



Maryknoll Office for Global Concerns

NewsNotes

A bi-monthly newsletter of information on international justice and peace issues

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Maryknoll sisters celebrate 100 years

The Maryknoll Archives recently produced a 10-minute DVD in commemoration of the Society's and Congregation's 100th anniversaries; it is a compilation of photos and film documenting the first few years of Maryknoll's existence. Even in its brevity, the DVD is a lovely and moving tribute to the brave women and men who stepped out into the unknown, who chose faith, community and solidarity, who were willing to answer God's call wherever it might take them.

This month launches the centenary of the Maryknoll Sisters of St. Dominic, founded by Mother Mary Joseph Rogers, who intended to start a new community for women with a unique and courageous calling – to be missionaries in their own right, not as secretaries and cooks for the priests.

One hundred years later, Maryknoll sisters have served in China, in the Philippines, Hong Kong, Korea, Vietnam, Cambodia, Thailand, East Timor, American Samoa, Bangladesh, the Marshall Islands, Hawaii, Japan, Myanmar, Nepal, Taiwan, Sudan, Kenya, Tanzania, Namibia, Zimbabwe, Bolivia, Brazil, Ecuador, Peru, Chile, Venezuela, Panama, El Salvador, Nicaragua, Guatemala, Mexico, Albania, and in the U.S. Alongside the people they have served, they've endured internment camps, house arrest, prison, torture, hunger and unrest, and, in the case of a few such as Ita Ford, Maura Clarke and Carol Piette, martyrdom. They have established schools and clinics, promoted women's participation in community life, advanced systemic efforts for justice and peace, worked with farmers, and ministered to people living with HIV and AIDS, those with physical and/or mental disabilities, those imprisoned, and others in marginalized groups.

- In 1974, Maryknollers Laura Glynn (who died in 2004) and Elsie Monge arrived in Ecuador. In 1981, the sisters began working with CEDHU, the Ecumenical Commission for Human Rights in Ecuador. The majority of the people who go to CEDHU lack the resources and the tools needed to face the violation of their rights. The commission works in these areas: education, denunciation/defense, communication, investigation and documentation. In 2004, Sr. Elsie was one of 1,000 women around the world working for peace who were named in a collective Nobel Peace Prize nomination. She was named "Woman of the Year" in Ecuador in 2005.

- Five Maryknoll Sisters arrived in East Timor in February 1991 to work in Aileu, a rural mountain community. In September 1999, violence followed the overwhelming vote for independence from Indonesia, and the sisters, along with their neighbors, had to flee for their lives. After two months, they returned to Aileu, finding everything destroyed except the people's spirit. Today Maryknoll sisters teach in high schools and facilitate the community-based health program and family service center; and provide computer and literacy training, among other roles.
- Since their arrival in Namibia in 1994, just four years after it gained independence from South Africa, Maryknoll sisters have given short courses, workshops and various services in health, education, catechetics and women's ministries. They speak of two Namibias, one dominated by whites, who control most of the wealth. The other Namibia can be seen in the dry parched countryside where African farmers eke out a subsistence living, and in the squatter settlements cropping up on the outskirts of the larger towns throughout the country. Two Maryknoll sisters wrote about their early experiences in Namibia: "The people experienced that we shared similar accommodations and shared meals with them. For many, this was a real first, and they commented that we accepted them (and so similarly they accepted us)." The apartheid legacy had left wounds, and some of the people said it was good they could experience that we "were one, no matter what our background or skin color."

The sisters' long standing institutional dedication to justice, peace and integrity of creation is clear; their 2008 General Assembly affirmed that they "listen with [their] hearts to each other's stories, to the cry of the earth, and to the voice of the people." Their commitment to "an eco-consciousness that informs all [their] ministries" exemplifies their progressive thinking and that they continue to choose faith, community and solidarity.

In her 1989 book *Hearts of Fire*, Penny Leronoux writes: "The story of the Maryknoll Sisters had its beginnings when one woman decided that other women, too, wanted new ways to be in mission, new ways to be with people and to open their hearts to them. In over 30 countries around the world, ... their hearts remain open – and on fire."

Chile: Students push education reform

By neoliberal standards Chile is one of South America's most economically stable and prosperous countries. It has been the poster child of neoliberal economic reform since the days of President Augusto Pinochet, and, in 2010, became the first South American country invited into the Organization of Economic Cooperation and Development (OECD). Despite garnering this international recognition, behind the facade it continues to produce some of the worst social indicators of any developed country: It has the highest income inequality among OECD countries, with 5.3 percent of the population living on \$2 a day. Chile's education system—one of the most segregated and privatized in the world, with 55 percent of secondary students attending private schools, and with one of the lowest levels of public funding for education—contributes to this inequality. During the height of the student-led Penguins' Revolution in 2006, nearly 800,000 students participated in strikes and marches for reform. In May, the student movement was resurrected, and the Chilean education system has once again been thrust into the international spotlight by the outbreak of massive student strikes and protests.

Student protests began, in part, as a response to then Minister of Education Joaquín Lavín's initiative to increase government funding for schools that are purportedly non-profit, but which have been able to take advantage of loopholes in order to turn a profit. (Lavín has since been replaced by Felipe Bulnes.) The protests also came on the heels of other Chilean demonstrations, like those in opposition to the controversial HidroAysén dam project. Both the 2006 and the current 2011 student protests are directed at an "education system [that] is grossly unfair—that gives rich students access to some of the best schooling in Latin America while dumping poor [students] in shabby, underfunded state schools." (BBC, August 11, 2011)

According to the OECD, nearly 40 percent of all education spending in Chile comes from households by way of tuition fees. The government accounts for only 16 percent of higher education spending—compared to an OECD average of 70 percent—while three out of four universities are privately owned. Secondary education is not much different, with less than half of students attending schools fully funded by the state. Instead, more privileged students go to

elite private schools or subsidized schools, where the costs are borne by both state vouchers and parents, an arrangement that prices out poorer students -- whose families cannot pay the tuition fee -- from attending higher quality schools. A recent UNESCO report found that "the system which characterizes Chilean education is geared to privatization processes which tend to segmentation, exclusion, discrimination and highly selective mechanisms," and that the scholarship and subvention system "protects and benefits private initiative."



Led by Camila Vallejo (above), president of the Confederation of Chilean Students (CONFECH), and Giorgio Jackson, the student movement has gained broad support from the Chilean public over the seven months of protest. Tactics employed by the student-led movement have ranged from marches numbering in the hundreds of thousands to school occupations—at one point over 100 schools were occupied—to creative demonstrations, like a rendition of Michael Jackson's music video "Thriller" to make the statement that public education is dying. Despite the nonviolent approach, some demonstrations have ended in brutal clashes between police and student protestors.

Opinions within the movement about its goals are not homogenous, with some primarily looking for short term gains, like increased spending for public schools and more scholarships for university students. Others seek a more fundamental overhaul of the education system. The most widely supported goals are those in a CONFECH proposal known as the "Social Agreement for Chilean Education." This detailed proposal calls for a drastic change in the direction of education system, including a ban on government support to for-profit schools, increased direct state spending for education, free public education at all levels, central government control over

primary and secondary schools to limit inequalities, and a moratorium on new voucher schools, among other things.

Despite overwhelming support for the movement's demands, negotiations with President Sebastián Piñera's government have continued to break down. To date no significant reforms have gone into effect; however students have won minor victories, like decreased interest rates and refinancing on student loans and grants for 60 percent of students in public universities. Leaders of the movement claim that a lack of political will, not popular support, is to blame for the breakdowns. In mid-November, un-

der increased pressure from the government to revoke grants and scholarships of students who skip school to attend protests, students agreed to return to school.

And while students have not yet achieved the broad reforms they deem necessary, they have gained widespread public support, Piñera's approval ratings have plummeted, and the student-movement for education reform has spread rapidly across the region and the world. They have created a new atmosphere in Chile that will undoubtedly help move the struggle for education reform and deeper economic reform forward.

Brazil: Potential increase in deforestation

During his eight years as Brazil's president (2002-2010), Luiz Ignacio Lula da Silva succeeded in drastically diminishing deforestation in the Amazon, the world's largest rainforest. In 2005, Lula pledged to further reduce the problem by 80 percent in 2020. But a law signed in mid-December by current president Dilma Rousseff will likely undermine that goal and result in a significant increase in deforestation and greenhouse gas production.

The law revises the Forest Code of 1965 that required landowners in the Amazon to preserve parts of their land as virgin forest and prohibited the clearing of environmentally sensitive areas like hills, steep slopes and river margins. The new law requires much smaller protective margins for rivers and allows farming on hills and slopes. Owners with fewer than 400 hectares (600 acres) are exempt from this forest reserve requirement for the first time ever which will open hundreds of thousands of acres of forest to possible, or probable, deforestation.

An especially controversial part of the new law is its granting of amnesty from any prosecution or fines to anyone who deforested illegally before June 2008. Many environmentalists think this proposed change is in large part responsible for the 37 percent increase in deforestation from 2010 to 2011 in the western state of Mato Grosso where the majority of Amazon soy plantations are located. Most landowners are betting that they will be able to convince regulators that their trees were cut down before 2008.

The Brazilian Conference of Bishops reacted to the proposed law with a strongly worded statement reading, in part, "The project... condemns entire regions of the country to live with distressed rivers,

buried water sources/springs and species in extinction... [It] weakens the protection of conserved forests, permitting an increase in deforestation."

In a letter to Rousseff asking her to veto the bill, a group of Brazilian environmental organizations lamented how Brazil would never be able to live up to its international climate promises. "Last week we heard with disappointment our government stating at COP 17 [climate negotiations in Durban, South Africa; see page 11] that the law will help Brazil to deliver its emission reduction goals... Unfortunately, the truth is that those changes [to the Forest Code] will lead into massive destruction of our forests and emissions of greenhouse gases to the atmosphere."

The passing of this law shows the strong influence that large scale agribusiness continues to have in Brazil. An investigation by the newspaper Folha de Sao Paulo showed that large land owners who will have standing fines against them for past deforestation removed because of the new law gave \$15 million to at least 50 members of Congress during the months that the new Forest Code was being negotiated. As an analysis by iBase, a prominent Brazilian think tank, opines, "The substitute for the Forest Code approved by the Senate doesn't come to protect the forests, but agriculture, especially, that for export."

The fact that President Rousseff signed this law, in addition to okaying the disastrous Belo Monte system of dams in the southern Amazon, shows that, like other progressive presidents in the region such as Evo Morales (Bolivia) and Ollanta Humala (Peru), she is still heavily influenced by big business and is willing to continue to sacrifice the planet in favor of economic growth.

New bloc sign of dwindling U.S. influence

On December 3, leaders from 33 countries met to begin a new regional organization, the Community of Latin American and Caribbean States (CELAC, by its Spanish acronym.) Two countries conspicuously not invited were the U.S. and Canada, a clear sign of the growing distance between the powerful northern nations and the rest of the region. While many commentators downplayed the potential for the new group, shifting global realities could help the bloc become a major world player.

CELAC countries comprise some 600 million people and together are the number one food exporter on the planet. The combined GDP of the bloc is around \$6 trillion, making it the third largest economic power in the world, and while richer nations have recently experienced serious economic woes, the CELAC region now has its lowest poverty rate in 20 years and its growth rate in 2010 was over six percent, more than twice that of the U.S.

At the summit in Venezuela, 22 documents were approved by all governments defining the structure and procedures of the new Community as well as agreements on specific themes such as democracy, energy cooperation, sustainable development, terrorism, climate change and food security. Their top priority was addressing the international financial crisis through deeper economic cooperation and working to develop new international financial structures and reform international financial institutions like the IMF and World Bank.

Some in the U.S. say that CELAC's lack of formal structure indicates its probable failure. But Alex Main of the Center for Economic Policy Research points out that "the group's statutes are likely to evolve over time and one need look no further than the recent South American group UNASUR to find an example of a regional organization that had no permanent organs and then progressively acquired institutions like a secretariat and a parliament." He continues, "Since then, UNASUR has developed the position of Secretary General ... and established various institutions and regional cooperation mechanisms such as a Secretariat [based in Quito, Ecuador], a soon-to-be inaugurated South American Parliament, a Center for Strategic Defense Studies and a series of ministerial councils that consult regularly on issues such as social development, economy and finance, energy, defense and infrastructure."

For many participating governments, the CELAC is a response to the heavy role of the U.S. in regional affairs. Nicaraguan president Daniel Ortega said it is "the death sentence for the Monroe Doctrine," referring to the 1823 declaration of the United States, initially to warn Europe to stay out of Latin America, and later used to justify military aggressions throughout the region.

Many countries participated in the CELAC summit because of dissatisfaction with the heavy amount of U.S. influence in the Organization of American States (OAS). The OAS response to the Honduran coup in 2009 is a good example of this power. After the coup, the vast majority of countries in the region were not supportive of elections being overseen by the new regime and tried to pass resolutions in the OAS rejecting elections under those circumstances. Yet the U.S. strongly supported the elections and stymied any vote against them in the OAS. The controversial role of the OAS in Haitian elections, where organization officials discarded numerous "suspect" ballots, resulting in a reversal of the original results, was another example of concerns that many have with the OAS.

While Venezuela's president Hugo Chavez and other members of the progressive Bolivarian Alliance for the Americas (ALBA) see the CELAC as a direct challenge to the U.S. and OAS, Chavez stated, "As the years pass, CELAC will leave behind the old OAS," and "There have been many coup d'états with total support from the OAS, and it won't be this way with the CELAC." Yet many other leaders present at the summit were clear to say that the CELAC is not being created to be against the U.S. or to replace the OAS. Colombian President Juan Manuel Santos said, "CELAC isn't being born to be against anyone," while Mexican Chancellor Patricia Espinosa said the OAS and the CELAC are "complementary forces of cooperation and dialogue."

Working out these rather stark differences in visions for the CELAC will be a significant challenge in coming years. With Chile's conservative government and Venezuela's leftist government co-chairing CELAC in the coming year, their ability to move forward, or not, will be a good indication of the Community's future: It could fade away into non-existence as so many other regional initiatives, or it will grow to play an important role in international relations for decades to come.

Panama FTA undermines financial reforms

Most of the following information is provided by Public Citizen.

The Panama Free Trade Agreement (FTA), ratified by Congress on October 13, likely will increase tax evasion and money laundering and make it more difficult for financial reforms to be implemented. While all “free trade” agreements since 1994 have provisions that can undermine financial reforms, the Panama FTA is especially problematic because it was written during the heyday of deregulation before the 2008 financial crash, and because Panama is already one of the worst tax havens in the world.

In the 1970s, the dictatorship of Omar Torrijos eagerly pursued policies to overcome the country’s dependence on the Panama Canal. Torrijos thought it would be most effective to make the financial services sector especially attractive for international investors. Today, more than 350,000 subsidiaries are registered in Panama, second only to Hong Kong, with many firms set up specifically to avoid paying U.S. taxes. Each of these subsidiaries will now have the right to sue the U.S. over its internal laws and statutes through investor-state lawsuits.

Torrijos also weakened transparency laws, allowing corporations to maintain accounts in absolute secrecy. Panamanian banks are more guarded than Swiss banks, as Panama refuses to sign tax treaties with other countries and refuses to provide account information in even the most egregious criminal cases.

This is especially beneficial for drug cartels from Colombia, Mexico and elsewhere that frequently use Panama to launder their illegally acquired money. The FTA will make it even harder for the U.S. to stop or limit financial transactions from Panama, a commonly used tool to stop money laundering.

A Government Accountability Office (GAO) study showed that Panama is one of only eight countries listed on all major tax haven watchdog lists and the Organization for Economic Cooperation and Development reports that it is one of only three countries in which officials are unable to obtain access to bank information for any tax data exchange purposes even outside of treaties. The new FTA will not remedy this problem, as a provision of the agreement, ironically entitled “Transparency,” calls for governments to be transparent in how they regulate financial services, but has no requirement for gov-

ernments or financial institutions to make banks’ or other financial firms’ records available to others.

In 2008, then-Sen. Barack Obama co-sponsored the Tax Haven Abuse Act, which identified Panama as one of 34 tax havens, saying, “We cannot sit idly by while tax secrecy jurisdictions impede the enforcement of U.S. law.” Unfortunately, with the ratification of the Panama FTA, shutting down this financial paradise will be only more difficult.

Thanks to havens like Panama, many U.S. corporations pay zero taxes, or even negative taxes, because of government subsidies. According to the GAO, the overall effective tax rate on U.S. multinationals’ foreign-source income is four percent. Estimates vary, but the amount of money lost to tax evasion is immense. The Senate Homeland Security Committee estimates that tax evasion in offshore havens costs the U.S. taxpayer \$100 billion a year. By stopping this scheme, the Office of Management and Budget estimates the additional tax revenue would be \$210 billion over a decade, while the Senate Homeland Security Committee estimates savings up to five times greater.

In addition to the financial problem, Panama’s weak labor and environmental rules should have dissuaded U.S. legislators. In the summer of 2010, before the FTA was ratified, the Panamanian Congress passed Law 30, a controversial regulation that weakens that country’s already frail labor and environmental protections. The ruling contains provisions that will reduce the number of unionized workers and makes it easier for the government to use non-union workers against strikers. The law also allows the government to waive required environmental impact studies of projects that the government deems of “social interest.” Environmentalists fear this will allow large numbers of new mining concessions in indigenous territories and natural reserves.

Rep. Mike Michaud (D-ME) was one of the legislative leaders trying to stop the ratification of the Panama FTA. On the floor of Congress, he said “[N]o FTA should go into effect with Panama until that country eliminates its excessive banking secrecy practices, re-regulates its financial sector, and forces banks and multinational subsidiaries to pay their fair share of taxes.” Unfortunately none of those reforms have taken place in Panama, and the lack of reforms there will make any financial reforms here even more difficult.

Sudan-South Sudan: Post-referendum news

Sudan has long generated a plethora of academic reports and think-tank analyses, especially in times of heightened insecurity and great political moment. Following the country's division into two states, current conflict in border areas has given rise to a flurry of such documents. What follows are excerpts from the latest installment of IRIN's irregular series of overviews. See <http://www.irinnews.org/report.aspx?reportid=94494>.

The International Crisis Group (ICG) warns of a growing risk of war on multiple fronts. "After the end of the CPA [Comprehensive Peace Agreement, signed in 2005], rather than negotiate with Sudanese opposition forces, NCP [the ruling National Congress Party] hardliners have opted for a military solution - not an unusual policy response - when confronted with opposition. This, however, is pushing Sudan's disparate rebel movements and opposition forces together and could trigger a wider civil war for control of the country."

Post-CPA, there is no coherent political framework to deal with the many remaining challenges in Sudan, with international attention focused on safeguarding South Sudan's referendum and independence largely having underestimated the impact of secession on the north, the report says...

According to a report by Germany's University of Halle, *The genesis of recurring wars in Sudan*, "the resurgence of armed conflict in the Nuba Mountains [in South Kordofan] implies that the CPA was not a 'comprehensive' and 'final' settlement accord to northern Sudan's recurring political conflicts. It was rather a long-term 'truce' or 'ceasefire,' as far as the northern Sudan is concerned.

"...The heavy shooting that occurred in South Kordofan's capital Kadugli on June 5 was not the beginning of something new. It was rather the climax of several concomitant violent processes; which had taken different forms and had occurred on different

levels throughout the CPA transitional period and before, and include events seemingly far away.... This perpetuation of war logic [has] prevented the development of plural voices and new ways, which are needed for non-violent political alternatives to historical injustices and inequalities. In conclusion, the unceasing militarization of society will continue to inhibit breaking the vicious cycle of fragile peace and recurring wars."

Poverty and severe marginalization of the peripheries, combined with poor governance, are at the center of continuing conflicts in Sudan, says a report by Sweden's Uppsala University, *The crises continue - Sudan's remaining conflicts*. With regional inequity having fostered frustration and created a hotbed for rebellion, there is a need for decentralization, it states, adding that "the government's propensity for using militias and divide-and-rule strategies has to stop for a brighter future for Sudan." The report further recommends that the various crises be addressed in tandem as so

far, "the international community has shown a clear lack of ability to deal with the different regions of Sudan simultaneously ..."

In a December 6 letter to the UK's Foreign Secretary, William Hague, the UK Parliament noted that "the scale of death and suffering caused by the ruthless military offensives against the peoples in South Kordofan and Blue Nile; the denial of access to international investigators or to the media as well as the refusal to allow access by aid organizations to victims of military offensives; and the catalogue of reports of violations of human rights, including unwarranted arrests, torture and threatened executions would seem to warrant a stronger response than continuing dialogue..."

On December 8, South Sudan's foreign minister warned that the North and South were on the "brink of war" following fighting near the Jau region, along the South Kordofan and South Sudan's



Unity State border area. Hundreds of refugees fleeing South Kordofan are in Unity. The fighting in South Kordofan is pitting the Sudan Armed Forces (SAF) against the Sudan People's Liberation Movement-North (SPLM-N). Many in South Kordofan sided with the South during the civil war...

The conflict could worsen. The SPLM-N and JEM, as well as two factions of the SPLM/A, recently signed a declaration in Kauda, South Kordofan, establishing the Sudan Revolutionary Front, whose aim is to overthrow the NCP using all available means, above all, the convergence of civil political action and armed struggle, according to a communiqué, says a late November field dispatch from the Enough Project....

The oil-producing greater Upper Nile comprises Jonglei, Unity and Upper Nile states, where ongoing armed insurgencies are claiming to seek changes to the Juba-based government or to overthrow it, according to a recent report by Small Arms Survey.

The greater Upper Nile forms much of South Sudan's border with Sudan and small arms stocks are widespread in the region, despite numerous civilian disarmament campaigns ...

On December 14, the UN Security Council expanded the mandate of the UN Interim Security Force for Abyei to include assistance in border normalization due to the recognition that "the situation in that area constituted a threat to international peace and security."

Religious leaders meet in North Africa

In late November, the African Council of Religious Leaders met in Marrakech, Morocco, to discuss the emerging challenges facing the countries in that region and their people. The religious leaders and representatives from Syria, Lebanon, Saudi Arabia, Kuwait, Jordan, Egypt, Morocco, Sudan, Iraq, Palestine, Turkey and Kenya were convened by the Religions for Peace Middle East and North Africa (MENA) Council. They were joined by representatives from the UN, the Organization of Islamic Cooperation (OIC) and the Islamic Education Scientific and Cultural Organization (ISESCO). Other participants came from the U.S., Japan, Peru, France, Nigeria and Norway.

The MENA Council meeting took place in the context of political transformation, violence and instability in the Arab world. The religious leaders, through the MENA Council, work together to build a strong multi-religious platform and to prevent the misuse of religion. The meeting's theme was "Engaging historic faiths to advance the common good in the Middle East and North Africa."

The gathering noted "with grave concern, the decreasing numbers of Christians in places such as Jerusalem and the wider Palestine/Israel, Iraq, Syria, Jordan, Tunisia and other countries in the region" and called for "contracts of mutual care" between Islam, Christianity and Judaism. They rejected violence and reiterated the urgent and irreplaceable importance of enabling the three historic faiths in the region to work together for the common good.

- Calling on the religious and faith communities to "unite on the basis of shared values," Nassir Abdulaziz Al-Nasser, president of the UN General Assembly, noted that this was the only way to "build flourishing communities committed to just peace across the region."
- While condemning fanatics and extremists who call for and cause violent confrontations in the region, Ekmeleddin Ihsanoglu, Secretary General of the OIC, noted that these conflicts had nothing to do with religion, but rather its misuse.
- Abdulaziz Othman Altwaijri, Director General of ISESCO, condemned the manipulation of religion for political ends. He cautioned those who interpreted the scriptures out of their historical context, stating that this was a dangerous trend that should be stopped.
- Imam Mohammed Hussein, Mufti of Jerusalem, called for co-existence and a dignified life for all people in the Holy Land.
- Prof. Mohammed Sammak, co-president of Religions for Peace International, described the burning of places of worship as a total violation of the Shariah, Ahadith and the Constitution and proposed the introduction of a Muslim-Christian contract as a first step in the development of contracts of mutual care.

For additional information about the work of Religions for Peace in Africa, contact Dr. Mustafa Y. Ali, Secretary General, African Council of Religious Leaders, secretariat@acrl-rfp.org.

DRC: Election “too flawed to be credible”

On November 28, 2011, the Democratic Republic of the Congo (DRC) held presidential elections; incumbent president Joseph Kabila was named winner, though his strongest competitor, Etienne Tshisekedi, claimed victory too. On January 4, members of the U.S.-based National Democratic Institute and the International Foundation for Electoral Systems arrived in the DRC to meet electoral authorities, members of key political parties as well as national and international electoral observers. The following is an excerpt of an article written by Kissy Agyeman-Togobo and published on AllAfrica.com on January 5.

... [The presidential election was] noted by the EU observer mission as having “serious deficiencies”; [the mission] warned that the bloc would “re-evaluate its support come the next stages in the Congo’s democratic process.” The U.S. Carter Center, which sent observers to the elections, said that the vote was “too flawed to be credible.” The Congolese Catholic Church, which had deployed the largest observer mission to the elections (30,000 people), said that the stated results “did not confirm the truth.” Meanwhile France’s ministry of foreign affairs has “deplored and criticized” the irregularities, as well as the “reported violence.” However, instead of calling for an annulment of the results - even though France acknowledged that the irregularities “marred” the vote - it has favored dialogue and called for lessons to be learned. The same is true of the U.S. Whilst the Obama administration has been critical of the electoral process, it has not called for an annulment. ...

In terms of the management of the elections, the Carter Center detailed impossibly high voter turnouts in some areas, as well as voter intimidation, which was commonplace. A member of the Congolese Diaspora community in the UK spoke of the intimidation and crack-downs on personal freedoms in the post-election period. “Back home, not many people have the internet but many have mobile phones. We send text messages to our friends and families back home about what is happening at home, because they are ill-informed. But now the government has cracked down on this too.” This was in relation to the government’s closing down of the networks to prevent the dissemination of information and the potential stirring up of Arab Spring-styled anti-government protests. Indeed, the clamp-

down in the DRC has been harsh, with Human Rights Watch reporting that at least 24 had been killed by the security forces in the aftermath. Many more may actually have been killed as the authorities reportedly launched a rapid clean up operation of the dead bodies. ...

[Speaking to members of the Congolese Diaspora in the UK, Member of Parliament Jeremy Corbyn criticized] Western countries, saying, “If governments are serious about democracy, where are they in the DRC? There’s a wider agenda – Congo has been disgracefully treated.”

This “wider agenda” is something which is spoken about often by the Diaspora community in relation to the West’s attitude to the DRC. Indeed, as far as natural resources are concerned, the DRC is one of the richest countries in the world. It boasts a host of minerals including diamonds, copper, uranium and coltan (used in the production of mobile phones). The Congo River is also the second longest in Africa and has significant hydro-electric potential. The feeling that the West has been largely indifferent to the situation in the DRC is juxtaposed with the groundswell of support for Ivorian former opposition leader now president, Alassane Ouattara, when, following the announcement of results by the Constitutional Council over a year ago, he also maintained that he was the rightful winner. With the support of the international community, Ouattara’s opponent and former Ivorian president Laurent Gbagbo was toppled and subsequently extradited to The Hague to face war crimes charges. But such a scenario in the DRC is not on the cards. According to Jean-Marie Guehenno, (the UN’s former head of peacekeeping, and now a professor at Columbia University) there has been “a gradual political disengagement in Congo.” He continued: “There is definitely Congo fatigue after 11 years and billions of dollars. There is no appetite for repeating the Ivory Coast experience.” ...

Kabila’s legitimacy is strongly challenged. However, the security force crackdowns and the heavy police presence ... will frustrate the plans of the opposition to pressurize Kabila out. But the Diaspora community, a step removed from Kabila’s force of arms, appears resolved to keep up the fight in applying pressure on Western capitals and also on their friends and families back home to persist. ...

UN Climate Change Conference

During the recent UN Climate Change Conference hope for a breakthrough regarding international policy was generated by the very fact that the meetings were taking place in South Africa, where a breakthrough regarding the entrenched apartheid social system was achieved barely 20 years ago. The apartheid reversal was one of the most significant moral and civilizational achievements of the present era. At the outset of the conference, the memory of this achievement was evoked by Dr. Christiana Figueres, Executive Secretary of the United Nations Framework Convention on Climate Change, who placed before the assembly the stirring image of Nelson Mandela's 1990 walk to freedom.

The imagery of a journey is apt for the moral and civilizational challenge currently before the whole of humanity. Human-caused global warming has begun a relentless process of altering the climate of the earth in such a manner that widespread hardship is being inflicted on many people, particularly in Africa, low-lying delta areas and small islands. Before this reality, no person and no nation can assume indifference. Moral rectitude requires the defense of life and, consequently, the protection of life-support systems.

During the conference, by one account, no fewer than 40 events were held that centered on the moral and ethical issues related to climate change. It was repeatedly pointed out that one nation cannot choose its own interests over the well-being of the whole planet; much less is it acceptable that economic interests of the type that increase global warming prevail to the detriment of human life anywhere on Earth. This understanding is clear and simple and cannot be subject to argument in the competitive sense of refusing to do what is correct unless others choose the same path (as in the case of the antagonism between the U.S. and China). To risk fundamental changes on the planet, human death and hardship, especially to vulnerable and poor people who have no where to turn, is unacceptable and morally indefensible. There is no road to take other than the moral high road. (The repeated claims that there is insufficient evidence that human behavior is a factor in global climate change are well known. These claims, of course, are contrary to the consensus report of the Intergovernmental Panel on Climate Change. Nevertheless, in face of such claims,

it is helpful to be aware of the Precautionary Principle which requires that one face beforehand the possibility of unpredictable developments because of insufficient scientific knowledge. Interventions are required before possible harm occurs or before certainty can be achieved.)

As the conference unfolded, in spite of many divergent views and difficult moments, several positive steps forward were taken:

- The agreement to activate a Global Climate Fund with resources from both the public and private sectors and for the benefit of those nations already suffering from or severely threatened by climate change is very important. Its significance lies in the acknowledgement that the developed nations have obligations to the developing nations. This is critical ethical behavior.
- Some progress was made regarding the transfer of technology related to two points: the mitigation of harmful greenhouse gases and adaptation to the new reality of climate change; again, from the developed to developing nations.
- The biggest movement, aggressively supported by the United States, was the agreement to negotiate a new legal document that would embrace all UN member states, to become effective by 2020. It must be noted that, as of the present, it is only an agreement to negotiate, which is seen by some observers to be a delaying tactic that does not match the scale and urgency of the present climate change crisis.

The Kyoto Protocol, which is the agreement that specifies the developed nations' commitments to specific greenhouse gas reduction targets, will be extended. However, far from being strengthened in view of the seriousness of the situation, it is weakened by the failure, up to the present, of several developed nations, chief among them the United States, to sign on to the projected extension with a commitment to adequate reduction targets.

Finally, while the conference took some steps forward, it cannot be said that it lived up to the high purpose that was set before it at its outset. However, while the present situation is very worrisome, a breakthrough may yet arise in time to draw humanity into a greater sense of responsibility for the community of life. In this case, humanity would find itself in a new civilizational era, one characterized by human cooperation on a global scale.

Defining climate smart agriculture

At the 17th Conference of Parties of the United Nations' Framework Convention on Climate Change (UNFCCC) in Durban, South Africa this past December, the World Bank touted a Kenyan agricultural pilot project that on the surface seems to promote sustainable agro-ecological farming. The World Bank's attempts to get African countries to adopt the pilot as an agriculture work program under the negotiations on climate change mitigation failed when small holder farmer organizations, environmentalists and even African agricultural ministers greeted the proposal with caution.

Much of the world's focus has been on the ways in which agriculture is now, and will further be, affected by climate change. Floods, droughts and unpredictable weather patterns in many parts of the world have made it impossible for farmers to know when and what to plant. Much less attention has been given to the impact that agriculture currently has on climate.

Fertilizers widely used to replace soil nutrients are a major source of nitrous oxide (a greenhouse gas) emissions. In many countries, especially those employing industrial farming methods, nitrogen fertilizers have been overused and have contributed not only to greenhouse gas (GHG) emissions, but to soil contamination and water pollution.

The Kenya Agricultural Carbon Project is helping farmers to incorporate more sustainable methods that reduce emissions and promote soil carbon sequestration on approximately 45,000 hectares in the Nyanza Province and Western Province of Kenya. Fertilizers are replaced with agro-ecological cropland management practices (like using cover crops, mulching, crop rotation, compost management, green manure, agro-forestry, organic fertilizer, residue management) and rehabilitation of degraded land.

In its design and development, the Kenya Agriculture Carbon Project also recognizes the important role that women and youth play in agriculture and sustainable development, and that one-size-fits-all solutions will not work in the context of agriculture. These aspects of the program resemble the recommendations put forward by over 400 scientists and other experts in the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD), the most comprehensive

analysis of global agriculture to date, commissioned by the World Bank and published in 2008. In terms of food security and equity, agro-ecological practices are embraced by small holder farmers, faith based organizations and development groups as the most promising means to ensure food security, improve the livelihoods of people living in poverty and to mitigate the worst impacts of climate change.

The issue that concerned small holder farmers and prevented African countries from adopting the model for the Agriculture Work Program under the negotiations for climate change mitigation is the fact that the whole proposal of Climate-Smart Agriculture was developed around the possibility of developed countries offsetting their carbon via international soil carbon markets. Carbon trading would be set up to go through the United Nations Collaborative initiative on Reducing Emissions from Deforestation and Forest Degradation (REDD) in developing countries. The World Bank endorses the program as a way to not only to increase farmers' yields and reduce their dependence on costly inputs but to provide additional income sources due to payment for the environmental service of sequestering carbon.

Civil society groups present in Durban raised serious questions about the viability of such a program being linked to carbon markets. Firstly, the promised rate of return for small holder farmers is extremely low. The World Bank estimates that the Kenya Agricultural Carbon project will generate \$2.48 million in carbon revenues over the 20-year implementation period. Of that amount, the 60,000 Kenyan farmers participating in the project would receive an average of \$22.83, or about \$1 per farmer per year. On top of this, transaction costs would make it unwieldy. In the first years nearly half of the expected revenues would benefit international consultants and project developers, rather than the targeted communities.

Another area of concern is just how difficult it is to measure carbon sequestration. According to the World Bank, such a project is estimated to sequester a total of 1.2 million metric tons of carbon. Only 60 percent will be discounted because soil sampling is prohibitively expensive, so computer-generated models and farmers' reports on their practices will be used, making the entire carbon reduction scheme a guessing game.

In Durban, African negotiators expressed their doubts about carbon offset promises. The head of the Africa group, Tosi Mpanu-Mpanu, doubted that carbon markets would work for Africa because the majority of African farmers work on fewer than two hectares of land, “which is not enough to sequester an amount of carbon that would be meaningful to sell. We’re very suspicious that offset schemes will lead to a perversion of African agriculture, with farmers farming what is incentivized, and giving up traditional crops.”

The African Biodiversity Network’s Anne Maina expressed concern that “soil carbon markets could open the door to offsets for genetically modified crops and large-scale biochar [burning biomass into charcoal dust and burying it in the soil] land grabs, which would be a disaster for Africa, which is already suffering from a land grab epidemic.” Climate Smart Agriculture rhetoric is framed to make

small holder farmers part of the solution to GHG emissions, but African farmers have not caused the problem – rather, the Northern industrialized food system is much more responsible for agriculture’s runaway emissions. Thus, Climate Smart Agriculture aimed at expanding carbon markets onto African soil, shifts the blame and responsibility for addressing climate change from rich countries onto African farmers – the very people least responsible for causing the problem.

Heading into the Durban conference, only nine of 54 African countries’ agriculture ministers supported the Climate Smart approach. In the final hours of negotiation, a compromise was reached, requesting the UNFCCC’s scientific body to consider issues related to agriculture at their next session. This leaves open advocacy opportunities in the coming year to stop carbon traders from laying claim to African soil.

Food security: Principles for partnerships

After years of neglect, the 2007-08 food price crises sparked a renewed interest in agricultural investment. At the 2009 L’Aquila summit G8 leaders made a bold pledge of US\$22 billion to support smallholder agriculture. The United States’ pledge of \$3.5 billion over three years is so far on track, in spite of tedious Congressional battles over budgets; but overall, as has happened in the past, the G8 pledge is still unfulfilled.

As some of the largest economies of the world struggle with fiscal constraints, proposals for public private partnerships (PPPs) are taking center stage as a key response to global food insecurity. The U.S. Agency for International Development (USAID) Administrator Raj Shah lauds these partnerships as “a new wave of creative, enlightened capitalism...” Conscious of the grave disparity of economic and political power that exists between small holder farmers in the global south and multinational corporations like Monsanto or Wal-Mart, the MOGC proposes the following principles (developed in consultation with the Interfaith Working Group on Global Hunger and Food Security) which can be useful tools in measuring the success of any PPP.

1. Respect the dignity of the human person: Firms participating in PPPs should affirm their commitment to the full spectrum of human rights, and

establish a due-diligence process to prevent, become aware of, and address rights violations.

2. Advance the common good, mindful of the impact on the most vulnerable: The potential benefits of partnerships should be weighed against systemic threats and potential costs that may eventually arise from these arrangements. Partnerships that focus on producing cash or export crops should not compromise smallholders’ capacity to meet their immediate food needs, in case volatile markets, shifting quality standards or price pressure from buyers interrupt their revenues. Partnerships should deliver measurable benefits to and opportunities for small-scale farmers, including locally appropriate measures and tailored programs to ensure the empowerment and participation of women farmers. Often small producers are locked into trading raw grains, foods and fibers in markets that are already saturated with these products. Safeguards should be established to ensure a degree of competition among traders to prevent farmers from being contracted into unequal relationships with a particular trader. PPPs should promote value-adding schemes that allow small-scale farmers to climb up the value chain.

3. Respect the integrity of creation, safeguarding the global commons and respecting the right of local communities to protect and sustainably develop their natural resources: PPPs should focus

on long-term sustainability, taking into account the earth's carrying capacity and protection of the natural resource base upon which agriculture depends. Projects should respect a balance of modern and traditional agricultural approaches to advance the preservation of the global commons rather than creating dependence on external inputs and techniques that rely on diminishing fossil fuel reserves.

4. Promote transparency and meaningful participation of the most vulnerable stakeholders: PPPs should include mechanisms to guarantee appropriate community and civil society consultation in project planning, implementation, and evaluation. They should focus on long-term goals and sustainability regarding needs, goals, targets and measures so that all stakeholders, especially those representing civil society, can track the project progress.

5. Respect the legitimate role of government, in collaboration with its citizens to set policies for the development and welfare of its people: PPPs should embrace a right to food approach, and support the state as duty-bearer in meeting its obligation to ensure the availability, accessibility and adequacy of food. PPPs should be integrated into broader national agricultural development strategies, not separate from or superseding existing plans, and not driven by business interests that may be at odds with na-

tional development strategies. Government investment in PPPs should not serve to consolidate or expand a firm's share of the market in a given country if that firm's size has the potential to influence food prices or the political process.

6. Facilitate the building of a local economy: PPPs should have an impact consistent with USAID Administrator Raj Shah's affirmation that the local private sector is critical to the success of the U.S. government's Feed the Future program. (See the July-August 2010 issue of *NewsNotes*.) Food produced and sold locally by small-scale farmers keeps cash flowing locally, and serves to strengthen and build the local economy. Agricultural PPPs should promote local food production that is culturally appropriate, diverse and adequate for meeting the nutrition needs for active and healthy lives.

7. Be additional to, rather than replace, donor commitments to agricultural investment: PPPs should not displace public investment in production that may be vital for food security but is not destined for corporate supply chains. As stipulated by Olivier De Schutter, the UN's Special Rapporteur on the Right to Food, public investment in agriculture should be spent on public rather than private goods, and oriented toward domestic food security rather than export markets.

UN: Putting people at center

What would happen if governments more faithfully implemented their positive obligations to respect, protect and fulfill the full range of human rights? What would happen if ensuring equality and freedom from fear and want were pursued as aggressively as markets and growth?

On December 5, 2011, the Office of the High Commissioner for Human Rights (OHCHR) convened a panel of eminent experts, among them Joseph Stiglitz, professor of economics at Columbia University and 2001 Nobel Prize recipient, to discuss the notion of putting people at the center of development and economics. The event highlighted the birthday of the Declaration on the Right to Development, a document that was designed to put people at the center of development and economics but which seems not to have achieved the goal for which it was designed. Today, 25 years later, the world is still grappling with the collapse of the market and

decades of unchecked economic and environmental pillage that have led to economic, food and energy crises. The issue of unpredictable climate change has eclipsed these basic issues as the world faces the increased threat of global economic breakdown and an increase in human rights crises. The failure of the 25 year old declaration can only be attributed to lack of political will on the part of governments that have not placed people at the center of development. Stiglitz's question is: what led to this financial crisis and what ought to be done to stop it from happening again?

The reality is that the long term issues continue to worsen as the global economy slows down. In some parts of the world, poverty is worse and unemployment has risen. The UN Commission of Experts once recommended that while focusing on the short term issues, it is necessary to keep the long term issues in perspective. Therefore, in order to effectively address the long term problems, it is necessary to do

so in ways that are consistent and sustainable, that is, by putting people at the center of the development agenda. This approach has been proven effective by such countries as India: Its Supreme Court made a decision to focus on childhood nutrition and instituted a nationwide program as a way to promote quality education and provisions for future job markets. As a result, India created the largest employment scheme that, despite many difficulties, actually played an important role in insulating the country from the global crisis of 2008. This rights-based approach extends far beyond putting people at the center to considering the people's right to a clean environment as well as the right to health through access to medicines.

Granting the right to development assures a nation's well-being. However, when pharmaceutical companies claim intellectual rights by placing patents on medicines, the people's right to health conflicts with these intellectual property rights. Stiglitz then asks: Are intellectual rights more important than the right to life? Most people would agree that the right to life is more important than intellectual property rights. In order to survive, people need capital that will enable them to access both education and health. However, the market system has instituted the right of free mobility of capital which subjects economic markets to high volatility causing the people to endure increased unemployment and cut backs in basic services. Therefore, when the rights of capital conflict with people's rights, and when governments fail to put people at the center of development, can international law protect the people?

International law sets rules and regulations that end up causing harm to the less powerful developing countries due to an imbalance of power. Stiglitz objects to the intellectual property regime which, he says, "is shaped by pharmaceutical companies and entertainment industries." Investment agreements take away sovereignty and democratic accountability of the host countries while promoting the inter-



Photo of Filipino farmer by Sean Sprague

ests of corporations over that of people and development. Therefore, agreements ought to take into account development that is sustainable and "people centered." These agreements also include the climate change agreements which Stiglitz thinks should be crafted in ways that are consistent with promoting development. This is not about not reaching an agreement; that impinges on the right to development. That is to say, if nations do not reach a climate change agreement, the phenomenon will particularly adversely affect on those in the developing world. And so, while the form of agreement has consequences, not reaching an agreement also has consequences for the right to development.

Not only does development have to be sustainable but it has to be focused on improving the well-being of more citizens by giving them the opportunity of participation and voice because poverty is not only lack of income but also about people living in insecurity and not having a say in what affects their lives.

The basic ideas of the panel are that markets are often unreliable because most of the time they are unstable. Even when markets succeed in increasing gross domestic product (GDP), the typical indicator of a nation's standard of living, GDP growth does not necessarily mean that more citizens are better off. One motto of the Occupy Wall Street and similar movements around the world is "We are the 99 percent." In other words, markets have failed a very large majority of citizens. Through these refrains people are also saying that the political processes have not been able to correct the way the markets work. They are not giving a solution but a clear declaration that the system has not been working the way it should and something needs to be done. The idea of "putting people at the center" is not always easy to put into practice but it ought to be the guide to any human rights based development scheme.

Learn more about the December 5 panel and watch its webcast on the OHCHR website, <http://www.ohchr.org>.

Promote strong, effective Arms Trade Treaty

Across the planet, every day thousands of people face the devastating consequences of war and armed violence. Illicit gun trafficking causes bloodshed, poverty and human rights abuses. In response, a worldwide civil society alliance is calling for a “bulletproof” Arms Trade Treaty (ATT): a global, legally binding agreement that will ease the suffering caused by irresponsible transfers of conventional weapons and munitions. The Maryknoll Office for Global Concerns joins Pax Christi International and many other communities of faith advocating for this treaty.

The negotiation process for the ATT started with a UN General Assembly resolution in 2009. Preparatory meetings were held in 2009, 2010 and 2011. In July 2012, a UN conference will be held where the final text will be negotiated. A strong and effective ATT that has a real impact on people's lives should be delivered. Pax Christi International and many of its member organizations are already engaged in the global civil society movement advocating for a strong ATT. Two faith-based campaigns are contributing effectively to this effort.

One is the Control Arms Interfaith Campaign for an Arms Trade Treaty, led by an Interfaith Working Group, including Pax Christi International. Frequently, religious leaders and communities are the first to recognize and speak up about the devastating impact of the irresponsible use of arms and the moral duty to regulate the trade of these deadly devices. The purpose of the Control Arms Interfaith Campaign is to raise awareness among religious leaders, communities and faith-based organizations about the Arms Trade Treaty.

As part of the campaign, several member organizations of the Control Arms Coalition published a “sign-on” Interfaith Declaration in Arabic, English, French, Portuguese, and Spanish. It reinforces calls that have already been made by individual faith leaders and organizations for a strong, robust and morally-based ATT. The declaration will be delivered to governments ahead of the ATT negotiations in July. It begins:

Every year, communities are divided or destroyed and millions of people are killed, injured, raped, and forced to flee from their homes as a result of war and armed violence. The poorly regulated global trade in conventional arms and ammunition

fuels conflict, poverty, gender-based violence and human rights abuses. Such injustices are an affront to human dignity and the sacredness of life.

As the world's governments convene to negotiate a global Arms Trade Treaty, we, as religious leaders and communities, faith groups and faith-based organizations urge them to negotiate in good faith an effective ATT that will reduce the human suffering caused by irresponsibly traded weapons...

We raise our collective voice to call on all governments to work together to save lives and end the human suffering caused by irresponsible transfers of conventional arms. Furthermore, we urge governments to remain mindful of the humanitarian imperative that drives this process and find a solution that moves all nations further along the path to peace and development.

This is a chance for all involved to make history, to uphold human dignity, and to save lives.

Another campaign supported by Pax Christi is the Ecumenical Campaign for a Strong and Robust Arms Trade Treaty of the World Council of Churches. Representatives of churches, related agencies and networks in 27 countries are participating in this campaign, believing that local religious communities can play an important role in the lead-up to the final negotiations for the treaty. Local communities, congregations and churches around the world are often witness to the ways in which armed violence fuels insecurity, breaks up families and escalates conflicts. The Ecumenical Campaign is urging people of faith around the world will collect these stories and send them to world leaders when they gather at the UN as part of a coherent campaign with a common message: “Yes, I support a strong and robust Arms Trade Treaty that will protect and save lives”

Other activities suggested by Pax Christi to mobilize public awareness and advocacy include:

- Workshops and awareness-raising activities in parishes and local communities.
- Gathering and publicizing stories and testimonies about issues related to the ATT, such as armed violence in local communities, illicit trade in arms or violations of arms embargoes.
- Internet-based education.
- Meetings with church leaders and political leaders.
- Collecting signatures or other indications of public support

- Symbolic actions such as demonstrations and prayer vigils
- Letters to public officials.

Faith in action:

A strong and robust Arms Trade Treaty will

make illegal arms transfers difficult and will save lives. Please read the full Declaration at <http://controlarms.org/wordpress/wp-content/uploads/2011/09/InterfaithDeclarationATT.pdf> and sign it by sending an email to Control Arms: info@controlarms.org.

Cluster bombs: Attempt to weaken pact fails

Cluster munitions are large weapons that release dozens or hundreds of smaller submunitions called “bomblets” if the cluster munitions are released in the air or “grenades” if they are delivered from the ground by artillery or rockets. The Cluster Munition Coalition (CMC) is a network of more than 350 civil society organizations working in about 90 countries to end the harm caused by these bombs.

Whether air-dropped or ground-launched, cluster bombs’ widespread dispersal means they cannot distinguish between military targets and civilians so the humanitarian impact can be extreme, especially when the weapon is used in or near populated areas. Many submunitions fail to detonate on impact and become de facto antipersonnel mines, killing and maiming people long after the conflict has ended. These duds are even more lethal than antipersonnel mines as they are much more likely to cause death than injury.

Cluster bombs have killed and injured thousands of civilians. They cause widespread harm on impact and yet remain dangerous, killing and injuring civilians long after a conflict has ended. One third of all recorded cluster munitions casualties are children. Sixty percent of cluster bomb casualties are injured while undertaking their normal activities.

In February 2007, 46 governments met in Oslo to endorse a call by Norwegian Foreign Minister Jonas Gahr Støre to conclude a new legally binding instrument to prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, as well as to destroy existing stockpiles of the weapons, clear contaminated areas and assist survivors and affected communities. Over one hundred countries negotiated and adopted such a treaty in May 2008 in Dublin, Ireland. The treaty was signed by 94 countries at the signing conference in Oslo in December 2008 and entered into force as binding international law on August 1, 2010, after it reached the threshold of 30

r ratifications in February 2010, just 15 months after it opened for signature. All countries can still accede to the treaty at the United Nations headquarters in New York. To date 111 states have done so.

The United States, Russia, Israel, China and India failed in their attempt to push through a new law which would have allowed these indiscriminate weapons to be used. This proposed legislative initiative would have allowed for the use of cluster munitions already banned under the convention. Discussed during the Fourth Review Conference of the Convention on Conventional Weapons (CCW) in November, this proposal would have become an additional, sixth protocol to the CCW and would have allowed the use of cluster munitions that have a failure rate of less than one percent.

But over 500,000 people signed a petition asking governments to align any new agreement with the existing ban under the CCM, ensuring that this indiscriminate weapon will continue to be comprehensively banned and lives protected. Further, on November 23, 2011, a group of 36 states expressed their discontent with the proposed protocol, stating that, if adopted, it might result in more human suffering and hamper economic and social development. One day later, this group grew to 48 countries. Opposition was led by Norway, Austria and Mexico, with powerful support from the Cluster Munition Coalition, the International Committee of the Red Cross and a large number of UN agencies, notably the UN Development Program, the Office for the Coordination of Humanitarian Affairs and the Office of the High Commissioner for Human Rights.

This ends four years of negotiations on this issue and strengthens the CCM, which, like the 1997 Mine Ban Treaty, prohibits the use, production and transfer of an entire category of weapons and promotes the rights of victims and survivors.

For additional information, see <http://www.clusterconvention.org/>.

What can unite Occupy Wall Street, Tea Party?

Members of the Occupy Wall Street (OWS) and Tea Party (TP) movements are likely to have much more in common than most would think: Both groups believe the United States would be better off if corporations were treated today as they were for the first 100 years of this country, the way the founders envisioned the relationship between corporations and government.

Founding of an anti-corporate nation

The U.S. Constitution does not use the word corporation, yet as former Supreme Court Justice Felix Frankfurter said, the history of constitutional law is “the history of the impact of the modern corporation upon the American scene.” Thomas Jefferson warned about the threat of corporations, saying: “I hope we shall crush in its birth the aristocracy of our moneyed corporations which dare already to challenge our government in a trial of strength, and bid defiance to the laws of our country.”

Rarely portrayed as such, the American Revolution was as much anti-corporation as it was anti-government. Before the revolution, most of the entities now known as states were run like corporations chartered by the British government. The Virginia Company and other “pre-states” were granted to individuals and run by their will. The Virginia Company was known for being especially ruthless in its treatment of workers, including children. In an effort to revoke the Company’s charter, one stockholder in 1664 complained that of the approximately 6,000 adult and child workers who had been sent to the colony since its foundation, an estimated 4,800 had died from overwork and terrible working and living conditions. In *Gangs of America: The Rise of Corporate Power and the Disabling of Democracy*, Ted Nace uses original writings to paint a harrowing description of life in Virginia at the same time that reports to Virginia Company investors and potential workers portrayed a utopia for workers – not too dissimilar from corporate reports today describing their workshops overseas.

The Boston Tea Party was as much a protest against the East India Tea Company as it was against the British crown that was helping to create its monopoly. The Company was deeply in debt due to overexpansion and was facing heavy competition from small businessmen in the colonies who were

buying tea from Dutch traders and smuggling it in small ships. After pressure and lobbying from the Tea Company, the British government passed the Tea Act of 1773. Some think the Act only increased the taxes on tea paid by colonists, but it went far beyond that: It exempted the Company from taxes on tea exported to the colonies and even gave a tax refund on the millions of pounds of tea they hadn’t been able to sell. Since the Company didn’t have to pay taxes and was given extra money, it was able to lower its prices and undercut small businesses in the colonies — does this sound at all familiar to the recent banking crisis? Thom Hartmann’s book *Unequal Protection* quotes original documents from people involved in the Boston Tea Party who sound quite similar to people today struggling against trade agreements, including solidarity protests in England by people affected by the Tea Act there.

When the same merchants who fought the Tea Act and experienced life under the Virginia Company wrote their new Constitution, they were very careful to place strong controls on corporations, in the same way that they wanted to restrict the power of government officials. The chartering of corporations – establishing the existence of corporations and the rules by which they operate – was placed in the hands of state governments, which at the time were the only directly elected bodies. They didn’t want corporations to be able to become so powerful again. For the first 100 years of the new nation, corporations were created to do public works projects that the government did not want to do with government workers.

The states, almost unanimously, wrote charters with the following characteristics. First, charters for new corporations were rarely granted, and only if necessary to serve the common good; the corporation was established for a set period of time ranging from three to 50 years, usually 10 to 20 years; banks were limited to three-year charters in many states. The corporation had a specific purpose (for example, to build two bridges across a river); it was only allowed to own as much land and capital as was necessary to complete its social purpose; it could not be involved in politics; it could not own stock in other corporations; and it was limited to operating only within a state or even a single county. Some states only chartered banks through direct referendums. Corporations’ charters were routinely revoked for

breaking any of these and other statutes. After having its charter revoked, the corporation was divided up among its investors. The idea of the corporation was to serve a public purpose while making an adequate profit for its investors.

While a fundamental divide between the Tea Party and Occupy Wall Street is that the former

tends to look back in time while OWS members tend to look forward, in the case of corporate power, a harkening back to the early days of this country really does point the way to a positive future. Bringing back the mentality of the Founders toward corporations would be a significant and constructive step forward.

The Story of Broke

Following Congressional debates and statements of presidential hopefuls in 2011, one would believe that the United States is out of money. Though this narrative has dominated U.S. political space, analysts at the Institute for Policy Studies (IPS) and the Story of Stuff Project believe that some key changes in tax and spending policies could free up money for building a better future.

In 2007, “The Story of Stuff,” a 20-minute video, gained popularity in schools and faith groups as it used humor and clever animation to expose the dark side of U.S. production and spending patterns; it prodded people to connect the dots between over consumption, diminishing resources and environmental degradation. With over 15 million views to date, the success of the video project points to people’s hunger to understand the connections and find solutions.

The Story of Stuff Project gave birth to six similar videos pointing to some of the issues underlying the poor state of ecological, political and economic health in which we find ourselves as a nation. The latest video, “The Story of Broke,” directs attention to some of the dreadful choices that are made in spending taxpayers’ dollars. In a similar regard, America is not Broke, a recent report by IPS, challenges the “America is broke” narrative proposing 24 fiscal reforms that would go a long way to make the country more equitable, green and secure.

The military takes the largest portion of tax dollars. “The Story of Broke” pegs that amount at \$726 billion in 2011. America is not Broke recommends ending the war in Afghanistan, reducing the number of U.S. military bases and eliminating programs that are wasteful and obsolete for a savings gain of about \$252 billion. According to a study by the University of Massachusetts cited in the IPS report, for every \$1 billion devoted to military production, 11,000 jobs are created, but a billion dollars invested in clean energy would create 17,000 jobs, while the same \$1

billion investment in education would create 29,000 jobs. IPS and other collaborating organizations release a Unified Security Budget for the United States every year which identifies tens of billions of savings that can be made without sacrificing U.S. security including cuts to the U.S. nuclear arsenal, eliminating under-utilized aircraft and unnecessary weapons, pruning back outsourcing and nuclear weapons complex cuts.

Hundreds of billions of dollars go to propping up what “The Story of Broke” calls “the dinosaur economy,” the economy that “produces more pollution, greenhouse gasses and garbage than any other on Earth – and doesn’t even make us happy.” The government often gives away things that should be thought of as resources available to all. Much of this in the form of subsidies or “freebies,” like granting permits to use public lands for mining or other business activities that tend to contribute to ecological degradation. “The Story of Broke” recommends re-investing (for example) “\$10 billion in oil and gas subsidies to renewable energy and energy efficient projects,” claiming that with just half that amount solar systems could be installed on over two million rooftops.

While the fossil fuel economy is still going strong regardless of the reality of peak oil, IPS recommends taxing pollution in addition to cutting corporate subsidies that harm the environment. While it is difficult to project revenue estimates because consumer and producer activity would likely change in the face of new pollution taxes, a study published in the Harvard Environmental Law Review shows that a modest tax on emissions from fossil fuels alone could raise somewhere between \$75-100 billion per year. Taxing the “bads” of society, like pollution, has been a solution offered by Herman Daly and other steady state environmental economists. Such a tax could go a long way to dissuade polluters and to redirecting tax revenue toward public goods.

While “The Story of Broke” only mentions it in

passing, IPS argues that another key revenue generator could come from taxing Wall Street, corporations and the wealthy. Over the past decades the number of tax cuts for wealthy people and corporations are have been a contributing factor toward the current budget challenges the country faces. In addition to reversing the Bush-era tax cuts for high-income households, IPS recommends taxing high-frequency trading which accounts for 55 percent of the equity trades in the United States. A modest tax on the buying and selling of stock could slow down the kind of casino-style speculative trading currently taking place while generating \$150 billion per year. Other solutions would include closing the loopholes that facilitate using tax havens to dodge taxes owed in

the United States; limiting corporate tax deductions on stock options, a progressive estate tax on large fortunes and the creation of additional tax brackets for people earning more than \$ 1 million per year while eliminating the tax preference for capital gains and dividends.

It is definitely time to change the “America is broke” narrative. But to do so we must begin reversing tax policy, curbing subsidies and unnecessary military expenditures. While these solutions are somewhat unpopular as topics in presidential and congressional candidate debates – there’s still an opportunity to take back the political system and make it work for Main Street!

HIV, AIDS: No time for complacency

Representatives of churches and Christian organizations campaigning together on HIV and AIDS through the Ecumenical Advocacy Alliance (EAA) have welcomed a new report that shows how the scale-up in HIV treatment is beginning to deliver results: nearly 50 percent (6.6 million) of the 14.2 million people who are eligible for antiretroviral therapy in low- and middle- income countries were accessing life-saving treatment in 2010, an increase of 1.35 million since 2009. The report, released by UNAIDS in late November, also estimates that 2.5 million deaths have been averted in low- and middle- income countries due to increased access to HIV treatment since 1995.

While acknowledging this achievement, faith representatives warn that now is not a time for complacency, insisting that funding must be sustained and be more focused on communities that have thus far not had access to treatment.

In addition, EAA members are calling for support for innovative initiatives such as the Medicines Patent Pool, which could prove vital for speeding up the development of essential new fixed dose combinations, increasing access to newer, more effective treatments, and stimulating production of pediatric formulations.

The imperative for further treatment scale-up is illustrated by encouraging early signs that increased treatment access is also reducing the number of new HIV infections. This is in line with groundbreaking research released in 2011 that showed that as the viral load of a person living with HIV is reduced

by treatment, it also reduces the risk of transmitting the virus to an uninfected partner. The report notes, however, that treatment alone will not achieve the goal of zero new HIV infections: a comprehensive approach that takes into account social and behavioral norms and practices remains vital.

“We welcome the ongoing commitment of UNAIDS to changing behaviors, changing social norms and changing laws, alongside efforts to improve access to HIV treatment,” Erlinda Senturias, HIV and AIDS Consultant, Christian Conference of Asia, said. “To do this, it is vital that governments, civil society, faith-based organizations and religious leaders work together. When we invest in community education we can address violence towards women, improve sexual and reproductive health and eliminate stigma and discrimination against those on the margins of our society. All of these changes will help stop HIV as well.”

The latest statistics also show a reduction in children who were born with HIV, with AIDS-related deaths among children younger than 15 down by 20 percent since 2005. “We are seeing a positive impact of greater access to ARVs – both for women and children who need them,” said Fr. Robert Vitillo, Caritas’ Special Advisor on HIV and AIDS. However, he cautions, “we still have a long way to go; of people living with HIV in sub-Saharan Africa, women make up 59 percent, yet less than 50 percent of pregnant women living with HIV have access to treatment to keep themselves healthy and to prevent transmission of HIV to their babies. The situation of children living with HIV is even worse:

some 390,000 were newly infected during 2010 and only 21 percent of all infected children had access to the treatment they so desperately need to stay alive beyond their second birthday.”

Sadly, just as positive news about the AIDS pandemic was announced, the principal international agency that channels funds to HIV and AIDS treatment, the Global Fund to Fight AIDS, Tuberculosis and Malaria, announced that it has no money for the latest round of grants and is suspending all new projects following cuts by donors in high-income countries.

In response to the Global Fund’s announcement, Stephen Lewis, former UN Special Envoy for HIV and AIDS in Africa, said, “No one expected a complete cancellation of Round Eleven, with new money unavailable for implementation until 2014. It’s just the latest blow in a long list of betrayals on the part of the donor countries, in this instance the Europeans in particular...Certain governments on the Board of the Global Fund simply discredited

themselves. They give a soiled name to the principle of international solidarity...The decision on the part of the donor countries is unforgiveable. .. Spare me ... the economic crisis. Everyone knows that when it comes to financing wars, or bailing out the banks, or bailing out Greece, or reinstating corporate bonuses, or even responding to natural disasters that threaten economies, there’s always enough money. We’re drowning in crocodile tears. It’s not a matter of the financial crisis; it’s a matter of human priorities. We have a right to ask the G8: what do you sanctify as governments, profits and greed or global public health? That’s especially true in the case of the United States.” (For Lewis’ entire speech, see <http://www.aidsfreeworld.org/Publications-Multimedia/Speeches/Stephen-Lewis-remarks-to-ICASA-2011.aspx>.)

For additional information see: <http://www.e-alliance.ch/en/s/news/single/article/2011/11/23/press-release-aids-report-responses-showing-results-need-strengthened-support/>.

Johnson & Johnson says no to patent pool

On December 19, 2011, Johnson & Johnson (J&J) informed the Medicines Patent Pool Foundation (MPP) that it would not enter into negotiations to license its patents for some of its HIV and AIDS medicines.

The Medicines Patent Pool is an initiative launched by UNITAID to streamline the licensing processes for the production of generic versions of patented HIV medicines, and allow generic pharmaceutical companies to develop new pediatric formulations, fixed-dose combinations, and heat-resistant formulations. (See *NewsNotes* November-December 2010).

The Pool has already concluded two licensing agreements with Gilead Sciences and the U.S. National Institutes of Health, and is in negotiations with five drug companies, including Bristol-Myers Squibb and ViiV Healthcare (a joint venture of Glaxo SmithKline and Pfizer). Generic companies have begun to take licenses from the Pool allowing them to make lower cost versions of new HIV treatments for use in developing countries. The Gilead licenses are seen as a significant first step, although many civil society organizations have expressed dismay that the license agreements exclude a number of middle-

income countries and limit manufacture of the new formulations to Indian generic companies.

NGOs and faith-based investors have been encouraging pharmaceutical companies, particularly Abbott, Merck and J&J, to join the Pool in order to increase access to affordable HIV and AIDS medicines. J&J had seemed the company that was most intently studying whether to enter into negotiations.

Will Stephens, vice president of Global Access and Partnerships at J&J’s Janssen Global Services, explained the company’s position in a statement on J&J’s website: “Earlier this year, we responded to a formal invitation from the Medicines Patent Pool (MPP) to begin negotiations to grant licenses to the patents for our HIV medicines. We expressed confidence that our direct agreements with quality generic manufacturers were providing the best route to expand access to patients in need. After thorough deliberation and discussion, we continue to believe that this is the best approach to providing access to our HIV drugs today, so we have decided not to enter into negotiations with the MPP.

“Our access efforts are working. Through our nine licensing agreements with generic manufacturers we are effectively and responsibly meeting the

needs for our HIV medicines in resource-limited countries; five of these agreements include the rights to develop fixed-dose combinations. And we are collaborating with researchers to study further how our medicines can be used best to help patients in developing countries and providing medical education to ensure our medicines are used appropriately in these settings.”

Stephens noted that since J&J’s AIDS medicines are not included in the World Health Organization’s guidelines for HIV treatment in resource-poor settings, and the drugs in those countries are indicated for “third-line” or treatment-experienced patients, “we remain concerned that the model put forth by the MPP could foster more widespread use of inappropriate combinations of these drugs of ‘last resort’ that could adversely impact the future of HIV treatment globally.”

The reaction to the decision was one of great disappointment. Doctors Without Borders (MSF) said: “In refusing to join the Medicines Patent Pool, Johnson & Johnson says there is no urgency for making these drugs widely available in developing countries. That’s simply not true. MSF now provides treatment to more than 180,000 people living with HIV worldwide, and is beginning to witness the in-

evitable, natural phenomenon of treatment failure, whereby people develop resistance to the drugs they are taking and need to graduate to newer medicines.

“Rilpivirine, darunavir, and etravirine [the three J&J drugs] were identified among the key drug formulations needed for HIV treatment by the Medicines Patent Pool, UNITAID and the World Health Organization.

“Newer, better antiretrovirals are already used by patients in the U.S. and Europe, but aren’t available to people in developing countries or are simply too expensive. People living with HIV need access to these newer treatments, so they have the best chance of keeping the virus from further weakening their immune system as they navigate this life-long disease.”

Ellen ‘t Hoen, of the Medicines Patent Pool, told The Financial Times: “We are not concerned, but disappointed J&J came to the conclusion they are still not ready to make the jump.” She said the Medicines Patent Pool would be stronger if every company participated, and she was expecting “good news” next year from others. She added the Medicines Patent Pool allowed negotiation on terms that could meet J&J’s demands.

Children’s rights: Sign CRC petition to president

A multilateral human rights treaty that promotes the rights of all children worldwide, the Convention on the Rights of the Child (CRC) was adopted by the UN on November 20, 1989. It recognizes all children’s rights to develop physically, mentally, and socially to their fullest potential, to express their opinions freely, and to participate in decisions affecting their future. The CRC provides a vision of children as individuals and as members of a family and community, with rights and responsibilities appropriate to their age and stage of development. The U.S. played a pivotal role in the long process of drafting the CRC and thus in the world for children. It incorporates many of the standards first found in the U.S. Constitution and Bill of Rights.

The Campaign for U.S. Ratification of the CRC is a volunteer-driven network of academics, attorneys, child and human rights advocates, educators, members of religious and faith-based communities (including Maryknoll), physicians, representatives from non-governmental organizations (NGOs), stu-

dents, and others. The Campaign’s current effort is to send a strong message to President Obama, urging him to submit the CRC to the Senate for ratification. Below is the text of the petition to the president; you can find the petition to sign on the Campaign’s website, www.childrightscampaign.org. Please sign before the end of January.

As a U.S. citizen who supports U.S. ratification of the United Nations Convention on the Rights of the Child (CRC), I urge you to make it your priority to send the CRC to the U.S. Senate for its advice and consent by November 20, 2012.

Around the world, the CRC is an important tool to promote protections and rights for the most vulnerable and marginalized children, and to support the importance of families and parents. I believe that it will strengthen our nation’s ability to help children overseas, and provide a framework to help us better address challenges facing children and families here at home. Mr. President, you are a champion for

human rights and for children's rights. As you know, the United States stands with Somalia as the only holdouts from ratifying the CRC, the most widely accepted human rights instrument in history. The conspicuous absence of the United States as a party to the CRC undermines our nation's international leadership role on behalf of children and families.

The United States cannot move forward on ratification, however, unless the President submits this treaty to the Senate for its advice and consent. Although administration officials have promised to review the treaty, there is no specific timeframe for submitting it to the

Senate. I ask you to submit the CRC to the Senate by the next Universal Children's Day. The United Nations and its member countries observe this day annually to promote the welfare and protection of the world's children. By sending the CRC to the Senate by November 20, 2012, Mr. President, you will demonstrate your commitment to the values enshrined in the treaty.

November 2012 marks 23 years since the UN adopted the CRC, and 17 years since President Clinton signed it – I think that's more than enough time to review this important treaty.

Resources

1. **DVD: Leaps and Bounds, the dance of exodus in an age of growth:** A filmed version of the one-woman performance piece by the same name, "Leaps and Bounds" reanimates the themes of Sabbath and ecological economics and creation spirituality. Moving beyond the limits of live theater, the film skillfully layers storytelling, song, dance, music and ritual. It is a journey that moves from the beginning of time and space, through the biblical narratives about our relationship with Earth, and connects the earliest errors of human society to the hazardous principles that drive economic growth. Payment on a sliding scale, \$10-30. Order at Affording Hope Project website, www.affordinghopeproject.org.
2. **Learning for Global Democracy toolkit:** Produced by Building Global Democracy, this free online toolkit is available at www.building-globaldemocracy.org. The toolkit describes many creative ways that people can become informed and mobilized on global affairs. The compact illustrated guide will be inspirational for NGOs, social movements, students and their teachers, and anyone interested in global problems. The previous toolkit on Conceptualizing Global Democracy is also available on the website; a third toolkit, Including the Excluded in Global Politics, is expected in March 2012.
3. **DVD: Cite Soleil: Sun, Dust and Hope:** This new DVD from Pax Christi USA gives a taste of the incredible circumstances Haiti finds itself in and how Pax Christi Port-au-Prince is responding in creative and unexpected ways. "Cite Soleil: Sun, Dust, and Hope" tells a story about SAKALA, a peace education program started in 2007 by Pax Christi Port-au-Prince. It is a story of optimism and faith in the face of extreme poverty and hardship, and challenges the way we see Haiti and Haitians see themselves. This 22-minute video, compiled from footage taken when Pax Christi USA staff visited the program in 2011, is a great way to connect to our brothers and sisters in Haiti who are promoting active nonviolence in one of the most marginalized neighborhoods in the Western hemisphere. Proceeds will go to support the collaborative work between Pax Christi Port-au-Prince and Pax Christi USA. To order, contact Pax Christi USA's sales office at 814-520-6245 or check the website, www.paxchristiusa.org; search for "Cite de Soleil."
4. **Stop S-Comm Toolkit:** With the help of several members of the Interfaith Immigration Coalition and the National Day Laborer Organizing Network, this toolkit equips congregations to form interfaith teams to advocate for changes in how their communities respond to "detainer requests" (per the Secure Communities program, also known as S-comm) from the U.S. Immigration and Custom Enforcement agency. Available at <http://www.interfaithimmigration.org/index.php/2011/11/21/iic-scomm-toolkit>.