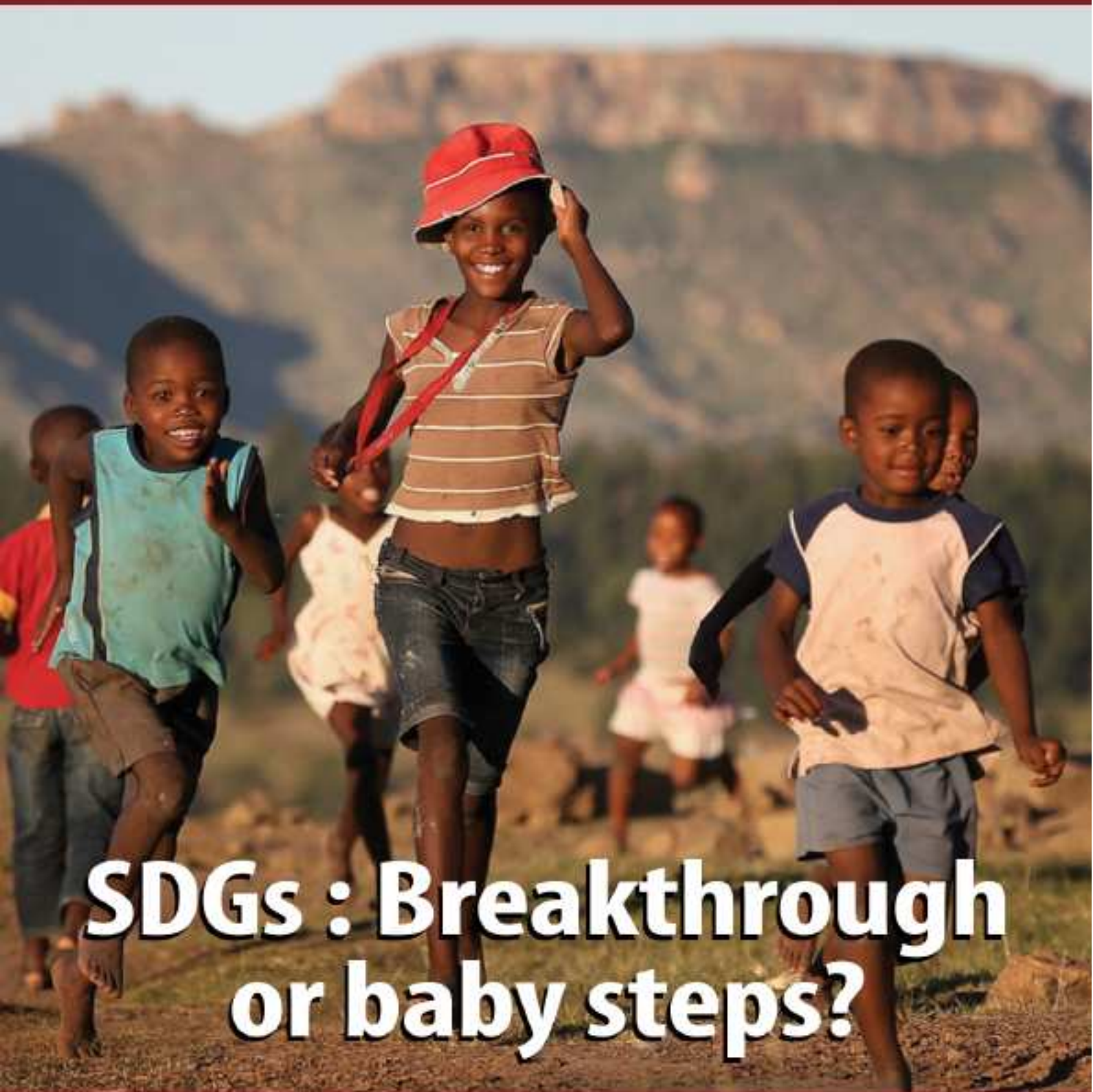


# African Agenda

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**SDGs : Breakthrough  
or baby steps?**



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page 11 photo: TPP leaders summit

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# SDGs : Breakthrough or baby steps?

The United Nations in its Resolution and outcome document, 'Transforming our world: the 2030 Agenda for Sustainable Development' admits that 'eradicating poverty in all its forms and dimensions, including extreme poverty is the greatest global challenge and an indispensable requirement for sustainable development'. However, the agenda set out may not achieve the target goals just like its predecessor, Millennium Development Goals, MDGs, whose inability to complete the 2015 set goals has led to the Sustainable Development Goals, SDGs.

Even as the SDGs pledge to work for 'people, planet and prosperity' through balancing the 'three dimensions of sustainable development: the economic, social and environmental', the fundamental issues responsible for poverty and challenges to development in underdeveloped, least developed and developing countries have been largely left untouched.

The inequities and inequalities in global, economic, political, financial and trade architecture which contribute greatly to the development deficit that first the MDGs and now the SDGs seek to reverse have not been addressed. The increase in the goals from 8 non-achievable ones in the MDGs to 17 in the SDGs could be a pointer to the inherent challenges and inconsistencies that confront the design of and implementation of both programmes. In effect there is the need for systemic change as advocated by many civil society organizations during the New York Summit. The solution to poverty, as they shouted themselves hoarse during the Summit is not in the placebos that both the MDGs and SDGs have for the endemic and systemic ills that sustain the current world economic, political, financial and trade order to the advantage of the developed world and the detriment of the developing world.

Jackson Hickel in, '*Why SDGs won't make the world a fairer place*' page 7) sug-

gests that the SDGs would not deliver the 'new economy' that the world so 'desperately needs' because they are still hooked 'around a failing economic model that requires urgent and deep structural changes'. For him plugging SDGs programme for development and poverty reduction into the same old model of industrial growth, which is at the heart of the worsening effects of climate change and at the same time calling for 'sustainable patterns of production and consumption' are contradictory. This is especially when increasing levels of extraction, production and consumption would help the LDCs reach Goal 8 of the SDGs which aims at 7% annual GDP growth. And companies are only encouraged 'to adopt sustainable practices' not a mandatory requirement and not liable to sanction.

Again as indicated on page 5, *The 2030 Agenda and the SDGs-a course correction?*, the SDGs may be responding to some of the 'critical shortcomings of the MDGs' but as stated by others they may be 'ridiculously over bloated'. Is it also not over ambitious to have 17 goals with 169 targets over a 15-year period? Given that grappling with the 8 Goals under the MDGs presented a major challenge in terms of mobilizing resources both human and financial as well as organizing people around the issues. Another major challenge is as a 'politically negotiated' consensus there are no enforcement mechanisms built into it, no sanctions, nothing to hold people accountable. The SDGs seem at best a wish list which countries can pick and choose as they like with no qualm and plenty of excuses if they fail to achieve them.

A critical issue that the SDGs fail to tackle is the fundamental error made in assuming that 'tackling the structural roots of economic inequality is a by-product of fighting poverty and climate change' when in reality that should be at the core of the fight. Ensuring an equitable and fairer world

is the surest bet to freeing 'the human race from the tyranny of poverty and want and to heal and secure our planet' as well as strengthening 'universal peace' as the preamble to, 'Transforming our world: the 2030 Agenda for sustainable development' says.

Africa will be the biggest laboratory and the the ultimate litmus test for the SDGs. The continent's shallow and deeply inequitable growth in the past decade has accentuated transfer of resources and surpluses from the continent to global capital. The paradox of this deeper global integration has been the narrowing of the continent's productive base, which in many cases has seen de-industrialisation, agrarian retardation and intensification of raw mineral exports all accelerate in mutually-propelling tandem. It is the continent that provides the most compelling evidence for overturning the dominant neo-liberal growth paradigm, something that is more than implicitly acknowledged - and uncontested - by the elevation of the environmental and the social, alongside the economic, as pillars of sustainable development. But Africa is also the terrain on which the new developmentalism might soonest become a ponderous crawl. This is less a factor arising from the continent's dismal physical infrastructure than the infrastructure of power over its policy apparatus and choices - the excessive domination of foreign capital and allied aid donors. Africa must now take a stand and take her own development decisively in hand. This is what might embed the undeniable need for paradigm change in an alliance of agglomerated interests that can muster and then propel sufficient traction at both the Local and the Global levels.

If the systemic changes required to bring the transformation needed to turn the world around are not made, the declaration to 'end poverty and hunger, in all their forms and dimensions' will remain a pipe dream.

# The 2030 Agenda and the SDGs - A course correction?

Much will depend on the capacity and determination of civil society to leverage the necessary political will opines **\*Sakiko Fukuda-Parr.**



A rare sense of euphoria permeated the adoption of the 2030 Agenda and the Sustainable Development Goals (SDGs) in New York. The multitude of events that have been taking place on First Avenue and beyond had a party atmosphere. And it was not only government delegates but many civil society activists who negotiated for systemic change that celebrated the new agenda that promises transformative change for sustainable development. Yet will implementation actually

bring real change?

The SDGs do signify a major shift in development as an international project. The Millennium Development Goals (MDGs) are an aid agenda, driven by donor agencies facing a crisis of declining support for development budgets in the post-Cold War world and mired in controversies over structural adjustment. As I have argued in a paper with David Hulme, the moral imperative to end poverty that emerged as a global norm in the 1990s provided a unifying

purpose and a more convincing narrative and *raison d'être*. The SDGs on the other hand grew out of the Rio + 20 process that set an agenda to change the course of increasingly environmentally unsustainable and socially unequal development. The formulation process involved governments, civil society, private sector and not just development professionals. It was firmly in the hands of national governments, with middle-income countries like Colombia playing a leading role.



Youth group staking their claim at SDGs summit

The SDGs are in effect a universal recognition that poverty, inequality and environmental sustainability are as much a challenge in the UK as they are in Liberia. They are not merely a North-South project, but rather a genuinely global project, involving multiple actors beyond the state.

The SDG agenda undoubtedly responds to some of the critical shortcomings of the MDGs in some important ways.

First: simplicity and reductionism. One of the widely acclaimed virtues of the MDGs was said to be their simplicity, with the SDGs being widely criticised, particularly by development professionals, for being ridiculously over-bloated. But simplicity also meant simplification. The goals reduced the meaning of 'development' to delivering basic needs, replacing the idea of development as structural transformation to expand productive capacity, shifting power structures and social relations, ultimately the expansion of human freedoms.

The SDGs are not only more numerous, but represent a more ambitious agenda for altering the course of development and the need to reform those institutions that are the key means of implementation.

### Unfair metrics

Second: unfair metrics for poor countries. Recognising the importance of context, the Declaration states that the SDG targets are 'defined as aspirational and global', while governments are to set their own targets in the light of their national circumstances.

In contrast, the idea of national adaptation was fiercely resisted for the MDGs by the UN leadership. Those goals set 'one-size-fits-all' 2015 targets for all countries,

regardless of context. The monitoring framework held countries to the task of achieving the same target regardless of starting point.

Naturally, countries that started far behind, mostly the Least Developed Countries concentrated in Sub-Saharan Africa, tended to be off course in achieving the goals and thus came to be judged as failures. But, measured by the pace of progress, studies have shown that the best performers have been some of the African countries.

Third: the missing goal for inequality. Although it has become one of the most pressing challenges in almost all countries today, inequality was not a goal in the MDGs. This reinforced the view of those goals as constituting an agenda for providing social safety nets as a response to an economic model that was and still is increasing inequalities. The debate about the inclusion of SDG10 - which aims to reduce inequality within and between countries - was one of the most contentious political battles. Its ten targets unavoidably address the need for institutional reforms in economic governance.

Yet, for these texts to be a 'course correction' in reality, the challenge will be to ensure that the hard-won gains on politically contentious issues are not lost in implementation.

There are obviously risks that the complex, ambitious, 17 goal agenda will be dumbed down and simplified. Already, a private initiative to publicise the SDGs - Global Goals - has simplified them, shortening the titles and reinterpreting them in the process. Barbara Adams points out in her recent blog that 'the concept of "sustainable development" is completely lost' as words

**“With 17 goals and 169 targets in the new SDGs, which handful will receive attention, mobilise effort and generate resources? Will goal 10 to reduce inequality within and between countries, or target 5a to ensure the legal right of women to land ownership, actually get the necessary political attention?”**

like 'just', 'inclusive' and 'sustainable' are removed and replaced by 'responsible' and 'strong'.

### Selectivity

Another risk is selectivity, leading to neglect of goals and targets that would address structural issues. It is widely believed that the MDGs mobilised action, yet not all goals and targets were the same. Some, such as employment and hunger, were poor cousins until the 2008 financial crisis and recession hit. With 17 goals and 169 targets in the new SDGs, which handful will receive attention, mobilise effort and generate resources? Will goal 10 to reduce inequality within and between countries, or target 5a to ensure the legal right of women to land ownership, actually get the necessary political attention?

A further risk is the scope allowed for national adaptation, which in certain circumstances can clearly be an invitation to water down the ambition of the SDGs. On this front implementation of the inequality goal is particularly challenging as it is one of the few goals that requires a major change in course from the trends of the last decade, including shifts in the economic model that has been promoted over the last decade.

In sum, the SDGs are a politically negotiated consensus that has no enforcement mechanism built in. The onus now falls squarely on civil society groups to leverage the SDGs as course correction.

*\*Sakiko Fukuda-Parr is Professor of International Affairs at The New School in New York. The article is reproduced from Third World Network Features.*



# Why SDGs won't make the world a fairer place

The much-hyped Sustainable Development Goals adopted by the UN summit in New York will not deliver the new economy that the world so desperately needs. Their creators want to reduce poverty and inequality without touching the wealth and power of the global 1%. They fail to understand a basic fact: Mass poverty is the product of extreme wealth accumulation and over-consumption by a few, argues **\*Jason Hickel**.

**T**he Sustainable Development Goals (SDGs) are set to be a major international event, and the goals ushered in with tremendous fanfare; they are widely regarded as a historic step toward building a better world, and toward eradicating poverty and hunger from the face of the Earth once and for all.

It sounds wonderful, but unfortunately

it's not as good as the media would have us believe. In reality, the goals are inadequate to the task of delivering the new economy we so desperately need. And in this sense they are not only a missed opportunity, they are actively dangerous: they will lock in the global development agenda for the next 15 years around a failing economic model that requires urgent and deep structural

changes.

## **The contradiction of growth**

The Zero Draft contains some truly excellent demands. The preamble affirms that “planet Earth and its ecosystems are our home” and underscores the necessity of achieving “harmony with nature.” It establishes a commitment to hold global warm-

**“In other words, the SDGs want to reduce inequality by ratcheting the poor up while leaving the wealth and power of the global 1% intact. They fail to understand that mass impoverishment is the product of extreme wealth accumulation and over-consumption by a few. You can't solve the problem of poverty without challenging the pathologies of accumulation.”**

ing below a 2° Celsius increase, and calls for “sustainable patterns of production and consumption.”

All of this reflects awareness that something about our economic system has gone terribly awry. The pursuit of endless industrial growth is chewing through our living planet, producing poverty and threatening our existence. And yet the core of the SDG programme for development and poverty reduction relies precisely on the old model of industrial growth - ever-increasing levels of extraction, production, and consumption. Goal 8 calls for 7% annual GDP growth in least developed countries and higher levels of economic productivity across the board.

In other words, the SDGs call for both less and more at the same time. How can they expect to succeed with such a profound contradiction at their root? True, Goal 8 is peppered with progressive-sounding qualifications: the growth should be inclusive, should promote full employment and decent work, and we should endeavour to decouple growth from environmental degradation. But these qualifications are vague and weak; the real message that shines through is that GDP growth is all that ultimately matters.

Right now global production and consumption levels are overshooting our planet's capacity by about 50% each year. This is a monumental crisis, and one that proceeds from the deep logic of capitalism. Yet the SDGs' proposed solution is superficial: reduce food waste, make resource use more efficient, and “encourage companies to



**African kids waiting for a brighter future**

adopt sustainable practices.”

These proposals explicitly sidestep the only real solution, which is to reduce consumption by the world's wealthy. They also steer clear of actually regulating corporate extraction.

This is not entirely surprising. The drafters of the SDGs probably sidestep the nub of the matter because they know that capitalism depends on ever-increasing production and consumption to keep going. But that's precisely what we need to change if we are to have any chance of a fair and sustainable economy.

### **Growth does not reduce poverty**

The Zero Draft promotes growth as the main solution to poverty, but this relationship is highly tenuous. Of all the income generated by global GDP growth between 1999 and 2008, the poorest 60% of humanity received only 5% of it.

Given the existing ratio between GDP growth and the income growth of the poorest, it will take 207 years to eliminate poverty with this strategy. And to get there, we will have to grow the global economy by 175 times its present size.

Consider the implications of this. Even if such immense growth were possible, it would drive climate change to catastrophic levels and, in the process, rapidly reverse any gains against poverty. Clearly this is not

an acceptable course of action.

The SDGs seek to dodge this problem by calling for income growth for the bottom 40% of the population at a rate higher than the overall average. This is good in that it will speed the reduction of poverty and inequality, but it does nothing to address the problem of excess in rich countries. If all countries grew to the point of consuming as much as the average high-income country, we would need 3.4 Earths to sustain us.

In other words, the SDGs want to reduce inequality by ratcheting the poor up while leaving the wealth and power of the global 1% intact. They fail to understand that mass impoverishment is the product of extreme wealth accumulation and over-consumption by a few. You can't solve the problem of poverty without challenging the pathologies of accumulation.

### **Unaddressed issues**

Surprisingly, the SDGs offer little by way of solutions to many of the biggest known drivers of global poverty. For example, the SDGs say nothing about the unfair trade regime of the World Trade Organisation, or the many bilateral trade and investment agreements that liberalise global markets at the expense of the poor. In fact, instead of tackling this crucial issue, Goal 17.10 calls for more trade liberalisation and more power for the WTO



And instead of demanding an end to the financial speculation that has caused food prices to spike since 2007, pushing 150 million into hunger, the SDGs ask that we “ensure the proper functioning of food commodity markets.” It’s not clear what this means, but it can easily be interpreted as yet more liberalisation, which is what caused the food crisis in the first place.

The SDGs are also eerily silent on the need for greater regulation of financial markets. Goal 17.13 speaks vaguely of the need to “enhance global macroeconomic stability” through “policy coordination,” with no specific targets. Tax evasion and tax avoidance, which drain developing countries of \$1.7 trillion each year, are politely side-stepped.

### Evasion

The debt issue is also evaded: the SDGs refuse to call for debt cancellation even though debt service drains developing countries of more than US \$700 billion per year.

Then there's the question of funding. The United Nations acknowledges that the SDGs will require an annual outlay of some \$2.5 trillion. How do they propose to bridge the funding shortfall? Through private investment. The Zero Draft calls for a global partnership between the UN and the corporate sector toward the implementation of the SDGs.

With corporations and private investors playing such a central role, one might think that the Zero Draft would bind them to specific commitments, and lay out plenty of accountability mechanisms. Unfortunately, this is not the case.

Nowhere is the compromised nature of the SDGs more evident than in the headline goal, to eradicate extreme poverty for all people everywhere, as measured at \$1.25/day. It's high time we got around to eradicating poverty, but a growing number of scholars are pointing out that \$1.25 is actually not adequate for human subsistence.

### Reality

A number of recent studies suggest that if people are to achieve normal life expectancy and meet their basic needs as outlined in the Universal Declaration of Human Rights, they need closer to \$5 per day.

So why do the SDGs stick with the discredited \$1.25 measure? Because it's the only one that will allow them to get any-

## From MDGs to SDGs

### MDGs:

1. Eradicate extreme poverty and hunger
2. Achieve universal primary education
3. Promote gender equality and empower women
4. Reduce child mortality
5. Improve maternal health
6. Combat HIV/AIDS, malaria and other diseases
7. Ensure environmental sustainability
8. Develop a global partnership for development

### Common African Position pillars:

1. Structural economic transformation and inclusive growth
2. Science, technology and innovation
3. People-centred development
4. Environmental sustainability, natural resources management and disaster risk management
5. Peace and security
6. Finance and partnerships

### Proposed SDGs:

1. End poverty in all its forms everywhere
2. End hunger, achieve food security and improved nutrition, and promote sustainable agriculture
3. Ensure healthy lives and promote well-being for all at all ages
4. Ensure inclusive and equitable quality education and promote life-long learning opportunities for all
5. Achieve gender equality and empower all women and girls
6. Ensure availability and sustainable management of water and sanitation for all
7. Ensure access to affordable, reliable, sustainable, and modern energy for all
8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
10. Reduce inequality within and among countries
11. Make cities and human settlements inclusive, safe, resilient and sustainable
12. Ensure sustainable consumption and production patterns
13. Take urgent action to address climate change and its impacts
14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development
15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, halt and reverse land degradation and halt biodiversity loss
16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
17. Strengthen the means of implementation and revitalize the global partnership for sustainable development

where near their goal of eradicating poverty by 2030. If we measure poverty by the more accurate \$5/day line, the total poverty headcount rises to 4.3 billion people, more than 60% of humanity.

Eradicating poverty of this magnitude would require more than just weeding around the edges of the problem. It would require changing the rules of the global economy to make it fairer for the world's majority. The SDGs fail us on this. They

offer to tinker with the global economic system in a well-meaning bid to make it all seem a bit less violent. But, as Arundhati Roy has put it, “we are not fighting to tinker with reforming a system that needs to be replaced.”

*\* Jason Hickel is a lecturer, London School of Economics and Political Science. This article was first published by The Conversation. The article is reproduced from Pambazuka News.*

# The party's over for U.N.'s Sustainable Development Goals

The party's over for the Sustainable Development Goals, so says **\*Adriano Campolina**.

In September, member states of the U.N. agreed goals, which set to end extreme poverty, fight against inequality and fix climate change. The Sustainable Development goals cover almost every aspect of poverty and are targets for every country around the world - developed and developing alike.

For such ambitious goals to be achieved, leaders will need to turn their promises on inequality into policies that will deliver real change. One day after the deal was done, I had a glimpse of how hard it will be to convince the world's leaders. Attending a meeting on growth as part of the official SDG agenda, I was surprised the narrative of free trade and mega-investments continued to flow unbounded from governments.

Despite having a goal dedicated to ending inequality, the language of false market-based solutions continues - the same solutions which for years have locked people into low paid employment, divested money from public services and helped drive up inequality in almost all countries. The consequences of bad investments on people and the environment - causing environmental degradation, evictions and land grabbing - were blatantly ignored.

But here lies the catch. Corporations are not just stalking the corridors of the U.N. and promoting investments damaging to the poor, they also have a stranglehold on how countries raise tax, which will enable them to pay for the goals.

ActionAid research a couple of months ago discovered tax incentives given to big corporations in West Africa drain the region of an estimated 9.6 billion dollars a year - money which could be spent on health and education. And globally it is estimated that developing countries lose over 200 billion dollars a year from corporate tax dodging. Yet rich countries continue to block moves for a global body on tax to make the rules fairer.

The 800 million people in poverty



**“Despite having a goal dedicated to ending inequality, the language of false market-based solutions continues - the same solutions which for years have locked people into low paid employment, divested money from public services and helped drive up inequality in almost all countries. The consequences of bad investments on people and the environment - causing environmental degradation, evictions and land grabbing - were blatantly ignored.”**

worldwide need change. In many ways, people are ahead of the U.N. as they're doing it without flashy launch events or concerts. Across Africa, people have been mobilised and fought for the right to free primary school education, with massive wins.

And in my native Brazil, women without access to land have organised themselves, taken on brutal landlords and won the right to farm the land. Leaders are acknowledging the idea of inequality but poor people around the world are not just recognising it, they are wrenching it from its roots and organising themselves to build something new.

To achieve real change for poor people, the business as usual approach I saw at the U.N. won't be good enough. The climate conference in Paris in December will be the first test. If world leaders do not commit to emissions cuts and agree to financing to help developing countries with climate impacts, then success for the goals will be off to a very shaky start.

*\* Adriano Campolina, is Chief Executive of ActionAid International*



TPP leaders summit

# Secret trade negotiations threaten Sustainable Development Goals

As the United Nations announced goals to be achieved by 2030, a crucial but secret trade meeting is taking place to advance the Trans Pacific Partnership, which will set the economic rules for 40 percent of the world economy, and threatens to undermine the U.N. goals before they have even begun, writes **\*Sam Cossar-Gilbert**.

**T**he Sustainable Development Goals, or SDGs, are made up of 17 general goals with 169 targets, including an end to extreme poverty and hunger, providing universal access to clean water and protecting the world's oceans. The initiative is supported by 193 countries, the United Nations, the World Bank and countless non-profits, and establishes the international development agenda for the next 15 years.

The SDGs replace the 2000-2015 Millennium Development Goals, which

aimed to half extreme poverty globally. The SDGs set similarly broad targets, with little policy prescription about how to get there. While this makes a consensus easier to reach, it fails to address some of the key drivers of poverty and climate change - corporate power, the fossil fuel industry and unjust trade agreements.

The Trans Pacific Partnership (TPP) trade deal negotiated in Atlanta September 26-30 by 12 countries in the Pacific will undermine a number of key SDGs, highlighting a distinct lack of policy coherence.

While President Obama shook hands with world leaders, announcing plans to end all curable diseases, U.S. trade negotiators continue to force developing countries to extend patents on important pharmaceuticals and accept higher medicine prices.

The 12th Sustainable Development Goal aims to "ensure sustainable consumption and production patterns" by 2030. This is a bold and ambitious goal given that the current corporate-driven global trade system is responsible for massively wasteful consumption and production patterns.

Current trade rules put profits before the planet, limiting government's ability to support local sustainability initiatives and regulate dangerous chemicals.

The TPP would drive a race to the bottom in environmental protection. The TPP chapters on technical barriers to trade will threaten regulators' access to the tools needed to effectively regulate the roughly 85,000 chemicals in commerce needed to protect human health and our environment.

Even very simple consumer sustainability measures like efficiency rating and food labelling on imported goods could be impossible under TPP, because labelling regulation can be deemed a "barrier to trade".

The third Sustainable Development Goal aims to "Ensure healthy lives and promote well-being for all at all ages", with a focus on achieving universal health coverage, access to affordable medicines and vaccines for all. Yet new Intellectual Property rules included in the TPP would restrict access to life-saving medicines for millions of people.

### Dismantle

These Intellectual Property rules would increase patent and data protections for pharmaceutical companies and dismantle public health safeguard enshrined in national and international law.

U.S. Trade Representatives, lobbied by multinational companies, have sought to impose a lengthy 12-year "exclusivity period" over biologic clinical data, which could greatly undermine global efforts to end major epidemics like AIDS. The shorter the period of exclusivity, the quicker cheaper generic drugs can reach the people in need.

The New Zealand Prime Minister John Key admitted that the TPP would increase the price of medicine. For every extra year added to a medical patent is another year that big pharmaceutical companies can continue to charge artificially high prices for the drug, free from generic competition. In many developing countries this means a choice between life and death for their citi-



John Key, New Zealand PM

zens. If similar rules were introduced globally it would be impossible for countries to achieve the third SDG goal.

The 11th Sustainable Development

**"If world leaders are serious about creating a sustainable future, they need to allow a new trade system that helps, not hinders, local economies, environmental standards, better social protection and clean energy.**

**If the word 'Sustainable' is not there just to boost public relations appeal, it requires meaningful action. One concrete way to make our future more sustainable would be to walk away from bad trade deals like the TPP and ensure a fairer trade system."**

Goal calls for "urgent action to combat climate change and its impacts." Yet the Investor State Dispute Settlement mechanism (ISDS) included in the TPP - and other trade agreements - grants foreign investors access to a secret tribunal if they believe actions taken by a government will affect their future profits.

This provision is a ticking time-bomb for climate policy, because almost any government policies needed to address global warming could be challenged by such undemocratic tribunals.

In 2009 Vattenfall, the Swedish energy giant, launched a USD1.9 billion ISDS case against Germany for its decision to delay a coal-fired power station and impose stricter environmental standards. To avoid the potentially massive fine looming under ISDS, the government reached a settle-

ment that involved removing additional environmental requirements, enabling the coal plant to begin operating in 2014. Coal contains more carbon than other fossil fuels and is the single greatest threat to the climate.

At a time when the world pledges to the Sustainable Development Goals, calling for a transition to clean energy, the TPP's energy chapter does the opposite: it aims at liberalising oil and gas exports, and increasing the trade in dirty fossil fuels.

If world leaders are serious about creating a sustainable future, they need to allow a new trade system that helps, not hinders, local economies, environmental standards, better social protection and clean energy.

If the word 'Sustainable' is not there just to boost public relations appeal, it requires meaningful action. One concrete way to make our future more sustainable would be to walk away from bad trade deals like the TPP and ensure a fairer trade system.

*\*Sam Cossar-Gilbert is Economic Justice and Resisting Neoliberalism coordinator at Friends of the Earth International and wrote this article for IPS.*

# The SDGs must leave no one behind

Many of the poorest and most marginalised groups have not benefitted enough from progress on the Millennium Development Goals. **\*Tanvi Bhatkal** of the Overseas Development Institute (ODI) explains why a shift in attitude and policy is needed.

In September, governments from around the world met at the United Nations General Assembly to adopt the Sustainable Development Goals (SDGs). As part of the proceedings, a high level event took place on 'leave no one behind' - a global agenda to reveal those most marginalised from development over the Millennium Development Goal (MDG) era and ensure they are not left behind in the next global drive to deliver progress for all.

A recent ODI report underlines just how deeply entrenched marginalisation is, how vulnerabilities often overlap to amplify disadvantages, and just how little we know about some groups that are likely to be deprived. A new ODI film, made in Ghana and shown at the high level event and accompanying the report, illustrates what life can be like when you're part of a group being 'left behind'.

Overall, over the last 15 years, there has been significant progress in reducing poverty in terms of income and in relation to health, education and living standards. Yet, the experiences of different groups and individuals within countries diverge. And many of the poorest and most marginalised groups have not benefitted enough from progress.

The new SDGs explicitly recognise the disadvantages faced by certain groups and stress the need to leave no one behind. They identify a series of groups that are over-represented across several indicators of deprivation, including older people, people with disabilities, ethnic and religious minorities, women and girls, and sexual minorities, among others.

For instance, a study across 33 countries found that more than two thirds of

people marginalised in education and health lived in households where the 'head' was a member of an 'ethnic minority group'. About a third of children out of school are disabled and people with disabilities complete fewer years of schooling on average.

Only one in five older people have a pension, according to UNFPA and HelpAge International, and this share is even lower in developing countries.

Further, all people belonging to a particular group do not experience exclusion equally. Intersections of group-based characteristics often overlap, leading to considerable disparities within groups.

## A universal perspective

Marginalisation is an issue not only restricted to developing countries: developed countries also have pockets of marginalisation. For instance, a study across 11 European countries showed that the share of Roma people at risk of poverty (with under 60 per cent of national median income) was between 78 per cent and 97 per cent, compared to national averages of between 10 per cent and 22 per cent. In the United States, while 10 per cent of the general population identify as LGBT, this number rises to 40 per cent among youth who are homeless.

Disadvantaged groups also often face high levels of distrust and discrimination based on their identity. For instance, in the World Values Survey conducted between 2010 and 2014, more than half of respondents in 39 out of 59 countries reported that they did not trust people of a different nationality from them. In 60 countries, on average, 4 in 10 people expressed the view that when jobs are scarce, men have a greater right to work than women.

**“Progress will need to reach the bottom billion to ensure that no one is left behind by 2030. This will entail a normative shift in entrenched attitudes and concerted policies to improve the access of disadvantaged groups to social, economic and political opportunities. Every person counts and deserves a fair chance in life, no matter who they are or where they live.”**

Progress will need to reach the bottom billion to ensure that no one is left behind by 2030. This will entail a normative shift in entrenched attitudes and concerted policies to improve the access of disadvantaged groups to social, economic and political opportunities. Every person counts and deserves a fair chance in life, no matter who they are or where they live.

*\* Eldis is an online information service providing free access to the latest global research on international development issues at [www.eldis.org](http://www.eldis.org)*



ACP meeting in Vanuatu

# Mbeki slams Economic Partnership Agreements with EU as unfair and unbalanced

**F**ormer South African President Thabo Mbeki has slammed the Economic Partnership Agreements (EPAs) which the European Union (EU) has signed with developing countries, because he says they put “featherweights” in the boxing ring with the “heavyweight” EU. Mbeki said African concerns about the impact of the EPAs on the continent’s industrialisation had not been addressed. Print Send to Friend 2 0 The EPAs are replacing the non-reciprocal trade relationships which the so-called ACP (Africa,

Caribbean and Pacific) developing countries have had with the EU since 1970 under the Lomé Agreement.

The EPAs, which will instead create reciprocal - but “asymmetric” - free trade, are agreements with seven different regional blocs of ACP countries. More Insight Africa loses R50bn every year in illicit flow of funds - Mbeki SA attends Agoa Forum The EU says the change is necessary because the Lomé Agreement - which allows the ACP countries to export many goods into the EU duty-free but does not

require them to allow EU imports in duty-free - clashes with the reciprocal free trade rules of the World Trade Organisation.

Last year the EU signed the Southern African Development Community (SADC) EPA with the five members of the Southern African Customs Union (SACU), including South Africa and Mozambique. It should come into effect early next year. It has been hailed by the South African government for giving the country increased access to the lucrative market, especially for agricultural products. It also gives the EU



Former South Africa President Thabo Mbeki

increased access to Southern African markets. But Mbeki suggested that ACP countries were not yet ready for a reciprocal, equal relationship with the EU.

### Inequities

Addressing the Manufacturers Association of Nigeria (MAN) in Lagos, Mbeki said he understood that “all our regions which were involved in the negotiations with the EU on the EPAs have now signed these agreements”. He recalled that the ACP summit in Gabon in 1997 had adopted the Libreville Declaration which had said: “We draw attention to the inequities of the international economic order and to the continued absence of a level playing field, and hence, the need for special and differential treatment for developing countries in the application of rules and regulations governing international economic transactions.”

At that time the Cotonou Agreement which would introduce the EPAs had not yet been negotiated. But the declaration said the ACP group attached great importance to the critical role of industrialisation in the development of their countries. And so it called on the EU to continue to “maintain non-reciprocal trade preferences and market access in a successor agreement, and maintain the preferential commodity protocols and arrangements.”

However Mbeki, who was in the meeting in Libreville, said he recalled the then EU Commissioner for Development, João de Deus Pinheiro, telling the summit that “the post-colonial period is over!”. “EU

Commissioner Pinheiro said this was because the EU had already developed the view that the preferential treatment which the ACP countries enjoyed under the Lomé Agreement should be replaced by an ACP-EU Free Trade Agreement which would be phased in over a period of ten years,” Mbeki said.

Pinheiro meant that the EU was determined that in the post post-colonial period, as he called it, and after a short transition, the ACP should enter into a system of reciprocal economic relations with the EU, Mbeki said. “This is what the Economic Partnership Agreements mean.

” He quoted former Caribbean diplomat Sir Ronald Sanders as saying at an EPA conference in July this year that; “Reciprocity’, as a principle, has a ring of fairness about it, but that is as between equals. Between factors of unequal strength and capacity, ‘reciprocity’ is more than unfair; it is unjust. “If you put a heavyweight and a featherweight in a boxing ring, have you staged an equal contest? Is the shortsightedness of this demand for reciprocity, not obvious?...” And Mbeki quoted MAN President Frank Jacobs as saying the West African EPA would “confine the Nigerian economy to a mere market expansion of the European Union since we cannot operate with Europe on all grounds”.

### Competitiveness

“It is on these grounds that we believe that Nigeria does not need EPA now until it has been adequately industrialised and is able to trade industrial goods competitive-

ly.” Mbeki said that CONCORD, a European confederation of development NGOs had quoted Dieter Frisch, the 1982 to 1993 Director-General for Development of the European Commission, as having said in 2008: “Historically speaking, no case is known of a country in an embryonic stage of its economic development, which has developed itself through opening up to international competition. “Development is always initiated... with some protection that could only diminish once and to the extent to which the economy was strong enough to face foreign competition.”

And Mbeki quoted Stephen McDonald, Stephen Lande and Dennis Matanda, writing for the US Wilson Center and Manchester Trade in 2013 that: “The Europeans dangle immediate benefits to a country that is, probably, in need. Despondent, the country, shortsightedly, signs the EPA, allowing Europe to achieve its single-minded objective of leaving a weaker, more disadvantaged and more exploited continent in its wake. Something of this sort started at a Berlin Conference in the 19th Century. But today, Brussels must not set Africa back in time.”

**“We draw attention to the inequities of the international economic order and to the continued absence of a level playing field, and hence, the need for special and differential treatment for developing countries in the application of rules and regulations governing international economic transactions.”**

“The conclusion from all this is very clear,” Mbeki said. “It is that Africa, together with rest of the ACP, has a difficult struggle ahead - the struggle to ensure that the global economy is restructured in a manner which fully recognises and seeks to correct what the Libreville Declaration identified as ‘inequities of the international economic order... and the continued absence of a level playing field’”.

*\*Edited by: African News Agency*

# Trading away land rights: TPP, investment agreements, and the governance of land

\***Rachel Thrasher** and **Timothy A. Wise**  
Culled from Triple Crisis Blog



African farmers risk losing their lands to corporates

In 2009, the government of Mozambique put a moratorium on large-scale land acquisitions, a belated response to a wave of protests triggered by so-called "land grabs" by foreign investors. The moratorium, which lasted two years and restricted only land deals larger than 25,000 acres (10,000 hectares), calmed tensions while the government sought to resolve the inconsistencies between the great land giveaway and the country's progressive land law, which recognizes farmers' land rights even when they do not hold for-

mal titles.

Some of those investors were from the United States, and it is a wonder that they didn't sue the Mozambican government for limiting their expected profits. They could have under the Bilateral Investment Treaty (BIT) between the United States and Mozambique.

As U.S. trade negotiators herd their Pacific Rim counterparts toward the final text of a long-promised Trans-Pacific Partnership Agreement (TPP), the investment chapter remains a point of contention.

Like the 1994 North American Free Trade Agreement (NAFTA) and most U.S. trade agreements since, the TPP text includes controversial provisions that limit the power of national governments to regulate incoming foreign investment and give investors rights to sue host governments for regulatory measures, even those taken in the public interest, that limit their expected returns. A host of BITs with a far wider range of countries, including Mozambique, contain similar provisions.

The impact of such agreements on land



grabs and land governance has received scant attention until recently. As new research from the International Institute for Environment and Development (IIED) and Tufts University's Global Development and Environment Institute (GDAE) shows, the kinds of investment provisions in the TPP and in most BITs can severely limit a government's ability to manage its land and other natural resources in the public interest. They can also interfere with the implementation of newly adopted international guidelines on land tenure.

As GDAE's research shows, there are alternatives to such restrictive investment rules. Mozambique, for example, could withdraw from its BIT with the United States and instead draw on the less constraining investment provisions offered by the Southern African Development Community (SADC).

### Threats to Land Governance

GDAE's new background paper, "Trade Agreements and the Land," by Rachel Thrasher, Dario Bevilaqua, and Jeronim Capaldo, examines the implications of proposed agreements, such as the TPP, for regulating land grabs. Lorenzo Cotula of IIED, in his report, "Land Rights and Investment Treaties: Exploring the Interface," looks beyond land grabbing to consider other important aspects of land governance, including land redistribution. Both identify key provisions common to U.S. investment treaties that constrain land governance.

Perhaps most well known is the Investor-State Dispute Settlement (ISDS) process whereby private investors can sue states in a private arbitral tribunal - a glaring exception to the traditional sovereign immunity granted to states. Land grabs have not yet been the subject of dispute under these treaties, but other land conflicts show how they might in the future.

Beyond the onerous ISDS provisions, investment treaties universally require compensation in the case of expropriation. Traditionally, that compensation must be "prompt, adequate and effective." Countries have faced claims for expropriation in a wide variety of land-related cases - mostly in response to state efforts to correct past injustices or reform land tenure. Zimbabwe, in the wake of its fast-track land-redistribution program, Albania's privatization in the transition from socialism, and South Africa's mining legislation to benefit

**"These investment provisions can have a marked "chilling effect" on governments. Cotula points out, for example, that many provisions of investment treaties would conflict with efforts by a government to implement the Voluntary Guidelines on the Governance of Land Tenure (VGGT) from the FAO, now the gold standard for appropriate recognition of land rights."**

disadvantaged groups after apartheid all faced investor disputes claiming expropriation.

The standard for compensation in these treaties is often based on the market value of the investment and does not take into account a fair balance between interests. Indeed, in the draft TPP several negotiating countries have explicit footnotes and annexes specifying that the compensation must be at market value (Art. 11.7, Annex II-C). As Cotula points out, investors can demand such compensation even if they got the land at low prices and even if government action simply interferes with or delays their profit-making activities.

Treaties also often require that foreign investors be treated with "full protection and security." In some cases, where domestic individuals or groups have taken action against foreign investors, the countries have been on the hook for not acting with "due diligence" to protect them.

### Equitable treatment

Many investment agreements also demand "fair and equitable treatment" for foreign investors. In investment jurisprudence this has come to include the "legitimate expectations" of the investor based on negotiations with governments. Any promise of access to land and resources, or even the speedy handing over of such land, can be disputed as a violation by investors.

Sometimes, even before an investor enters the country, these investment treaties threaten land governance by extending the "right of establishment" to

investors from partner countries. This means that under the TPP and most modern BITs, host countries must treat foreign investors on par with domestic investors, giving no priority to nationals even in sensitive areas such as land, minerals, and other natural resources.

These investment provisions can have a marked "chilling effect" on governments. Cotula points out, for example, that many provisions of investment treaties would conflict with efforts by a government to implement the Voluntary Guidelines on the Governance of Land Tenure (VGGT) from the FAO, now the gold standard for appropriate recognition of land rights. The guidelines call for the restitution of land to those from whom it was taken and the redistribution of land in land reform efforts. To the extent those efforts impede the profitability or expected profitability of a foreign investment, the government may find itself liable for unaffordable market-rate compensation in settlements that can include the recouping of expected profits by investors. Such agreements therefore make it more difficult for governments to implement this groundbreaking new international land tenure agreement.

Notably, many of Cotula's recommendations involve ways that governments can protect themselves by legislating the VGGT in national law and ensuring that investment treaties recognize such obligations.

### TPP - No way forward

The TPP is expected to be finalized in the coming months. For countries like Viet Nam, which was not previously bound by any international investment treaties, this could create large unexpected obstacles to domestic land regulation. Currently, the United States is negotiating investment treaties with what amounts to 80 percent of global GDP. Between the TPP, the TTIP, and BITs with India and China, U.S. style investment treaties are poised to become the de facto international legal regime for the treatment of foreign investors.

AS GDAE's background paper shows, there are other investment treaty models out there. The Southern African Development Community drafted a model BIT with some of these threats to governance in mind. Its Model BIT begins by explicitly recommending that countries not extend rights to investors before establishment. Instead, countries are encouraged to



SADC leaders at a summit

admit investments in a good faith application of their laws. The model also limits ISDS provisions, recommending either that disputes should be kept between States, or at the very least, that States should be able to bring counterclaims against the investor in the same tribunal.

### Discrimination

Expropriation is approached differently as well. Rather than a standard of non-discrimination and “prompt, adequate and effective” compensation, it acknowledges that almost all expropriations are discriminatory and suggests a “fair and adequate” standard for determining compensation. This is more in line with other approaches looking to create an “equitable balance” between interests in deciding how much compensation is owed.

Finally, the language of “full protection and security” and “fair and equitable treatment” is downgraded such that it requires only “fair administrative treatment.” By doing this the SADC text emphasizes that this is a procedural, rather than a substan-

**“Protecting the land claims of some, without also taking action to protect different and potentially competing land claims, can entrench imbalances in both legal rights and power relations. In the longer term, solutions should lie less in legal arrangements that insulate foreign investment from shortcomings in national legal systems, and more in establishing fair and effective land governance that can cater for the needs of all.”**

tive standard and reserves the rights of states to make regulatory changes in response to important public policy.

As Cotula concludes, “Protecting the land claims of some, without also taking action to protect different and potentially competing land claims, can entrench imbalances in both legal rights and power relations. In the longer term, solutions should lie less in legal arrangements that insulate foreign investment from shortcomings in national legal systems, and more in establishing fair and effective land governance that can cater for the needs of all.”

*\*Rachel Thrasher is a Policy Fellow at the Global Economic Governance Initiative at Boston University. Timothy A. Wise is Policy Research Director at Tufts University's Global Development and Environment Institute and a Senior Research Fellow at the Political Economy Research Institute at the University of Massachusetts at Amherst. Wise has written extensively on land issues as part of his project on a Rights-Based Approach to the Global Food Crisis.*



G20 leaders conclave in Australia

# G7, G20 conclaves give differing signals on Nairobi, post-Nairobi

Trade ministers and senior officials from the United States, the European Union, China, India, Brazil, Australia and Japan remained divided at Istanbul, Turkey, drafting work at this juncture without having clarity on the specific issues that form part of the ministerial declaration for the World Trade Organization's tenth ministerial meeting in Nairobi, writes **\*Ravi Kanth**.

**T**rade ministers of the G-20 coalition in which all the seven countries are present gave a diametrically opposite signal to WTO Director-General Roberto Azevedo to commence work through a "credible" committee for drawing up the ministerial declaration/work program.

"This sudden transformation in a matter of two days remains a puzzle," said a capital-based senior trade official familiar with

the two meetings. "Reconciling these two messages is going to be challenging," according to the official.

To start with, the meeting of the so-called G-7 countries resulted in differences on a broad range of issues, and an understanding or consensus of sorts on two elements: on a "Doha-minus" package and a ministerial declaration/ work program.

There was no agreement on the contents of the small package, and the need for

a drafting committee without clarity on the issues that would go into the Doha package.

There was convergence of sorts on the need for preparing a "Doha-minus" package that would include as many issues as possible in the short span of time available to members between now and December 15 when the WTO ministerial meeting is scheduled to begin in Kenya. Also, there was understanding of sorts that there will be a final ministerial declaration/work pro-

gram at the end of the four-day ministerial meeting.

But the seven countries were unable to come to any understanding on two other issues concerning the "post-Nairobi narrative" and the "small committee" for drafting the ministerial declaration, according to participants familiar with the meeting.

Besides, there was no agreement among the G-7 countries on the small package of outcomes: export competition, LDC issues, and transparency-related improvements in existing rules.

The WTO DG listed the issues of the small package and also said at the meeting that the G-33 coalition is demanding special safeguard mechanism (SSM), according to people familiar with the deliberations.

### Small package

China said it is okay with the small package of deliverables of export competition and specific concessions for the least-developed countries.

India's Trade Minister, Mrs. Nirmala Sitharaman, underscored the need for "balance" in the package. The Indian minister said work can begin on the package but "it will be without prejudice to other issues of Doha Development Agenda."

She also said there has to be clarity first on the specific issues of the package and it should be "DDA-minus to the minimum".

Nairobi can't be a make-or-break meeting, the Indian minister said, according to people familiar with the meeting.

Brazil demanded an "assurance that all other issues in the Doha agriculture mandate will be dealt with, without any interruption."

Kenya's foreign minister, Ms. Amina Mohamed, who is going to host the Nairobi Ministerial, told SUNS that there was clarity and progress on two issues.

"There was general understanding on the Doha-minus package as long as members are very clear as to what would happen to the rest of the mandate and the ministerial declaration," she said after the meeting.

Meeting on the margins of the G-20 trade ministers' gathering, the Kenyan Minister Amina Mohamed and WTO Director-General Roberto Azevedo discussed three issues: the "small package of deliverables," the "post-Nairobi narrative," and the small drafting committee to prepare a ministerial declaration.

In his remarks at the meeting of the G-

7, chaired by a senior Australian trade official, Azevedo said the "small package of deliverables" include export competition, the package of concessions for the least-developed countries.

The DG also spoke about the demand raised by the G-33 members on SSM outside the small package. The US has consistently opposed the SSM; but on the small package, it maintained that there would be most likely convergence on these issues, according to a participant familiar with the meeting.

### Flexibilities

The US also said that it will give comfort to countries on special and differential treatment flexibilities and less-than-full reciprocity (LTFR) without suggesting whether developing countries such as China, India, Brazil, Argentina, South Africa, and Indonesia will be eligible for such flexibilities.

EU Trade Commissioner Cecilia Malmstrom said categorically that she

**"The deputy US trade representative said there will be neither convergence to terminate the Doha negotiations nor an agreement to continue with the Doha talks, at the Nairobi meeting."**

wants an outcome on all issues in the export competition pillar such as export subsidies, export credits, food aid, and state trading enterprises. The EU commissioner also said she wants improvements on the transparency in the rules concerning services, and non-tariff barriers for industrial goods.

"We are for a large and comprehensive package on Doha; but now it seems it is not possible [for some members] and we will see whether we have to do with smaller package but still comprehensive," Malmstrom said.

Asked whether the EU is open to "smaller but comprehensive [package]," Commissioner Malmstrom said "yes," maintaining that the EU wants "balance" and everybody should raise their issue. But some issues are more difficult than other issues and they need to be discussed,

Commissioner Malmstrom maintained.

When the discussion moved on to the post-Nairobi narrative, the Australian chair asked Brazil to spell out its views on what must happen after Nairobi.

Brazil categorically said the package of deliverables is clearly linked to the post-Nairobi narrative, emphasizing that all the unresolved issues of the Doha agenda will remain part of the post-Nairobi work program.

The Indian minister supported the Brazilian position and later China also joined.

The deputy US trade representative said there will be neither convergence to terminate the Doha negotiations nor an agreement to continue with the Doha talks, at the Nairobi meeting.

After the discussion on the package of deliverables and post-Nairobi roadmap, the DG informed the meeting that he would ask a small group to start drafting the ministerial declaration.

The Indian minister asked the DG, "What are we drafting? We must be specific on what goes into the ministerial declaration."

Minister Sitharaman said members must first finalize the specific elements so as to start work on the drafting of the declaration. She also maintained that Nairobi cannot be a make-or-break meeting.

China also expressed its reservations on the small committee. Subsequently, other ministers also sounded caution before commencing work on the drafting committee.

In a nutshell, the G-7 meeting came to an understanding on only two issues - the need for finalizing a "Doha-minus" package of deliverables for the Nairobi meeting, and a ministerial declaration/work program.

But on the other two fundamental issues - the post-Bali work program and the small package of deliverables - there was no consensus at the meeting.

In sharp contrast to the understandings and differences at the G-7 meeting, events at the G-20 trade ministers' meeting took a totally different turn

Notwithstanding the differences on the small package and the rush to form a drafting committee, the G-20 trade ministers gave the green signal for commencing work on drafting the possible outcomes for the Nairobi ministerial.

"The drafting committee has to be balanced, and it has to be decided by the

General Council," Kenya's Foreign Minister Amina Mohamed told SUNS after the ministerial meeting.

"Members of the drafting committee must be drawn from different groups and coalitions and the outcome has to be credible and fair so to ensure developmental results," Minister Mohamed emphasized. Minister Mohamed will chair the Nairobi ministerial meeting beginning on December 15.

Turkey's economic minister Nihat Zeybekci said there are three clear positive results from the G-20 meeting.

First, there is a growing acceptability for institutionalizing the G-20 trade ministers' meeting to address major trade-related global challenges. Second, there is consensus among trade ministers that WTO Director-General Azevedo should proceed with the drafting committee. And three, trade ministers want "credible" outcomes at the Nairobi meeting, despite lack of clarity on the post-Nairobi work program.

WTO Director-General Azevedo did not address the media at the end of the meeting, but said in a statement: "The support of G-20 countries and all other WTO members is vital in moving forward towards strong and successful outcomes in Nairobi.

### Discussion

"I welcome the recognition by G-20 Ministerial that WTO members need to also intensify discussion on the path forward after Nairobi.

"I was encouraged to hear that no one disagrees on the continuing central importance of development to this work and the core unresolved issues of the Doha Development Agenda, such as agriculture, industrial goods, and services, will continue to be an important part of discussion," Azevedo argued.

The coming days, according to Minister Amina Mohamed, will be critical as time is short and some concrete work must be completed in Geneva even if certain issues are decided in Nairobi.

"There is clear acknowledgement that due to paucity of time, we would not be able to do everything in the Doha Development Agenda and therefore, we have to finish some things now and agree with what we have to do with the rest in the outcome document," she maintained.

She said repeatedly that "there is clear understanding that what is done as part of the Doha-minus package will be linked to



Rob Davies, South African Trade Minister

the post-Nairobi work program."

The Kenyan minister said every member has the right to put their proposals before the drafting committee. But members must be cautious and responsible in putting their proposals in the last hour.

European Union Trade Commissioner Malmstrom reiterated Brussels' demand for a comprehensive package but its willingness to work with a "small comprehensive" package.

Several industrialized countries, including the United States, spoke about their preference for a small package of deliverables.

South Africa's trade minister Rob Davies said "nobody now believes we can go to Nairobi and come out with an agreement for concluding the Doha Round, nor nobody is going to Nairobi to declare the Doha Round is dead."

### Link

"But there are growing views that the post-Nairobi will remain linked with the Doha Round," he maintained.

Minister Davies said "what is going to be there in the ministerial declaration or the work program is going to be a critical issue and one of the things we made it very clear is the drafts should be made available so that we can all study them before reacting to them."

More importantly, said Minister Davies, the Nairobi outcomes for the least-developed countries cannot be "recycling of the Bali results all over again."

"Those Bali decisions were not even implemented and so we have to know what is going to be additional to the Bali decisions for LDCs," he told the SUNS.

**"More importantly, said Minister Davies, the Nairobi outcomes for the least-developed countries cannot be "recycling of the Bali results all over again."**

**"Those Bali decisions were not even implemented and so we have to know what is going to be additional to the Bali decisions for LDCs," he told the SUNS."**

The South African minister expressed strong reservations on the so-called "transparency" deliverables for the Nairobi meeting, saying his country is not in favour of binding provisions.

India's trade minister Nirmala Sitharaman called for clear outcomes on special products, special safeguard mechanism, and the permanent solution for public stockholding programs for food security at the Nairobi ministerial meeting. But she remained silent on the issue of the drafting committee at the G-20 meeting.

Indonesia's new trade minister Tom Lembong issued the strongest statement yet at the G-20 trade ministerial, saying that "we are in a crisis situation" without knowing the deliverables for the Nairobi meeting.

Minister Lembong listed three priorities for the Nairobi meeting. First, members must agree on "credible and balanced outcomes" from the perspective of developing countries in a development round. Indonesia doesn't want "development agenda to be squeezed into merely an LDC agenda," he said.

As a coordinator for the G-33 developing country coalition, said Minister Lembong, the second priority is that the Nairobi package must include "Special Safeguard Mechanism or SSM as a balancing ingredient for a do-able Nairobi package from development perspective."

And third, members "should agree on a post-Nairobi work program to properly conclude the Doha Round."

Clearly, there are unresolved issues that surfaced at the two meetings and it has to be seen how things will proceed in the coming days before the Nairobi meeting.



AU Chair Robert Mugabe making the case for Africa at the UN

# We need to do development differently in the post-2015 era

The Sustainable Development Goals (SDGs), adopted at a summit meeting of world leaders at the U.N. headquarters in New York on Sep. 25, reflect the five strategic domains the ACP Group is gearing to focus on, as it repositions itself as a more effective organisation in the global arena, says the 79-nation bloc's head **\*Dr Patrick Gomes**.

**T**hese domains include: rule of law and good governance; global justice and human security; intra-ACP trade, industrialization and regional integration; building sustainable, resilient and creative economies; as well as financing for development, he said in an email interview with IPS, adding that South-South and Triangular Cooperation informs the Group's approach to all these domains.

Following is the full text of the interview:

**IPS:** *The ACP Group is composed of 48 countries from Sub-Saharan Africa, 16 from the Caribbean and 15 from the Pacific. How far has it been possible for the ACP Group to*

*evolve a joint strategy?*

**Dr Gomes:** From the outset, the Committee of African, Caribbean and Pacific Ambassadors in Brussels recognised the importance of the post-2015 development agenda as a platform for global action to address the enormous needs of developing countries.

In 2014 the ACP Group set up an ad-hoc Ambassadorial Working Group to focus solely on crafting a joint position on the matter, highlighting key areas which are important to our Member States - climate change, financing for development, technology transfer, for example. At the heart of

it all, is the desire to create conditions for our countries to succeed in development and industrialise in a sustainable manner, in order to raise the standards of living of our peoples.

This work fed into the joint declaration with the European Union on the post-2015 agenda, which was adopted by the ACP-EU Joint Council of Ministers in June 2014. That was a true milestone and it highlighted very clearly our joint interests while providing a guide for our future cooperation.

The ACP Group of States also more recently agreed on a position on the U.N.'s international conference on Financing for Development in July, and we are working

on one for the Climate Change Conference COP21 in Paris in December. Through a number of different platforms, the ACP Group has been able to articulate a common position on issues of direct relevance in our countries' prospects for sustainable development.

**IPS:** *How far do the 17 SDGs address, in your view, the problems and aspirations of such a diverse group as the ACP?*

**Dr Gomes:** The ACP Group is indeed a diverse group. All are developing, but each has specific conditions - amongst the membership, there are 40 Least Developed Countries, 37 Small Island Developing States (some are both), and 15 landlocked developing states. This is also captured at the regional level, whereby the ACP is organised in six regions (East, West, Southern and Central Africa, as well as the Caribbean and Pacific). The concept of national ownership and country-driven policies becomes very important.

Furthermore, the ACP Group has called for the establishment of a vulnerability index that takes into consideration the specific challenges that affect a country's ability to develop. This doesn't mean that member states cannot stand together on common issues, or support each other's causes in the name of solidarity. We also follow a principle of subsidiarity and complementarity.

The SDGs reflect the five strategic domains the ACP Group is gearing to focus on, as it repositions itself as a more effective organisation in the global arena. These domains include rule of law and good governance; global justice and human security; intra-ACP trade, industrialization and regional integration; building sustainable, resilient and creative economies; as well as financing for development. South-South and Triangular Cooperation informs our approach to all these domains.

**IPS:** *The Addis Ababa Financing for Development Conference in July, the Sustainable Development Summit and the Paris Climate Change Conference end of November through December have the semblance of a triumvirate determining the fate of the world in the coming years. At its core lies financing. How do you expect the financing problem to be solved? Does the European*



**Dr Patrick Ignatius Gomes, Secretary-General of ACP**

*Development Fund provide adequate framework? Does it suffice?*

**Dr Gomes:** We need to do development differently in the post-2015 era. It is clear that traditional Official Development Assistance (ODA) is, quantitatively, simply not enough to address the development demands of our countries. In fact, ODA now accounts for far less than Foreign Direct Investment, equity participation and remittances from diasporic communities investing in their countries of origin. In terms of long-term sustainable financing, we must look at mobilising domestic resources in our own developing countries. This means refining our tax laws, tackling tax evasion and curbing corruption in order to curtail the billions of dollars haemorrhaging through illicit financial flows.

To add to that, private funding to finance investments, improved public debt management, boosting trade - all these avenues need to be addressed in a comprehensive manner. The ACP Group also takes particular interest in South-South and Triangular Cooperation to complement the traditional North-South models of development finance.

Notwithstanding, ODA will remain an essential part of post-2015 development finance. Developed countries must still honour their previous pledges to allocate 0.7 percent of their Gross National Income (GNI) to development aid. So far, only a few European countries have achieved and surpassed this level of ODA - imagine if all the industrialised countries did so. Moreover, since developed nations re-committed to the 0.7 percent GNI goal for

ODA in Addis Ababa in July, we have to look now at implementing this in the ACP-EU framework.

The European Development Fund for ACP countries is significant, but obviously not enough to achieve the SDGs. However, what is unique about the EDF is that it is part of a legally binding agreement between two sets of sovereign states. In the framework of our partnership, the EU provides a predictable source of finance and the ACP Group co-manages the funds. At the same time, issues of flexibility in the EDF regulations and better planning in ACP countries, mean that actual absorption rates by ACP countries can still be improved.

**IPS:** *How far does the Sustainable Development Summit mark a watershed in global development cooperation? Do you expect it to turn out more of a success than its precursor, the MDG?*

**Dr Gomes:** The attainment of SDG's will be as successful as we make it. That is, these goals need have sufficient resources for work to be implemented and results delivered. Contrary to the momentum and hope generated by enormous pledges made by developed countries in international fora, the reality is that the state of financing for development is currently handicapped. In fact, amongst the challenges faced by the MDGs, were the inadequate implementation of commitments listed in Goal 8 (Global Partnership for Development), the global financial crisis of 2008, as well as issues of mutual accountability.

However, I remain positive. There is a growing awareness across the globe about development issues. There is also an interest in reviewing current systems to better deliver on development goals, as seen in the reforms currently being pursued at the UN and ACP Group. There is no doubt that the resources and means to achieve the Post-2015 Development Agenda do exist - it is a matter of collective will to wield them in the right direction.

*\* Dr Patrick Ignatius Gomes of Guyana was elected the Secretary-General of the African, Caribbean and Pacific Group of States (ACP) at the 100th Session of the Group's Council of Ministers, held at ACP Headquarters in Brussels on Dec.10, 2014. The interview was by Ramesh Jaura.*

# Recognize the aspirations of ACP Group of Developing Countries

An opinion piece in the IPS expressed by **\*Dr. Ousmane Sylla** on the verge of the SDG Summit.

The significance of the issues covered in the post-2015 development agenda, to be adopted at the United Nations Sustainable Development Summit on 25-27 September, cannot be over-emphasized.

For the 79 countries that make up the African, Caribbean and Pacific Group of States (ACP Group), the post-2015 agenda not only recognizes the reality faced by hundreds of millions amongst its populations who live in poverty, but also takes into account the aspirations of these nations to innovate and industrialize, to be energy-efficient, and to attain sustainable economic development while protecting the environment and natural resources for generations to come.

For the first six months in 2014, I had the pleasure of chairing the ACP Group's Ad-hoc Ambassadorial Working Group on the Post-2015 Development Agenda. Our mandate at that time was to work closely with the European Commission to develop a Joint ACP-EU Declaration on the Post-2015 Development Agenda.

It was indeed a milestone that after many informal and formal meetings with our EU colleagues, at the technical and ambassadorial levels, the ACP-EU Council of Ministers adopted a Joint Declaration on the Post-2015 Development Agenda last June - representing the views of 107 countries of the world.

This joint document underlined the persistent and unique vulnerabilities of ACP countries, including amongst its membership 37 Small Island Developing States (SIDS), 40 Least Development Countries (LDCs), 15 Land-locked Developing Countries (LLDCs) as well as those recovering from conflict and political instability. While many countries have made significant progress in the achievement of the Millennium Development goals, others have not been so fortunate. It is for this reason, and many others, that the develop-

ment agenda will have to be ambitious and transformative.

As the ACP Group, we expect that the development agenda will address, among other issues: 1) basic living standards and a life of dignity for all; 2) inclusive and sustainable economic growth; 3) the sustainable use, management and protection of natural resources; 4) good governance, equality and equity; and 5) peaceful and stable societies which are free from violence.

Moreover, the adverse impacts of climate change poses immediate and long-term significant risks to the efforts of all developing countries, however this threat is particularly acute for SIDS, as evidenced by the devastation to the Commonwealth of Dominica, a small island in the Caribbean, after the passage of tropical storm Erika just last August. Any post-2015 framework must, therefore, take into consideration the SAMOA Pathway (concluded at the Third International Conference on SIDS) to ensure that specific attention is given to the most vulnerable, in this respect.

In addition, the post-2015 development agenda must address issues related to science, technology and innovation. Technology development, the transfer of technology on mutually agreed terms and capacity building must be addressed.

It is my belief that, in order to ensure that the development agenda is implemented by developing countries, especially those of the ACP Group, adequate and predictable financing from a variety of sources is critical and must be forthcoming.

There is need to address in a comprehensive manner avenues for financing such as domestic and international public resource mobilization, debt sustainability, innovative financing and mobilization of private financial and investment flows.

It is also a fact that, for many ACP countries, official development assistance will remain an important source of financing and in that sense developed countries

must fulfill their commitments of providing 0.7 percent of Gross National Income as Official Development Assistance.

At the same time, we must also be willing to think out of the box and engage in non-traditional ways of approaching development strategies, which can complement the North to South flow of development assistance.

In this regard, South-South Cooperation - which refers to the exchange of resources, knowledge, technology and experience between or amongst developing countries - is gaining increasing interest in global discussions on fighting poverty and promoting sustainable development. In the same vein, Triangular Cooperation engages a third party - usually a developed country - which also enters the partnership by sharing its own resources and expertise.

The ACP expects a successful and ambitious outcome at the Summit, and we call for an inclusive and effective global partnership to underpin the post-2015 development agenda. This is integral for the international community to be able to address in a coherent, integrated and balanced manner, the environmental, social and economic dimensions of sustainable development.

We stand ready to work in collaboration with relevant stakeholders at the national, regional and international levels, including inter alia, civil society and the private sector, to ensure the implementation of the post-2015 development agenda with the aim of improving the lives and livelihood of our peoples.

*\* Dr. Ousmane Sylla is the Ambassador of Guinea to the European Union and was formerly Guinea's Minister of Mines and Geology. He chaired the ACP Group's Committee of Ambassadors as well as the Ad-hoc Ambassadorial Working Group on the Post-2015 Development Agenda in 2014.*





African delegates at the Bali WTO ministerial

# Africa and the WTO - the perils of weakening the Development Agenda

Biraj Patnaik and Timothy A. Wise

In the 2013 WTO Ministerial in Bali, India stood mostly alone as the rich countries tried to isolate the government for its stockholding and food security program. But India is far from alone in recognizing the value of public food reserves as insurance against price volatility, emergency food in the event of shortages, and stocks for anti-poverty programs.

In fact, many African countries, including Kenya, Egypt, and Zambia manage such initiatives. They would be deluding themselves to think that the WTO measures taken against India will not be used against them. Most of these countries have exceeded, or are on the verge of exceeding, the de-

minimis limits set by the WTO's Agreement on Agriculture (AoA), tripped up by the same loophole that has snagged India. That technicality, which artificially inflates the calculation of subsidy levels, must be resolved in Nairobi along with additional progress on outstanding agricultural issues in the long-running Doha negotiations.

To put the Doha Round in perspective, suffice it to say that even if the entire round was concluded to the satisfaction of the developing countries, it would not address any of the issues of food sovereignty that are raised by social movements in the Food and Nutrition Watch 2015, released today at

FAO in Rome. It is, thus, from the perspective of social movements, a minimalist package facilitated by the WTO - an agency that they believe does not have the legitimacy to deal with issues of agriculture and food security, and which ultimately seems to favor corporations and profit interests of the most powerful States

The AoA allows the rich countries to retain their farm subsidies while preventing developing countries, from providing similar level of subsidies to poor and marginal farmers. All attempts by the G-33 countries to push through their proposal on food security at the WTO, by treating public stockholding programs as allowable Green

Box subsidies, have been stymied, particularly by the US and the EU.

On the other hand, issues like the Trade Facilitation Agreement (TFA) where developed countries stand to benefit the most, continue to be pushed at breakneck speed, pushed aggressively by the WTO Chair, Roberto Azevedo.

Tragically, the US manages to have its way at successive WTO ministerials because of the divisive politics it plays. At Bali, it was the Least Developed Countries (LDC) package that was used to divide the developing countries. At Nairobi the tactic that is most likely to be used is to divide developing countries by trying to carve out an entirely different category of "Low Income Developing Countries" (LIDC). The goal is to split them from the "emerging" economies, primarily the BRICS countries, then argue they are now too developed to receive the same special and differentiated treatment (S&DT) mandated for developing countries as a whole.

### **Divide and conquer**

This divide-and-conquer strategy seems to be taking effect, as the African Caribbean and Pacific (ACP) countries presented a recent paper at the WTO, which argued precisely for separating the emerging countries. This plays directly into the US designs for creating divisions at Nairobi.

The Tenth Ministerial is already being touted as the first "African" Ministerial, raising the stakes for host Kenya to produce an agreement. Failure, of course, is defined as the rich countries not having their way, yet again at the cost of some of the hungriest people on the planet.

By all indications, the US and other developed countries are not prepared to offer any concessions in key agriculture negotiations. They are likely to push for an end to the Doha Development Round (DDA) without comprehensively addressing all the issues that were agreed upon as part of the Doha framework.

This would enable the developed countries to introduce new issues at the WTO including the so-called Singapore issues such as services, competition policy, and investment, which had been put on the back-burner by member states until the DDA was comprehensively negotiated. They also want to target state-owned enterprises in the developing countries.

While Kenya, in its eagerness to host a

successful Ministerial could possibly break ranks with the developing countries and call for a premature closure to the Doha round, the implications of doing so for other African countries are serious. Consider just four of these.

First, all developing countries would lose the policy space to be able to hold reserve food stocks without being hauled up before the dispute settlement mechanism of the WTO for distorting trade. Even under the peace clause that India managed to negotiate at Bali, only existing programs are covered, so no new programs are allowed. As pointed out earlier, many countries in Africa including Morocco, Kenya, Jordan, Zambia, Zimbabwe and Tunisia, have either breached the limits that they are allowed to subsidize or are likely to do so.

### **U.S. Cotton Subsidies**

Second, U.S. negotiators are offering only minimal concessions to address the long-running issue of its cotton subsidies suppressing prices in international markets, at great cost to other cotton exporters in the world, including Africa's C4 cotton countries (Mali, Burkina Faso, Benin and Chad). The U.S. and Brazil settled their dispute over the programs, in part because the 2014 U.S. Farm Bill enacted special provisions on cotton.

But a recent study estimates that those reforms in no way ended the price suppressing effects of U.S. policies. In fact, researchers estimated the cost to the world's other cotton producers at \$3.3 billion per year in the coming years, as U.S. subsidies lower the price of U.S. cotton on international markets. The C4 countries are projected to lose about \$80 million per year (Burkina Faso - \$33 m; Mali - \$26.5 m; Benin - \$16.5 m; Chad - \$3.3 m). India's losses are projected at more than \$800 million per year.

Third, the biggest concern of developing countries in seeking to reduce U.S. domestic support is to end unfair competition and eliminate the dumping of agricultural commodities on developing countries. The recent years of relatively high prices have given the world a reprieve from such cases, but there is evidence that we may be entering a new era of low crop prices and renewed dumping unless stronger domestic support caps are agreed in Nairobi. The United States is already exporting maize at prices below the costs of production, in part thanks to a projected \$6 billion in subsidies

**"First, all developing countries would lose the policy space to be able to hold reserve food stocks without being hauled up before the dispute settlement mechanism of the WTO for distorting trade. Even under the peace clause that India managed to negotiate at Bali, only existing programs are covered, so no new programs are allowed. As pointed out earlier, many countries in Africa including Morocco, Kenya, Jordan, Zambia, Zimbabwe and Tunisia, have either breached the limits that they are allowed to subsidize or are likely to do so."**

to U.S. maize producers.

Finally, U.S. negotiators are trying to undermine provisions that facilitate access to life-saving medicines. They are proposing to terminate the existing moratorium on applying what are called "non-violation complaints" (NVCs) in the TRIPS agreement. Such a termination, which serves the interests of multinational drug firms, would make developing countries subject to trade disputes as and when they want to implement such public health measures. Developing countries have tabled an alternate proposal asking for NVC complaints to be made inapplicable to the TRIPS agreement.

On all counts, poor countries have much to lose in Nairobi if the US and other developed countries, backed by the WTO Secretariat, have their way at the Ministerial meeting. This is not the time for African negotiators to accept the tacit abandonment of the development mandate embodied in the Doha Declaration.

*\* Biraj Patnaik is the Principal Adviser to the Commissioners of the Supreme Court in the Right to Food case. Timothy A. Wise is the Policy Research Director at Tufts University's Global Development and Environment Institute.*

# India-EU FTA: time for a fundamental rethink?

Considered as India's most ambitious bilateral pact, the India-EU FTA is marred with contentious and controversial issues, writes \*Kavaljit Singh.



Indian Prime Minister Modi



German Chancellor Merkel

India and EU would soon resume negotiations on the stalled India-EU free trade agreement. In a joint statement issued by Prime Minister Narendra Modi and German Chancellor Angela Merkel in New Delhi recently, both leaders expressed their “strong commitment to the EU-India Broad Based Trade and Investment Agreement and committed to bring about a resumption of the negotiations as soon as possible.” With political leadership now backing the proposed agreement, the trade negotiators will sit down at the table again to thrash out the remaining issues.

The joint statement was released just

hours before the US, Japan and 10 other Pacific Rim nations reached final agreement on the Trans-Pacific Partnership (TPP), the largest regional trade pact in history as these economies together account for 40% of global GDP and one third of world trade.

Like the TPP, India-EU FTA has undergone more than dozen rounds of negotiations between 2007 and 2013. Thereafter, a change of government in Delhi as well as EU's negotiations with the US on Transatlantic Trade and Investment Partnership agreement delayed the negotiating process. The negotiations were

expected to resume this year but got stalled in August 2015 when the EU imposed a ban on the sale of 700 drugs clinically tested by GVK Biosciences, an Indian drug company.

## A highly ambitious agreement

In the case of India, the proposed FTA with EU is the most ambitious bilateral pact as it covers higher levels of commitments in trade in industrial goods and agricultural products, services and investment liberalisation, intellectual property rights and government procurement. In comparison, India's existing FTAs are far narrower in scope.

The India-EU FTA would cover 1.7 billion people, almost 20% of the world population, and therefore the potential impacts (both positive and negative) would be far reaching than other agreements signed by India. That's why, it has evoked much public scrutiny. In India, civil society groups as well as business associations (such as Society of Indian Automobile Manufacturers - representing car and vehicle industry) have expressed concerns over this agreement being negotiated in deep secret and lack of public consultations.

### The EU's broad-based agenda

The proposed agreement has been facing hurdles on several contentious issues. To begin with, India is resisting demands from the EU to drastically cut tariffs on automobiles, wines and spirits, and dairy products. The EU is seeking greater market access in the services sector such as banking, retail trade, telecommunications, legal and accounting services. In the banking sector, for instance, EU is seeking removal of barriers to market access (commercial presence, cross-border supply and consumption) and grant of national treatment commitments.

The European firms and service providers are interested in the opening up of government procurement markets but India has only committed transparency in the conduct of government procurement processes.

A stringent intellectual property rights regime is another contentious issue as New Delhi has apparently not accepted TRIPS (the Agreement on Trade-related Aspects of Intellectual Property Rights)-plus provisions sought by Brussels. Besides, India is reluctant to include labour and environment standards under the proposed agreement.

Under this FTA, India is largely expecting gains in the services, especially IT and ITeS (Information Technology Enabled Service). India is seeking a significant relaxation for the movement of its skilled professionals (for short-term assignments) within the 28-nation bloc. This would enable Indian IT and ITeS industry to move professionals freely from one country to another within the EU. Currently the EU does not offer a work permit with validity for the entire EU. India is also seeking 50000 extra working visas a year for its citizens but the EU is unlikely to accept this demand due to higher youth unemployment rate, which

**“The proposed agreement has been facing hurdles on several contentious issues. To begin with, India is resisting demands from the EU to drastically cut tariffs on automobiles, wines and spirits, and dairy products. The EU is seeking greater market access in the services sector such as banking, retail trade, telecommunications, legal and accounting services.”**

reached 23% in 2013.

In addition, New Delhi wants the EU to recognize India as a “data secure” nation which would immensely help the country's IT industry to gain greater access to the European markets. But the EU is unlikely to accept this demand.

### The investment conundrum

Apart from these long-pending issues, some new ones have cropped up recently which would further delay the negotiating process. Take the case of investment protection measures which represent almost the other half of this agreement. India has substantially revised its Model investment protection treaty text early this year after several foreign investors served arbitration notices to India for the alleged breach of its bilateral investment treaties. Now onwards, India would negotiate its future bilateral investment treaties and FTAs based on this new Model text.

The draft new Model text adopts a narrower definition of investments [limiting it to only FDI (foreign direct investment)], removes MFN (most favoured nation) clause, and restricts the scope of national treatment and fair and equitable treatment clauses. It only allows investors to initiate international arbitration once they have pursued domestic legal remedies to resolve the investment dispute. In all likelihood, the EU would be reluctant to re-negotiate the entire investment chapter of the FTA as per India's new Model text.

Domestically, the Indian government will find it difficult to sell this agreement as a win-win deal and in the best interest of farmers, workers and producers. One can-

not deny the fact that the larger gains from lowering tariffs on agricultural and industrial goods will be made by Europe due to higher import duties imposed by India. While Indian products are unlikely to gain much by further reduction of import duties by EU. In the case of cars, for instance, India's import duty range from 60 to 100 percent while the EU charges a flat rate of 10% on imported cars.

In addition, this FTA would have profound implications on local employment and manufacturing in India. The cheaper import of agricultural and manufactured goods due to lowering of import tariffs will negatively affect several labour intensive sectors. Unlike Europe, 93% of India's workforce is employed by unorganised sector with abysmally low wages and no social security.

The cheaper import of finished goods will also undermine local value addition which drives employment growth and promotes enterprise development. Needless to say, India badly needs both. In many important ways, the proposed FTA would run counter to 'Make in India' initiative launched with much fanfare by the present government. Hence, the Indian authorities need to undertake a holistic overview of the potential gains and losses from the proposed FTA with the EU and initiate consultations with all stakeholders.

### Whither geo-political gains?

Is India pursuing FTAs with the EU and other nations purely for trade and investment? Are there other policy objectives? Since 2004, the successive Indian governments have maintained that their FTA strategy helps in the pursuit of geo-political objectives, without elaborating any further. During the past years, no efforts have been made by the authorities to explain how India stands to gain geo-politically by engaging in bilateral trade and investment pacts.

Some commentators argue that there is nothing per se wrong in pursuing geo-political objectives through bilateral trade and investment agreements but where is the evidence to substantiate that India's enhanced geo-political rise in the world over the past decade has been made possible largely due to such agreements? - Third World Network Features.

*\* Kavaljit Singh is Director of Madhyam, a policy research institute based in New Delhi.*



# The hidden truth of banks

How the financial system facilitates corruption with its devastating human cost, written by **\*Stuart McWilliam.**

**T**here has been no shortage of highly publicised scandals involving the financial sector in recent years, from the crash in 2008 onwards. A much less known, yet equally shocking, one is the key role banks play in enabling corruption, which has a devastating impact on people around the world. This is the focus of *Banks and Dirty Money*, a recently published report by Global Witness. It highlights how regulatory failure lies at the heart of this

problem too.

Corruption is “public enemy number one” in the developing world, according to Jim Yong Kim, the President of the World Bank. In poor countries it kills people and traps millions more in poverty. When unscrupulous officials steal vast sums of state money, they decimate funds that should be spent on vital services like health care, education and infrastructure.

It has other damaging impacts that are

felt by all countries. The B-team, a group of eminent business leaders has shown how corruption adds 10% on to the cost of doing business around the world, stifling the global economy. It also leads to a lack of confidence in government institutions, which can lead to insecurity and in some cases failed states that in turn breed terrorism which is exported around the world, threatening the national security of countries everywhere.

The largely hidden truth is that banks play an integral role in enabling this devastating corruption. The days when large scale corruption involved briefcases full of money are largely confined to the past. Corrupt officials now tend to rely on banks to hide the money they plunder and then make it appear “clean.” A World Bank study of 213 grand corruption cases showed that from this sample alone government budgets around the world lost out on \$56.4 billion. Global Witness analysed this data and found that at least 140 banks were involved in handling these corrupt funds, including over a third of the current 50 biggest banks in the world.

Most countries have laws and regulations, based on internationally agreed standards, which require banks to spot when they are being used to launder the proceeds of corruption and other crimes. However, while some banks are upholding these anti-money laundering requirements, a large number are not. For example, a damning report by the UK regulator in 2011 found that 75% of banks were violating the rules designed to keep dirty money out of the system in some way. As a result, many banks around the world are leaving the door wide open for not just corrupt officials, but tax evaders, drug cartels, and other criminals to launder their funds undetected.

### Incentives

In common with other recent banking misconduct, skewed incentives are the major underlying cause. Banks stand to make significant profit from taking money that has been embezzled, or earned in other illegitimate ways. Yet there is often very little downside. The regulations are poorly enforced, and where penalties are handed out, they tend to be fines given to a bank as a corporation. Senior executives with ultimate oversight rarely face consequences themselves.

A prime example of this was exposed last year when BNP Paribas, France's largest bank, was fined \$8.9 billion dollars by the US for breaking international sanctions to Sudan and other countries. Senior managers at the bank ignored warnings from compliance staff that they were breaking the law, because the profits were too good to turn down. The New York banking regulator laid bare the full scale of the wrongdoing by declaring “[BNP Paribas] - with the full knowledge of multiple senior executives - engaged in a long-standing scheme that



illegally funneled money to countries involved in terrorism and genocide”.

The most effective way to change the persistent rule breaking would be to hold senior executives personally responsible for upholding anti-money laundering regulations. It's not until they start losing their jobs, being personally fined, having bonuses withdrawn, being barred from their profession, or in the worst cases face criminal prosecution and jail, that the people who run banks will take these regulations seriously.

### Chinks

There are some chinks of light. In the BNP Paribas case, the New York regulator insisted that five senior executives be fired. This is almost unique, and other regulators around the world should take note. A few months ago the UK's banking regulator, the FCA (Financial Conduct Authority), published the details of a pioneering measure - the Senior Managers Regime - which include the requirement for a named senior executive at UK banks to be held personally responsible for complying with anti-money

laundering regulations. This is hugely welcome. However, the true test will be whether the FCA implements this effectively when it comes into force next March.

Recently, Hilary Clinton declared that she would hold senior bankers accountable for failures if she became President. If she did get the job, introducing a measure like the Senior Manager Regime would be a good place for her to start.

In a recent speech, the UK's Prime Minister called corruption “one of the greatest enemies of progress in our time” and announced the UK will be hosting an Anti-Corruption Summit next year. He would secure a huge step forward if other countries at the Summit agreed to hold their senior bankers personally responsible for denying corrupt officials the opportunity to hide and launder their ill-gotten gains. - Third World Network Features.

*\* Stuart McWilliam is Senior Campaigner for Money Laundering at Global Witness. The article is taken from Third World Network Features.*



# Is Ghana's democracy about to pop?

The political environment in Ghana, a year into general elections due November, 2016, do not portend good tidings for a country touted by many as an island of democracy and peace in a turbulent African political terrain, writes **\*Linus Atarah**.

The last time general elections were held in Ghana, it took the country's Supreme Court's ruling to determine the final outcome, mercifully saving the country from sliding into political violence and chaos. That was in 2012.

The opposition New Patriotic Party (NPP) had contested the results, alleging electoral improprieties; the country escaped widespread election-related violence by the skin of its teeth.

The country goes to the polls again next year to elect members of the 275-member legislature and a president. But having avoided a political meltdown in the last

elections, there is nevertheless deep apprehension in the air; the vexed issue of a credible electoral register continues to hang over the country like an albatross, and could yet destabilise the country with political violence if the issue is not resolved before next year's elections.

Already, snippets of what is likely to happen are already being played out in the streets. In September, protestors demanding a new voter's register, clashed with the police in the capital, Accra. Since the issue was raised in June, by the opposition NPP, it has snowballed into a talk-of-the-town issue.

The protests were organised by a group calling itself Let My Vote Count Alliance, widely believed to be backing the NPP.

Mrs. Charlotte Osei, newly appointed Chairperson of the Electoral Commission, EC, has hardly adjusted herself on the saddle but is forced to immediately tackle the hot dish placed before her.

In last decade, almost in a routine fashion, the central factor in the implosion of some African countries always began with dispute over electoral fraud or transfer of power. Allegations of electoral fraud generated political violence in Ethiopia (2005), Kenya (2007), Zimbabwe (2008), and DR

Congo (2011), with substantial loss of lives and displacement of large sections of the population in some cases. Political violence is still ongoing in the East African state of Burundi, where, since April this year a disagreement over power transition followed by fraught elections in July has exacted a high death toll with tens of thousands fleeing into neighbouring Tanzania.

But Ghana has so far avoided similar destructive election-related violence. Since 1992 when the country restored multi-party democracy, and successfully transitioned from a military regime - it has consolidated multi-party elections with five successful elections.

The opposition NPP- still smarting from the pain of losing two successive general elections-- 2008 and 2012 - was the first to approach the new chairperson of the Electoral Commission, Mrs. Charlotte Osei, very shortly after she had assumed office as head of the EC, demanding a new voters' register before next year's elections, alleging it was not in good shape for a properly conducted elections.

The NPP followed up with a rapid succession of petitions, what she has referred to as "love letters", demanding that the EC compile a new voters' register.

To back their claim, the party publicly declared that from their own investigations the existing Ghana's voters' register was found to be bloated with 76 000 Togolese names from areas sharing border with Togo in the Volta Region-a stronghold of the ruling National Democratic Congress party; ostensibly such persons could cross over to Ghana and vote in favour of the NDC.

To address the potentially combustible issue, the Chairperson of the Electoral Commission initially asked all political parties to make submissions to it on the issue. This was followed up with the appointment of a panel of five eminent Ghanaians to gather views from political parties and other stakeholders on how to provide a credible voters' register with elections barely 12 months away.

But a two-day sitting of the panel in November, chaired by a widely respected former Supreme Court Judge, Justice V.C.R.A.C. Crabbe, did not lead to a defini-



**Electoral Commission Chair - Charlotte Osei**

tive conclusion on the way forward. There was no significant shift in positions of the two major contending political parties.

According to the ruling NDC, whatever flaws there are in the register could be cured through an audit of the register and not the compilation of a new register.

The Electoral Commission on its part, has promised Ghanaians that it will accept the recommendations of the panel on the voters' register issue but has not indicated any timeline. Mrs Osei, has, however, raised concerns over the magnitude of the task, including national security issues, comparing the additional 30 000 polling stations required in the case of compiling a new voters' register, to opening up 30 000 "zones of conflict".

"When you have your two strongest parties [NPP and NDC] taking entrenched opposing views, you are even worried that opening new registration centres will be opening up 30,000 conflict zones because...you are going to have rigorous objections and challenges," she said, when addressing the panel of eminent persons. Adding, "we have also thought carefully about the social stability cost of the new register".

Given these concerns, along with the glacial speed with which the bureaucratic machinery moves in Ghana, it is not all certain whether the EC would be able to dive across the finishing line by the time the

Committee of Eminent Persons comes round to issuing a recommendation on the new voters' register dispute.

In the mean time NPP's demand for the compilation of a new voters' register has come in for some criticism from experts.

Dr. Kwesi Jonah, a former political science lecturer at the University of Ghana who now works with the Institute of Democracy Governance (IDEG), a think tank, says it has no legal basis.

According to him, the constitution stipulates that a new voters' register shall be replaced every ten years or alternatively, after every population census. The current register was compiled in 2012, while the last population census conducted in Ghana was in 2010.

So given, the legally insecure grounds on which the demand for a newly compiled voter's stands, it is hoped that reason would prevail and those insisting on it would eventually drop the demand and accept another alternative way of resolving the sticky issue.

"We are looking towards a very difficult elections next year", says Kwesi Jonah.

That may not be very surprising given that most African elections are generally high-stake events, where politics is mainly driven by a desire of politicians to capture the state apparatus for their party and gain control of vital resources to the denial of all others.

In 2012 the Supreme Court ruling went against the NPP yet the country did not plunge into chaotic violence. Credit was largely given to the leadership of the party for exercising political maturity and accepting the defeat with magnanimity.

Kwesi Jonah places a lot of trust in the credibility of the high-powered panel of the Five Eminent Persons who he describes as "highly competent and neutral" and whose recommendations, he says, would be accepted by a majority of Ghanaians thereby cutting the ground from under the feet of those forces bent on driving the country into political meltdown irrespective of the consequences.

*\* Linus Atarah is a freelance journalist based in Accra, Ghana.*



# Is Burkina Faso's elite guard still a threat?

Burkina Faso's transitional government has dissolved the RSP, but will the elite security force responsible for last month's coup finally go away? OSIWA's **\*Mathias Hounkpe** looks at what must happen next to keep the country on its path to civilian rule and democracy.

**B**urkina Faso seems to once again be on the path to democracy following the attempted coup, but some wonder if the peace will last.

The interim government adopted a decree dissolving the Presidential Security Regiment, which mounted a short-lived coup weeks ago. But despite promises to disarm and subsequent interventions by the army, some RSP members still refuse to give up their weapons, leaving many to wonder if the elite force will continue to pose a threat to the transition to democracy.

Ever since long-term president Blaise Compaoré was ousted after the popular uprising on 30 and 31 October 2014, democracy advocates have wrestled with the troublesome issue of demilitarising politics. The armed forces have maintained almost exclusive control over the political scene since 1966, which is to say 49 of the 55 years since Burkina Faso gained independence in 1960.

The RSP, which was created in 1995, officially became “a large unit attached to the national army and at the disposition of the president” in July 2000, but is still thought of by most as an “army within the army,” or a body of troops loyal to and recruited by Compaoré.

It is therefore unsurprising that the RSP remains a major concern for the stakeholders of transition. Following repeated calls from the general public, the National Reconciliation and Reform Commission (CRNR) submitted its general report to the prime minister on 15 September, officially recommending the RSP's dissolution.

Unfortunately, the actions of members of the RSP - two disruptions of the transition, the constant noise of intervention threats and finally the 16 September coup - have not helped calm people's fears about

the regiment.

Following the intervention of the regular army to enforce the 25 September dissolution decree, however, one can confidently say that the RSP no longer constitutes a threat to the transition of Burkina Faso.

Indeed, absent a dramatic turnaround, the same forces that foiled the coup - the general population, the national army and pressure from the regional and international community - will always be there.

The RSP is regarded as a professional and well-trained outfit, but, once disarmament is complete, its members will no longer have the equipment necessary to threaten actions that could sabotage the transitional process once again underway in Burkina Faso.

## Moving forward

Nonetheless, it remains important to pay attention to a number of factors if the transition and post-transition phases are to proceed without further disruption.

Firstly, we must ensure that members of the RSP, except those who need to be held to account for past actions, are reintegrated as quickly as possible into the national army. This will ensure that rather than finding themselves with no prospects, former RSP soldiers will still have a purpose. This will also enable the army to take advantage of the capabilities and competence of this elite corps, which most agree contains some of the highest quality personnel within the security forces.

Secondly, after helping to ensure that the RSP has been totally dismantled, we must ensure that the army returns to barracks so the transition to control by civilian government can be completed. This must be done while ensuring that the army has the necessary means to ensure safety

**“We must ensure that members of the RSP, except those who need to be held to account for past actions, are reintegrated as quickly as possible into the national army. This will ensure that rather than finding themselves with no prospects, former RSP soldiers will still have a purpose.”**

throughout the country. It must then help promote the integration of former members of the RSP into the regular army without finger-pointing or score-settling.

Finally, the people of Burkina Faso need to be listened to. They have already shown their strength and their ability to resist all attempts to challenge the transition, so they will remain a key driver of future events.

While this power has proved beneficial, it comes with great responsibility. Both the authorities, and those who wish to help them, must work together in search of solutions to future challenges while respecting the rules. This will include taking any disputes that arise in the lead-up to the upcoming elections before the Court (and not into the street), while remembering always that peace, national cohesion and the consolidation of democracy in Burkina Faso are the only goals worth pursuing.

*\*Mathias Hounkpe is the political governance program manager for the Open Society Initiative for West Africa (OSIWA).*



## Africa sees U.N. Climate Conference as “Court Case” for the continent

As the clock ticks towards the United Nations climate change conference (COP21) in Paris in December, African experts, policy-makers and civil society groups plan to come to the negotiation table prepared for a legal approach to avoid mistakes made during formulation of the Kyoto Protocol, writes **\*Isaiah Esipisu**.

**T**he Kyoto Protocol is an international treaty which extends the 1992 U.N. Framework Convention on Climate Change (UNFCCC) that commits countries to reduce greenhouse gas emissions, based on the premise that global warming exists and that man-made CO2 emissions have caused it.

“The United Nations Framework Convention on Climate Change is a legal

instrument, and therefore we need legal experts to argue the case for Africa, using available evidence instead of having only scientists and politicians at the negotiation table,” according to Dr Oliver C. Ruppel, a professor of law at the University of Stellenbosch in South Africa.

“It is a court case for Africa, and Africa must argue it out, and not keep looking for scientific evidence,” Ruppel told an Africa

Climate Talks (ACT!) forum on ‘Democratising Global Climate Change Governance and Building an African Consensus toward COP 21 and Beyond’ last week in Dar es Salaam, Tanzania.

The forum, which was organised by the Climate for Development in Africa (ClimDev-Africa) Programme, was part of the preparatory process for Africa’s contribution to COP 21 in Paris.



Africa has always based its climate argument on geopolitics and science. However, in Paris, experts say that Africa will have to include a good number of lawyers who will table existing evidence of what climate change has caused, what Africans have done about it, and what they can do given appropriate financial and technological support.

“We must stop complaining and look at how much we have done ourselves with and without support, look at our success stories and build a case of what Africa can do instead of shouting for resources,” said John Salehe of the Africa Wildlife Foundation. “We need to show evidence of what we can do, then approach the negotiations positively,” added Ruppel.

Dr Mohammed Gharib Bilal, Vice-President of Tanzania, observed that Africa has suffered under the Kyoto Protocol because there were unforeseen gaps. “Since we are negotiating a new agreement, nobody in Africa will benefit if we make the same mistakes that were made in the Kyoto Protocol negotiations,” he told the forum.

According to experts, the Kyoto Protocol was formulated in a way that was designed to address mitigation of climate change, rather than adaptation to its impacts.

### Failure

“The agreement also failed to recognise some countries which have since emerged as major greenhouse gas emitters, a fact that has complicated implementation of the agreement’s mechanisms,” observed Mithika Mwenda, executive secretary of the Pan African Climate Justice Alliance (PACJA).

He also noted that the Clean Development Mechanism (CDM) under the protocol was based on markets, and therefore failed completely to address climate change in countries with negligible emissions.

Such gaps must be sealed in Paris and a new agreement reached or else the world’s sustainable development path will be jeopardised, warned Bilal.

Nevertheless, the Tanzanian Vice-President recognised that sometimes Africa expects too much from the developed countries. “We need to change and change has to start from within,” he said.” The vision has to be crafted from within and we have to go to Paris to champion a narrative and cause that is consistent with our own development aspirations.”

So far, in response to changing climatic conditions, African countries have proactively put in place climate change policies with tools geared towards mitigating and

**“Africa has suffered under the Kyoto Protocol because there were unforeseen gaps. “Since we are negotiating a new agreement, nobody in Africa will benefit if we make the same mistakes that were made in the Kyoto Protocol negotiations,” he told the forum. According to experts, the Kyoto Protocol was formulated in a way that was designed to address mitigation of climate change, rather than adaptation to its impacts.”**

adapting to their impacts. Some have invested heavily in clean energy, some have adopted climate-smart farming techniques, and others have invested in tree growing.

“Africa has lots of capacities but they differ,” said John Kioli, chairman of the Kenya Climate Change Working Group. “We need to take stock of what we have, and negotiate for enhancement of what we do not have.”

Dr Joseph Mutemi, a climate scientist and executive director of the Africa Centre for Technology Studies, noted that the playing field has always been tilted to support pro-mitigation. “As Africa, we need to be strategic enough to understand where mitigation supports adaptation and take advantage of it,” he said.” We should start from the known, then venture into the unknown.”

ACT! seeks to crystallise a conceptual framework umbrella for Africa’s role in the global governance of climate change, and to position climate change as both a constraint on Africa’s development potential as well as an opportunity for structural transformation of African economies.

The objective is to mobilise the engagement of Africans from all spheres of life in the run-up to the Paris negotiations, increase public awareness of climate change and the roles people can play in the global governance of climate change, and elicit critical reflection on the UNFCCC process among Africans.

# My take on corruption:

## WOLE SOYINKA

By some estimates, Nigeria's national oil corporation alone has reportedly lost more than \$30 billion in oil revenue to corruption in the last five years, equivalent to the gross domestic product of more than 30 African countries. In this wide-ranging interview, Prof Wole Soyinka speaks about the lost potential in Africa's most populous nation and the hope of creating a new society built on people-based values. (Excerpts from an interview by Zero Tolerance magazine)

**SOYINKA:** Nigeria is so peculiar and dramatic. Even talking about the potentials before we talk about the negativities, Nigeria is a nation for perpetual study. I think in Nigeria, it is the potential which hits people and makes them believe in Nigeria. It tends to make them react when they see potentials being wasted and it is a tragedy to see potentials wasted. But paradoxically, it is a realization of the existence, that positive, that keeps many Nigerians and even foreign people going.

**ZT:** You talked about the potentials of the country but we have not been able to translate this potential to reality in terms of development. Why is this so?

**SOYINKA:** It is the human potentials that interest me. I travel and everywhere I go I am amazed at the presence of Nigerians. The intelligence, integrity, productivity, initiative, you name it. So what is the problem? I think we got it wrong from independence as people became so conscious of the divisions because we wanted so much to satisfy the plurality of interests. I will say, we neglected the importance of real value, human value and the quality of potential in human beings and we contrived phrases like geographical spread, regional quota, etc and allowed mediocrity to reign. I think that is the problem that we are dealing with till today.

**ZT:** How do we overcome this problem of mediocrity?

**SOYINKA:** We must acknowledge that we made a huge error in satisfying the lowest common denominator of the available

human potential in this country and we elevated what I call the reign of mediocrity. Quite frankly, I think it is about repudiating the past, creating space for new thinking for the best of the new generation, creating both political and geographical space and going at it with single mindedness that says, 'enough of buttering, sentiments and massaging the ego of the old brigade'.

**ZT:** To achieve any change in the minds of the youth, there must be reorientation in terms of materialistic tendencies, corruption and crime generally. How can we achieve this?

**SOYINKA:** I agree with you. The battle is the mind and to achieve this mind change, the media has crucial role to play. The media must be used effectively to reach the masses. You have to find a new language in which to address the people and demonstrate what is possible. You see, concreteness impresses people more than all the grammar of Wole Soyinka. There is a governor that says he goes out to eat amala with his people and what he did was to create 'stomach infrastructure', that kind of blasphemous message.

You go to the 'bukar' and engage people in languages different from the one I am using with you now, get down to their basics and get your hands dirty with work among the people. This is something I realize is a full time job.

**ZT:** But cyber crime, bank fraud and many others are today perpetrated by the youths, how can we tackle the situation?

**SOYINKA:** First and foremost, we must catch them young. I remember late Tai

Solarin used to use this expression 'I'll die for the youths, I'll die for the youths' and once, I called him, 'egbon' (my older brother) stop saying that. Some of these people you want to die for are the ones that will stab you in the back so don't use that expression because you and I know that they are not angels. Most of them are rapists, cultist and I use that expression as opposed to a confraternity which is confused in the mind in my experience which is very sad.

The obstacles to this transformation in youths are ignoramus. We just had a festival here and the theme was 'Corruption'. School children were handpicked to know how they see the issue of corruption, why do we keep crying that the adult society is corrupt, what is it that you see? Many schools were involved and ICPC wanted to take the results and maybe you (EFCC) can take that over if they are not fast enough because this project has been over a year now. We have their response and all those paintings of how the children see us.

Exercises like that involving the children put to shame the adults by depicting what corruption does to them. So it's a matter of catching them young and that way we transform the next level of humanity who in turn exercises an influence on adults, aunts, and parents etc. Because that top stratum is almost finished.

**ZT:** There seems to be some confusion on what corruption entails, some people argue that corruption is not stealing, what is it to you?

**SOYINKA:** This is what we are talking about, how can a public figure, an intelli-



gent person like that come out to tell the public that corruption is not stealing. Then you should have asked him, what then is corruption? The media should have challenged him.

**ZT:** *Would you say that corruption in Nigeria is a reflection of the society?*

**SOYINKA:** I don't know what is happening to the society, but I can tell you this much: when I was a child, for a public/civil servant to be caught in corrupt practices, that individual will be a pariah. He will be a complete reject of the society; he/she could not raise his or her voice to speak in the public. What you are asking is what happened to society? So what happened between that time and now? That time when a public officer, prison or customs officer caught in corruption hides his face in shame amongst his peers, he just couldn't come out publicly. For instance, I remember one or two cases when somebody couldn't come to our house the way he used to, he just disappeared. Today, when they come back, they get chieftaincy titles, they are received in grand style, cows are killed, they ride on white horses. You have a former president who welcomes political thugs, like Obasanjo who welcomed the late Adedibu who rode into his Otta farm on horseback with Kakaki and Obasanjo even named Adedibu his political mentor. A former president of this nation, called the late Adedibu his political mentor! Society is finished!

**ZT:** *So, how did we get here?*

**SOYINKA:** You tell me? I do not know. I do not know what has happened. People say human nature is a very vague expression, people tend to say human nature is corruptible anyway and it comes from a theological point of view, goes back to the Garden of Eden, that there is always this corrupt gene waiting to be activated that we inherited from the very beginning. I don't believe in that theological excuse but I know that the sudden oil wealth, easy access to wealth fuelled the process, it definitely accentuated the process, it made corruption easy because if you are corrupt and you have extra cash you are able to shut the mouth of your accuser and they will be silenced.

**ZT:** *Your are widely considered as the godfather of cultism in Nigeria because of your role as co-founder of Pyrates Confraternity in your days a student of the University College, Ibadan...*

**SOYINKA:** (Cuts in) Because those who say that are willfully ignorant. Everybody knows that fraternities are a normal culture in all colleges. It exists in all colleges. President Clinton was a member of a fraternity. In fact, anybody who goes to College in the United States is a member of a College fraternity. There is absolutely nothing evil or occultic about fraternity.

But here, the media is largely responsible for fuelling the ignorance of society of

**“The battle is the mind and to achieve this mind change, the media has crucial role to play. The media must be used effectively to reach the masses. You have to find a new language in which to address the people and demonstrate what is possible. You see, concreteness impresses people more than all the grammar of Wole Soyinka.”**

the word cultism and fraternity. This is a disservice and I have said it again and again. There are evil cults, whose members must prove themselves by going to rape. There are others whose entry test is to slash or beat somebody or rob, it has nothing to do with College fraternity. The media owes the responsibility to constantly tell the public the truth. But they go on and children grow up believing that college fraternity is Satanic, demonic, and this is wrong.

I was on the Disciplinary Committee in University of Ife. It will surprise you to know the number of students who we recommended for expulsion as a result of cult activities; despite the spineless attitude of some members on the committee who would beg for clemency for children of the elite. If you know the people that were involved, Commissioners of Police were involved, always writing letters. Imagine, a student just gang raped a girl because he is a member of a cult and you ask me to review that violation! These are letters which I received from the elites of the society because their wards were involved in occultic activities. I said this is not fraternity, this is criminal and normally such cases should be charged before the court. But while I am a member of this College, this type of character does not belong here and must be expelled.

Society itself is responsible for the degradation where it takes place from fraternity into cultism but the distinction must be made. The Buccaneers call themselves a fraternity; they originated from the original Pyrates Confraternity. They were thrown out for misbehaving and destroying the efforts of the fraternity. Black Axe, these are cults, the leaders know, they won't deny it.

What we formed in my University days was anti-corruption and justice-seeking student organization, not a cult group as many ignorant Nigerians want to make believe. I am still a member of Pyrates confraternity and anyone who wants to accuse me of cultism is making a big mistake and incidentally, there have been cases where the Court declared the Pyrates confraternity as non occultic or secret society. The judgments are there and yet the public is still ignorant of the clear difference. It is when they are fighting Wole Soyinka that is when they say Wole Soyinka is the father of cultism, their father is the founder of cultism (laughter).

**ZT:** *With your constant criticism of government and your views on purposeful leadership, shouldn't you be seeking an elective office to lead by example?*

**SOYINKA:** Thank goodness, that is now a purely academic question. At eighty, I must be counted senile to attempt to stand for office.

**ZT:** *Why are you not a member of any political party in Nigeria?*

**SOYINKA:** Temperament. In any case, I did try to set up a political party - as a platform for a new generation. Ironically, it lost steam when the members found I was dead serious about NOT contesting any office. They came in mostly on personalized grounds, not on faith in a carefully worked out manifesto. But the party still exists - at least as a movement.

**ZT:** *Some people say the reason you are not a card carrying member of any political party is because you are a lone ranger who finds it difficult to work in a collective. How true is this?*

**SOYINKA:** Far too sweeping a claim. Those with whom I've worked politically etc. have come to acknowledge my capacity for team work. Ask for voiced observations during the 2-year long PRONACO initiative. However, there's some truth in it. I tend to work best as a one-man Task Force, including even the roles of messenger, coffee maker and office cleaner.

**ZT:** *How are you able to sustain friendship with politicians who are known to be corrupt?*

**SOYINKA:** "Known to be corrupt? 'Known' is a presumptive claim. When I set



up the Monitoring Unit for the Corps I knew what I was doing. I understood the nature of our society from which the Corps would be drawn, so I took pre-emptive measures. Next to the commodities of corruption, and religion, however, Nigeria is the world capital of rumour mongering, so I wanted to nail offenders with no route for escape. Now, am I supposed to do the same for all of Nigeria? You, the EFCC, ICPC, the numerous anti-graft divisions of the police - you must do your job. Identify, investigate and prosecute.

Now, I am going to come closer to specificities. I cannot pretend not to know one or two names among my acquaintances who are presumed to have a cloud of corruption over their heads. I shall not mention names, since this would only contribute unfairly towards the promotion of such allegations. What I can testify to is that one such prominent figure - if we are thinking of the same businessman and politician - was a front-line collaborator during the anti-Abacha struggle. After that nightmare, when Obasanjo began to flout the constitution, humiliate the courts, and generally prove his real nature in an attempt to reduce this nation to yet another slave plantation, that individual earned further spurs by standing firm. Your agency invited him for questioning, and he later gave me his account of what transpired. If you do find a cause to charge him with corruption, I expect him to be subjected to the same legal processes as any other citizen. If found guilty, then he must take his punishment and make public restitution. Until then, I

can only judge him on what I know to be true, and that is - an astute and dogged political fighter and comrade-in-arms. Otherwise, how am I different from those who defame my own person? What then separates me from slanderous whelps like Sanni Abacha's offspring - just to name one notorious beneficiary of massive, internationally proven corruption - who declares that I am no better than his father!

**ZT:** *As a global citizen are you often embarrassed by Nigeria's reputation for corruption?*

**SOYINKA:** As a global citizen, I sometimes feel like denying my identity.

**ZT:** *Have you personally found yourself in a situation where you were asked to offer bribe for a service? If yes, how did you deal with the situation?*

**SOYINKA:** Certainly. Such people did not repeat their attempt. Sadly, however, I discovered in one particular case that a colleague went and paid the bribe on my behalf, just to get our mission fulfilled. That was painful, and it strained our friendship.

*\*Professor Wole Soyinka, is Africa's first Nobel Prize winner for literature and a front-line crusader for social justice, and the quintessential academic with a reputation for candour. The interview is culled from PAM-BAZUKA News.*

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