justice, has determined the presidency. From the stories of switched polling stations and police roadblocks in African-American communities in Florida; to a Floridian Secretary of State who, in a stunning conflict of interest as simultaneously co-chair of the Bush campaign, denied a manual recount that might go against her candidate; to a US Supreme Court that rejected its long-standing deference to state-based judicial solutions and prevented a Florida Supreme Court judgment which sought to allow us simply to *know* what the rejected ballots revealed – the perception is of an upcoming presidency whose legitimacy is more than suspect. Contrary to the distortions of James Baker, there really is a bottom line: The Bush judgment that a substantial number of ballots rejected by machine might go against him, and that a manual count, which could reveal who actually won Florida, had to be prevented at all costs.

This reality probably should come as no surprise. But for those of us engaged in justice work – and that embraces not simply our office here but each of you as well – I suspect there has been that nagging hope that someone might say, “I want to win, but I want to win only when it is clear that I have truly done so.” We in justice advocacy for Africa spend much of our time trying to communicate to those with political power that they should do something because it is right. Not because we have done something for them, not because we have given them money. But because it is right and just. When we receive a glaring message about the irrelevancy of justice, it is, well, sobering.

For some years now we have had a Congress that is up for sale. Our efforts to secure African access to affordable HIV/AIDS medications, for example, have been thwarted by a pharmaceutical industry that donates hundreds of thousands of dollars to congressional candidates. Our message persists, in both its weakness and its power: This is the *right* thing to do. Our leverage, though, is but the ability to join with our partners around the country who, as constituents, can ultimately influence

policy through the vote. When the vote is threatened, the warning to us all is indeed sobering.

But there is more than the conduct of this election that is worrisome. The campaign itself – by both candidates – was characterized by the absence of discussion of what constitutes the common good. “We will do this for *you*” dominated the debate. Not only was the campaign devoted to self interest; it was devoted to self interest for the few. Concern for the poor and marginalized within the United States has disappeared from our political screen. With that so, concern for the marginalized in the world is problematic indeed.

This is all the more true when we consider that President-elect Bush has already indicated his own marginalization of Africa. True, he endorsed debt relief. But his reference to Rwanda's genocide was that it was a painful thing for Americans to see on our TVs. I'd have thought it would have been, instead, a tragic thing to live through, or die in. Combined with a narrow world view, a corporate mentality, and a stated unwillingness to invest in Africa's challenges, Mr. Bush's promise to those of us who care deeply about Africa is likely to be for some difficult times.

Maybe not. Vice-president Al Gore's concession speech was far more magnanimous than this piece, and Mr. Bush's displayed graciousness. Mr. Bush may well honor his commitment to bipartisanship, and perhaps charity will indeed move us forward. But appeals to patriotism are a poor substitute for appeals for justice, and calls for reconciliation by one who has placed victory above elemental fairness ring hollow. The justice community frequently notes the truism that reconciliation follows justice, not precedes it; we said it during the anti-apartheid struggle, and we say it now. Yes, Mr. Bush is what we've got for the next four years, and that cannot be redressed. The Washington Office on Africa will certainly seek to work effectively within that reality. But Mr. Bush's nice words cannot mask what has happened in Florida.

Africa needs far more from us than an indication that we Americans will vow to get along. Africa needs a more just American policy, one that understands the depth of meaning to those words, “economic justice,” one that offers concrete support for African efforts toward peace and reconciliation, one that addresses firmly the tragic inadequacies of health and education and social welfare programs in Africa.

We have our work cut out for us.



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# Economic justice

**We commit ourselves to seek a US policy in support of African efforts to protect community rights and traditional practices against the strategy of multinationals to patent life forms, our effort at partnership with African civil society, who seek to have their governments adopt draft OAU legislation on intellectual property rights addressing biotechnology.**

The US, the World Bank and transnational corporations (TNCs) are attempting to privatize, commercialize and even genetically alter Africa's agricultural and biological resources and life forms. By so doing they are – largely through the World Trade Organization's (WTO) Trade Related Intellectual Property Rights (TRIPS) structure – restricting African access to the technologies needed for economic development, health, food security, and a sustainable environment, as well as rendering it difficult for Africans to compete in the global economy. This in turn exacerbates existing inequalities between African nations and the Western world.

We at the Washington Office on Africa, together with our friends at the Africa Faith and Justice Network and in our Africa Trade Policy Working Group, find here a special opportunity for African partnership, for a significant number of NGOs and labor and faith-based groups within and without Africa are advocating to keep Africa's biodiversity, seeds, plants and biological resources under the collective control of its local communities, safeguarding public access and rights to them. Such access and public control we find rooted in basic social justice principles directly tied to the right to food, land, secure livelihoods, traditional culture, environmental sustainability and protection of the common good.

We know that these related issues of biotechnology and intellectual property rights can be difficult and complicated, and there is much for us to learn. We also know that, on the surface, these are not gripping issues in the way, say, vivid images of human suffering can convey. But the justice issues are very very real, and we are convinced that we need to find our voice.

Recent developments offer a special opportunity for partnership. The Organisation for African Unity (OAU) has prepared draft legislation, "African Model Legislation for the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources," for consideration by African parliaments. Meanwhile, the US government persists in a policy that not only supports current intellectual property rights regulations but actually seeks to expand their restrictive nature against the agenda that African civil society and African governments have articulated.

This situation offers us all the possibility of coordinating our efforts, with African partners raising the issue and the OAU model legislation in their context, and with Africa advocacy groups such as ours, in the US, pressing for a more thoughtful and just US policy on intellectual property rights in line with African concerns.

The OAU's model legislation aims "to ensure the conservation, evaluation, and sustainable use of biological resources, including agricultural genetic resources, and knowledge and technologies in order to maintain and improve their diversity as a means of sustaining life support systems."

There are other potentially helpful twists to the picture. The African Group of countries in the WTO, for example, proposed last August that TRIPS be amended to clarify that life forms and living processes cannot be patented. A number of other developing countries in the WTO have supported this position. Unfortunately, there has been strong resistance from the US, which would like to maintain the position that life forms can be patented, and indeed, that some must be patentable.

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## Millennial Campaign for Africa





# Peace and reconciliation

We commit ourselves to meaningful sanctions preventing the marketing, in the US and worldwide, of "conflict diamonds" whose sale funds the tragedies of Sierra Leone and Angola.

We've seen the images from Sierra Leone this past year, of children with hands and feet cut off, the horrors of a brutal rebellion, against a backdrop of a much-compromised international community that was willing to incorporate the perpetrators of these maimings into a government. That's changed now, but the images remain, and it does not take much to shift our mind to Angola, where a failed UNITA movement also continues to wreak havoc upon a nation and people who have not experienced peace for decades.

One of the great struggles in peace and justice advocacy is to link the vision of a peaceful and just society with an action that might indeed move toward that vision. Sometimes it is a bit of a stretch, a seemingly ineffective action that satisfies a need to "do something," yet an act with little likelihood of meaningful impact.

The "conflict diamond" initiative, fortunately, is not that. Rather it is a substantive direction that – if broadly adopted and implemented – promises a meaningful impact. We've noted it before, largely in the context of several bills before Congress. But in this issue of *Notes* – as in our Millennial Campaign – we give it more attention. The background is this:

The rebel movements in Sierra Leone and Angola have managed to export diamonds from areas under their control to provide funds to obtain weapons and sustain their wars. These diamonds have been "laundered" through such countries as Liberia, Togo, Zimbabwe, Congo (DRC), Cote d'Ivoire, and Burkina Faso. They then reach the major cutting and export centers – Antwerp, Tel Aviv, Bombay, London and New York – with few questions asked.

According to both State Department and independent sources, smuggled and illicit conflict diamonds may amount to as much as ten to fifteen percent of the \$50 billion worth of diamond jewelry sold internationally every year. The US consumes 65% of the diamond market.

Controlling the trade in conflict diamonds has been part of the issue. For some time the diamond industry simply denied having the ability to do so. They argued that once the diamonds reached a cutting center, the diamonds were simply cut and vanished into the market.

The United Nations tried to intervene with an embargo on trade in rebel-controlled diamonds in Angola and Sierra Leone, trying especially to attack the problem from the point of sale of the rough diamond. Still, without a global system of documenting and certifying where the diamond came from, there remained no way to know

whether the UN embargo was being violated.

Meanwhile, the industry distanced itself from its earlier argument that it was unable to control trade in conflict diamonds. De Beers, the Diamond High Council, the Israeli Diamond Exchange, and India even threatened to ban any member from the World Diamond Congress that knowingly traded in diamonds obtained from Africa's rebel groups.

In July the Washington Office on Africa joined with some 70 US organizations – under the leadership of Physicians for Human Rights – to appeal to the World Diamond Congress, meeting then in Antwerp, Belgium, to cease dealing in conflict diamonds.

*When someone goes in  
to buy a diamond on the  
finger of a loved one,  
they should feel  
confident a child in  
Sierra Leone, Angola or  
the Congo has not lost  
an arm or hand for it to  
be there.*

✉ British Foreign Office  
Minister for Africa Peter Hain

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## Millennial Campaign for Africa



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# Health and human welfare

We commit ourselves to full funding for the AIDS bill passed in this last Congress, and to a US trade policy that secures the rights of African governments against US retaliation when they try to obtain affordable medicines for both AIDS and opportunistic infections.

We commit ourselves to development assistance for health infrastructure and health programs that address broad needs in Africa, beyond a single disease, no matter how tragic it is.

No matter how often we may read them, the figures remain stunning:

- ✎ An estimated 24.5 million Africans are living with HIV/AIDS.
- ✎ Each day AIDS buries another 5,500 African men, women and children, a figure that is projected to reach 13,000 daily by 2010.
- ✎ Today there are 12.1 million African children considered to be "AIDS orphans."
- ✎ South Africa, with a 20% infection rate, has the largest HIV-positive population in the world – 4.2 million people.

However we look at it – as a singular priority; as but one, albeit critical, aspect of broader health issues; as an economic justice issue regarding pharmaceuticals; as an expression of poverty realities; even as what President Clinton named a national security issue – AIDS in Africa is a human catastrophe.

Both African leaders and the international community have been slow to acknowledge and confront the pandemic, but fortunately, there have been dramatic changes in the past year: The UN Security Council focused upon HIV/AIDS in Africa early in 2000, African heads of state began to speak, the Durban conference garnered sustained attention, and the US Congress had no less than six bills before it by mid-year. But the issue remains: What do we do?

The impulse is to provide money, and in the fall appropriations bills did just that. But, what should be priorities and approaches remains open for debate. The Africa-America Institute (AAI), in a recent series of discussions with a diverse cross-section of Africans about US responses to HIV/AIDS in Africa, reports wide African

consensus that international support should be directed toward building *local* capacity to combat HIV/AIDS; that donor nations should adopt a holistic approach that treats HIV/AIDS as both a cause and an effect of underdevelopment; and that African NGOs should be engaged more directly in HIV/AIDS project design. Donors should, they said, be more transparent about international program priorities and more respectful of national priorities set by Africans.

These may seem obvious points to those of us who see ourselves as progressives, but they certainly are not characteristic of many US-based initiatives. The AIDS and Health Care Working Group of the Advocacy Network for Africa, which the Washington Office on Africa helps to convene, issued a series of briefing papers several months ago that sought to place the AIDS pandemic in the context of poverty, debt relief, gender issues, medical testing in Africa, and pharmaceuticals. Linked with the AAI findings, these themes remind us once more of the complexity of the crisis, and the cry for a thoughtful and sensitive response.

One of the things we have heard from African partners (less now than earlier, admittedly) is that AIDS is a Western preoccupation. The recent Jubilee Convocation of the All Africa Conference of Churches, meeting in Togo, set up a working group not simply on HIV/AIDS but on AIDS and malaria. Why just AIDS? is the frequent question. The AIDS crisis, they say, should not detract from the compelling need for attention to easily-treatable diseases that claim the lives of so many Africans, or for strengthening the health care infrastructure that today fails in so many ordinary ways.

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## Millennial Campaign for Africa



## *AIDS initiatives in a genuine African-international partnership*

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There are, we would argue, reasons to focus on AIDS, not only because of its scale and devastation, but also because of the stigma attached to it, which carries unique demands for action. But we have chosen, in our Millennial Campaign, to place HIV/AIDS initiatives in the context of health infrastructure and broader health care needs because we share with our African partners an appreciation for the interrelatedness of it all. We acknowledge that without attention to infrastructure, without an abandonment of the Structural Adjustment Program-imposed user fees for access to clinics, without an awareness that spreading resistance to malarial medications marks a genuine crisis on its own, and without affordable access to less-resistant malarial drugs, to pain-relievers, and to medicines to treat opportunistic infections among AIDS patients, then our focus on the AIDS pandemic in Africa is but a gesture.

The passage of the Global AIDS and Tuberculosis Relief Act (HR 3519) was a significant step (about which we reported in our last issue of *Notes*). Since then, foreign operations appropriations, together with a line item for HIV/AIDS prevention and training (\$10 million) in the defense appropriations bill and further funds (\$104.5 million) for the Center for Disease Control's global HIV programs, have given HR 3519 concrete meaning. HR 3519 authorized \$570 million for each of two years. Depending upon how appropriations for several health initiatives are used, up to \$471 million has been appropriated for the first year. The major gap is in the soon-to-be-established World Bank Trust Fund, for which Congress appropriated an initial \$20 million, rather than the \$150 million HR 3519 called for.

Affordable medicines for AIDS remain a contentious issue. We fully expect Rep. Maxine Waters (D-CA) to re-introduce her Affordable HIV/AIDS Medicines for Poor Countries Act in the new Congress. The bill calls upon the US government not only to avoid retaliation against but to

actively encourage developing nations to enact policies to make HIV/AIDS pharmaceuticals "available to their populations without charge at affordable prices." We will support that bill.

Pharmaceutical companies have taken three tacks over African access to medicines. One has been to argue that African nations lack the capacity to deliver and monitor AIDS medications effectively. Two has been to enter into negotiations with African nations to provide AIDS drugs at reduced prices. Three has been to fight any African efforts to secure AIDS medicines through parallel imports or compulsory licensing provisions of the World Trade Organization (WTO).

We agree that the health infrastructure challenges are major, but we also maintain that those difficulties are poor grounds for denying affordable access. We also affirm the rights of African governments to enter into agreements with pharmaceuticals for drug access – the October deal between Glaxo Wellcome and Senegal is the key current example – though it seems clear that part of the motivation of drug companies has been the fear that African nations will turn to inexpensive generic versions produced in Brazil, Thailand and India – which Ghana is currently trying to do. Where we find no common ground is the heavy-handedness of pharmaceutical giants – backed for a period by the US government – to prevent African use of *entirely-legal* provisions in WTO rules to "shop around" for best prices or to manufacture generics themselves. The Waters bill seeks to prevent US retaliation – displayed so blatantly when South Africa passed its Medicines and Related Substances Control Act in 1997 – when they take such steps.

Finally, we need to flag the issue of the use of human subjects in US-sponsored medical research in Africa. There have been disturbing reports regarding both Congo (DRC) and Uganda.



*WASHINGTON NOTES ON AFRICA* is published three times a year by the WASHINGTON OFFICE ON AFRICA, 212 East Capitol Street, Washington, DC 20003. We are a not-for-profit advocacy organization seeking to articulate and promote a just American policy toward Africa. We monitor Congressional legislation and executive policies and actions and issue action alerts to advance progressive legislation and policy. We seek to work in partnership with colleagues in Africa, the Africa advocacy community in the United States, and grassroots organizations concerned with various aspects of African affairs. Executive Director: The Revd Dr. Leon Spencer. Phone: 202/547-7503. Fax: 202/547-7505. Electronic mail: [woa@ijc.apc.org](mailto:woa@ijc.apc.org). Web-site: [www.woafrica.org](http://www.woafrica.org).

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## Community rights and the privatization of biological resources

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Most African countries, moreover, have signed the UN Convention on Biodiversity (CBD). Most likewise are members of the WTO. What's interesting is that the CBD and TRIPS are at odds with each other. TRIPS requires the privatization of biological resources; the CBD upholds public control and access. Can the principles and values of CBD gain primacy over TRIPS in African policy and national legislation?

Meanwhile, patents on life are being granted almost indiscriminately by patent offices, mostly in the North, in order to grant corporations and individuals private rights and ownership over biological and genetic resources, traditional knowledge and genetically modified organisms, in order to obtain monopoly profits. Using a patent law system originally intended for mechanical inventions in this

way threatens food security and Africa's traditional knowledge and community practices.

And so, this matters. And it matters to us, not as some kind of anti-technology stance, but rather one that places developments in biological resources in the context of community rights and economic justice. There is much for us to sort out, with our partners and in terms of our own strategies. But the issue is not going to wait for us. Only a few weeks ago the TRIPS Council met to examine next steps. Unless African nations are prepared to counter the Western drive for greater business-based control of biological resources, the prognosis is ominous. And they are going to be unable to offer an effective challenge without the encouragement of civil society and NGOs, here and in Africa.



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## Conflict diamonds and the tragedies in Sierra Leone and Angola

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The coalition urged the industry to establish a system for certifying legitimate diamonds and to announce an immediate prohibition on the buying, cutting, and exporting of diamonds originating in rebel-controlled Sierra Leone and Angola, as well as the Congo (DRC). We sought the establishment of a comprehensive global system for the mining, export, manufacture and sale of legitimate diamonds as a long term goal, and immediate action by the diamond industry to identify (mark) diamonds or packets of diamonds and provide certificates of origin and legitimacy, without which no stone (or packet of stones) can be cut, exported, or sold.

There was in fact an encouraging response. The industry agreed to a comprehensive program of "rough controls," setting up a forgery-proof delivery system and computer data-base for the tracking of shipments of uncut stones. Once inside cutting centers the stones would all be certified as legitimate, and traded and sold.

The first major effort in the US Congress to address the issue of conflict diamonds came from Rep. Tony Hall (D-OH), who introduced the Consumer Access to a Responsible Accounting of Trade Act (HR 3188) in the last Congress. The bill, which was not adopted, supported the UN embargo and required labeling on diamonds imported by the US.

Meanwhile, Sen. Judd Gregg (R-NH) added a provision to the Commerce-Justice-State appropriations bill prohibiting imports of diamonds from, *inter alia*, Sierra Leone and Angola. (Sen. Gregg chaired the appropriations subcommittee.) Unfortunately, the provision was unen-

forceable, as there is currently no way for US Customs to know where the diamonds were mined, only where they were polished and cut.

The House Ways and Means Committee held hearings on conflict diamonds in September, and afterward Physicians for Human Rights, Amnesty International, and World Vision worked with the industry on a legislative approach that would essentially ban the importation of diamonds from any country that does not have rough controls in place.

Back in the UN, a British-brokered resolution before the General Assembly in mid-December opens the way further toward an international certification scheme for all rough-cut diamonds. The scheme would be run by the industry, but it would be monitored by a UN or internationally-appointed panel of experts. Simply put, uncut diamonds would have to have a certificate of origin. In addition, the British and Belgian governments want to make it a criminal offence throughout the European Union to trade in conflict diamonds. The proposal is to be put before the EU early in 2001.

It's not clear yet what legislation on conflict diamonds will come before the US Congress in 2001. We certainly pledge to be engaged. But initiatives may also include a call for demonstrations, as it was largely the efforts of diamond dealers that prevented legislation in the previous Congress. We want to approach this avenue thoughtfully, as a boycott of diamonds could – if not properly focused – threaten the legitimate diamond industry that is crucial to the economies of South Africa, Botswana, and Namibia.



## UJAMAA

The Washington Office on Africa welcomed the **Revd Dr. Robert Aboagye-Mensah** and **Mr. Christian Teteh Akumia** of Ghana, **Ms. Joyce Riunga** of Kenya, **Bishop Tilewa Johnson** of the Gambia, and the **Revd Shirley DeWolf** of Zimbabwe to our offices for a breakfast discussion on Africa advocacy in October. The group represented affiliates in refugee work with Church World Service.

In November WOA was pleased to host a briefing by a delegation from

Zimbabwe, including **Mr. Elliot Pfebve** of the Movement for Democratic Change (MDC) and



*The Revd Dr. Kyesi Dickson (left), President of the All Africa Conference of Churches, presents a certificate to the Revd Dr. Leon Spencer, Executive Director of the Washington Office on Africa, at the Jubilee Convocation in Togo.*

**Ms. Adella Chiminya** and **Ms. Maria Stevens**, both of whose husbands were murdered in recent political violence.

Our Executive Director, **Leon Spencer**, attended the re-scheduled Jubilee Convocation of the All Africa Conference of Churches, held in Togo in late November. Other partners included **Ms. Liz Calvin**, the Executive Secretary of the Ministry of Women and Children of the United Methodist Church, and the **Revd Will Herzfeld** of the Evangelical Lutheran Church in America's

Division for Global Mission. The **Revd Dr. Ngoy Mulunda-Nyanga** organized the meetings.



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