

# Maryknoll Office for Global Concerns

## NewsNotes

*a bimonthly newsletter on information on  
international peace and justice issues*

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## War on terror: PATRIOTism is challenged

*While President Bush fought a war ostensibly to bring freedom to Iraq, U.S. Americans are in danger of losing the battle to preserve their own freedom at home.*

The USA PATRIOT Act, passed in the wake of September 11, takes steps such as prohibiting money-laundering in offshore banks to aid in the fight against global terrorism.

However, other provisions threaten to erode civil liberties with new rules on domestic surveillance, immigration, monitoring of foreign students, definitions of new crimes involving terrorism and terrorist organizations, and information sharing between federal and local/state law enforcement and within agencies of the federal government.

Under the PATRIOT Act, the administration now has the power to:

- Conduct surveillance of religious or political groups without evidence of suspicious behavior.
- Access library records without notice to the target, even in the absence of suspicious conduct (librarians are subject to felony if they inform the target or any other third party of the investigation).
- Invade the attorney-client privilege by reduced standards for obtaining a warrant for eavesdropping on attorney-prisoner conversations.
- Indefinitely detain a citizen without charge and without access to counsel if the president names the individual as an "enemy combatant," with no judicial review of that categorization.
- Intercept the content, not just addresses, of e-mails or web sites, with lowered warrant standards; again, without probable cause for the surveillance.

Follow-up legislation to the PATRIOT Act the proposed Domestic Security Enhancement Act would put citizens' rights at still greater risk. Proposing more than 100 changes to the law, the bill:

- Further dismantles court review of surveillance, for example by terminating court-approved limits on police spying on religious and political activity (sec. 312), allowing the government to obtain credit records and library records secretly and without judicial oversight (secs. 126, 128, 129), and by allowing wiretaps without a court order for up to 15 days following a terrorist attack (sec. 103).
- Allows the government to operate in secret by authorizing secret arrests (sec. 201) and by imposing severe

restrictions on the release of information about the hazards posed by chemical and other plants (sec. 202).

- Further expands the definition of terrorism so that organizations engaged in civil disobedience are at risk of government wiretapping (secs. 120, 121) and asset seizure (secs. 428, 428); their supporters could even risk losing their citizenship (sec. 501).
- Gives foreign dictatorships the power to seek searches and seizures in the United States (sec. 321) and to extradite U.S. citizens to face trial in foreign courts (sec. 322), even if the United States Senate has not approved a treaty with that government.
- Unfairly targets immigrants under the pretext of fighting terrorism by stripping even lawful immigrants of the right to a fair deportation hearing and by stripping the federal courts of their power to correct unlawful actions by the immigration authorities (secs. 503, 504).

Diminishing the rights of any group diminishes the freedom of everyone. The Constitution guarantees due process not just to U.S. citizens, but to "any person."

Some citizens might argue, "If I'm not doing anything wrong, then I don't have anything to worry about." Just tell that to the first 1,000 persons who were detained following September 11, of whom FBI special agent Coleen Rowley says, "the vast majority...did not turn out to be terrorists."

### **Faith in action:**

For further information and commentary, see the Friends Committee on National Legislation website at [www.fcnl.org](http://www.fcnl.org), or The Bill of Rights Defense Committee website at [www.bordc.org](http://www.bordc.org).

Write to your lawmakers. Urge support for S. 609, "Restore the Freedom of Information Act." The bill reinstates public access to federal records while preserving the ability of the government to protect the public from damage to critical infrastructure. Urge support for HR 1157, the "Freedom to Read Protection Act of 2003." The measure would remove threats to the privacy of bookstore and library records under the PATRIOT Act, and restore congressional oversight of the FBI's use of secret surveillance warrants.

## Child soldiers: Reps demand action from Powell

*Thirty representatives signed on to a letter initiated by Reps. Tom Lantos (D-CA) and Frank R. Wolf (R-VA), co-chairs of the Congressional Human Rights Caucus, asking Secretary of State Colin Powell to ensure that the U.S. government take specific steps to help end the use of children in war. The letter was part of a strategy to influence the UN Commission on Human Rights, which met in Geneva at the beginning of April.*

Boys and girls are used in armed conflicts around the world, in the front line, as spies, messengers, porters, or to lay or clear landmines. Over two million child soldiers have been killed in armed conflicts, six million have been maimed or permanently disabled, one million orphaned, and 10 million psychologically traumatized. Approximately 300,000 children are currently fighting in armed conflicts on nearly every continent.

In their letter to Secretary Powell, the 30 representatives expressed pride in the fact that the U.S. formally ratified the optional protocol to the Convention on the Rights of the Child “on the involvement of children in armed conflicts” on December 23, 2002. The protocol prohibits the forced recruitment of children under age eighteen, or their use in combat. The 30 representatives further expressed thanks for U.S. leadership on this issue at a January meeting of the UN Security Council where the U.S. pushed for stronger measures to monitor governments and armed groups using children in armed conflict, and to hold them accountable for their actions.

After thanks and congratulations, the representatives challenged the U.S. administration to do more to respond to the fact that “in more than 20 countries around the globe, children are coerced, driven by desperation, or compelled by societal pressures to take up arms and fight in war.” They specifically urged the administration “to address three of the most appalling situations where children are being used in warfare:” Colombia, Burma and Northern Uganda.

In Colombia, representatives demanded that “[t]he United States...exert political pressure on all sides to demobilize all child soldiers and remove children from all related military or conflict activities. This includes not only guerrilla and paramilitary recruitment efforts, but also the use of children by security forces to gather information.”

In Burma the demand was for the U.S. State



*Photo of child soldier from Solomon Islands/ Amnesty International USA [www.aiusa.org](http://www.aiusa.org)*

Department’s Bureau of Democracy, Human Rights and Labor to undertake an independent investigation “into the widespread forced recruitment of children by Burma’s national army.” And if it is found that Burma’s armed forces continue to forcibly recruit children, the representatives instruct the U.S. to urge the Security Council to consider appropriate measures such as targeted sanctions.

In Northern Uganda, where Lord’s Resistance Army (LRA), a rebel group at war with the Ugandan government, has abducted thousands of children for use as soldiers, representatives asked the Secretary of State to “urge the UN Commission on Human Rights to request the appointment of a UN special envoy for the abducted children in Northern Uganda. The envoy would be encouraged to conduct ‘shuttle diplomacy’ between the LRA and the Ugandan government with the aim of securing the release of all those abducted by the LRA as children, and to seek an end to future abductions.”

For more information on child soldiers, contact the U.S. Campaign to Stop the Use of Child Soldiers, c/o Rachel Stohl, Center for Defense Information, 1779 Massachusetts Ave., N.W., Washington, D.C. 20036; [rstohl@cdi.org](mailto:rstohl@cdi.org), (202)797-5283; [www.us-childrensoldiers.org](http://www.us-childrensoldiers.org). The Maryknoll Office for Global Concerns is a member of this coalition.

### **Faith in action:**

Go to “Updates on on-going issues” page on the Maryknoll Global Concerns’ office website: [www.maryknoll.org/GLOBAL/global.org](http://www.maryknoll.org/GLOBAL/global.org) or write to us for a copy of the letter with the list of representatives who signed it. Send a letter of thanks to your representative if she or he appears on the list, and ask him or her to remain vigilant and demand follow up from Secretary Powell.

## Take action to fight global AIDS epidemic

*Authorizing bills to fight global AIDS, tuberculosis and malaria are now being debated in the House and just beginning to take form in the Senate. These bills suggest funding levels and set direction for U.S. programs abroad. But funding is decided later in the year by those decision makers who sit on the appropriations committees. Ultimately the success of any program depends on the resources that the U.S. is willing to contribute. This is why the Maryknoll Office for Global Concerns joins Church World Service in circulating the following action alert focused on congressional appropriators.*

### Ask Congress to appropriate \$3.5 billion to fight global AIDS, TB, and malaria

Appropriate \$3.5 billion to fight global AIDS, TB, and malaria NOW for real on-the-ground programs, of which at least \$1.75 billion is for the Global Fund to Fight AIDS, TB, and Malaria, without taking away precious resources from other development and humanitarian aid programs.

If your members of Congress sit on the House Appropriations Committee (to find out see: [www.house.gov/appropriations/members.htm](http://www.house.gov/appropriations/members.htm)) or the Senate Appropriations Committee ([appropriations.senate.gov](http://appropriations.senate.gov)), call them in their home office.

If your members of Congress do not sit on an appropriating committee, ask them to weigh in with the chairs of the foreign operations appropriations subcommittees in support of this same message above. The chair of the Foreign Operations Appropriations subcommittee in the House is Rep. Jim Kolbe (R-AZ). In the Senate, it is Sen. Mitch McConnell (R-KY).

### Background: Why \$3.5 billion?

\$14.2 billion is needed globally to stop AIDS, TB, and Malaria in FY 2004, according to conservative estimates from the WHO, UNAIDS, Stop TB, Roll Back Malaria, and the Global Fund to Fight AIDS, TB, and Malaria (Global Fund). The United States' fair share of this amount is equal with its share of the global economy: 34.8 percent or \$4.9 billion. The U.S. should contribute at least 25 percent (\$3.5 billion) of this total.

### Facts on AIDS, TB, and malaria

- AIDS, tuberculosis (TB) and malaria together killed nearly six million people last year.
- Today, 42 million people are living with HIV/AIDS. Ninety-six percent live in developing nations, with 71 percent in sub-Saharan Africa alone. More than a third are under the age of 25.
- Six to nine million people in the developing world today need AIDS treatment, yet only 250,000 of them have access to life-extending antiretroviral drugs.

- In sub-Saharan Africa, AIDS has already orphaned 11 million children. By 2010, that number is projected to reach 25 million, comprising 12 percent of African youth.
- India, China and Russia are among the five "next wave" countries where HIV is spreading rapidly. These five countries already contain half the world's TB cases, and because AIDS fuels TB infection, TB rates will skyrocket as AIDS spreads.
- Most of the nearly one million people killed by malaria yearly are children in Africa.

### The Global Fund to Fight AIDS, TB, and Malaria

- Is an international, independent public-private partnership that localizes the design of a particular countries' AIDS, TB, and malaria response from within that country.
- Country proposals for AIDS, TB, and malaria programs receiving funding from the Global Fund are written in a collaborative effort between government, NGOs, and the private sector.
- Within three months of its creation, in April 2002, the Global Fund committed \$616 million to 40 countries over two years to tackle these three diseases. In January 2003, the Fund committed an additional \$866 million to 60 countries.
- The Global Fund has already approved grants to provide: antiretroviral treatment for 500,000 people in developing countries, care for 500,000 AIDS orphans and vulnerable children, treated mosquito bed nets for 30 million Africans, and tuberculosis treatment for two million people.

### To learn more, see:

- Church World Services' "Facts Have Faces" project: [www.churchworldservice.org/FactsHaveFaces/aidsfactsheet.htm](http://www.churchworldservice.org/FactsHaveFaces/aidsfactsheet.htm)
- The Maryknoll AIDS Task Force webpage: [www.maryknoll.org/GLOBAL/AIDS/gc\\_aids.htm](http://www.maryknoll.org/GLOBAL/AIDS/gc_aids.htm)
- Africa Faith & Justice Network's webpage: [afjn.cua.edu/news/CTFAHIVAIDS.cfm?nohead=1](http://afjn.cua.edu/news/CTFAHIVAIDS.cfm?nohead=1)

## SDRM: Debt debate continues

*In response to the recurrent national debt crises of the last decade - including in Mexico, East Asian economies, Russia, Turkey and Argentina - the International Monetary Fund (IMF) has proposed a framework called the Sovereign Debt Restructuring Mechanism (SDRM). The SDRM and the already operative Heavily-Indebted Poor Country (HIPC) initiative are efforts by the IMF and World Bank to respond to the growing international public pressure placed on government officials to do something about the deepening debt crisis.*

The IMF proposal falls far short of the “fair and transparent arbitration process” included in the demands of Jubilee and other movements for a definitive resolution to the ongoing debt problem. Demba Dembele of the Forum for African Alternatives in Dakar, Senegal and the international Jubilee South coalition said, “It’s one more way for the IMF to control the fate of indebted governments. The institution that already makes loans and decides which countries are creditworthy would also be in charge of managing the appeals process and designing new economic austerity programs that will continue to starve the poor to feed the rich.”

The SDRM proposes a system that would allow a national government to request the convening of a disinterested international panel to negotiate with a government’s private creditors and arrive at a debt restructuring agreement. Once the agreement was approved by a majority of the creditors it would be enforceable on all of the country’s private creditors. Under existing procedures, any single private creditor can refuse to accept a re-structuring arrangement and instead attempt to sue a national government for full payment of the debts under the original repayment terms.

The Jubilee USA Network welcomed the IMF’s admission that the crisis of unsustainable debt burdens in developing countries has not been resolved, but shared the concerns of many partners in the global South that the SDRM is not only inadequate, but also potentially harmful to the people of indebted nations. A Jubilee USA statement rejects the SDRM for the following reasons:

- SDRM applies only to debts claimed by the private sector. To be fair, the IMF and World Bank must put its share of the debt portfolio on the table too.
- SDRM puts the IMF at the center of the process: it would convene the “independent” panel, determine whether a country legitimately needs the assistance provided by the mechanism, and help design and monitor the policies that debtor countries would commit to at the time of re-structuring.

- A “standstill” provision that would have allowed governments to suspend debt payments without the threat of legal action during the time that the restructuring is negotiated has been removed from the latest version of the SDRM proposal.

The Jubilee USA Network believes a primary issue that must be addressed is the illegitimacy of much of the existing debts — the decades of loans to unaccountable dictators which were stolen with the knowledge and even collusion of the creditors, the loans for the tools for suppressing democracy, or the loans for wasteful and harmful failed development projects. The SDRM proposal would not assess the legitimacy of the debts.

“If an international debt-insolvency mechanism is to be created,” the Jubilee USA Network believes, “it must be a much more fair and transparent international arbitration process (FTAP) that could apply to all indebted countries, not just those the IMF deems insolvent. An FTAP would be truly independent of all creditors’ influence, provide for transparent citizen participation in the process of public debt cancellation, and would be empowered to declare certain debts illegitimate.”

Furthermore, according to Jubilee USA, several problems with the current HIPC initiative are in desperate need of correction, and none of these continuing problems with HIPC are addressed by the IMF’s SDRM.

- Not only were the future economic growth projections of HIPC countries over-optimistic and the debt-sustainability threshold of 150 percent debt-to-exports too high, but also commodity prices for major exports from the HIPC countries have fallen on world markets. This has lowered economic growth rates even further, and plunged many HIPCs deeper into debt unsustainability.
- The current official debt-sustainability threshold still leaves a level of debt burden that prevents the HIPC countries from having enough revenues left over to effectively achieve the Millennium Development Goals by 2015.

- The HIPC initiative continues to be contingent upon countries implementing the highly controversial structural adjustment economic policy reforms that have largely failed to either reduce poverty or achieve high rates of economic growth for over 20 years. Further, the PRSP process circumvents NGOs and civil society groups from proposing alternative policy choices in their national PRSPs.
- Countries continue to fail to comply with IMF structural adjustment conditions, and have continuously fallen “off-track” in the HIPC process.
- Some non-participating creditors have brought lawsuits against HIPC countries to prevent the cancellation of their debts.
- Additional “topping up” financing from bilaterals should not be used until the structure of HIPC is fixed.
- Not enough heavily-indebted poor countries are included in the 42 HIPC countries; there are several other countries that are also in desperate need of debt cancellation.

To fully address the debt crisis, the HIPC countries would need full debt cancellation, but a bill currently being discussed in the U.S. Congress would move the HIPC Initiative in the right direction.

### ***Faith in action:***

Ask your members of Congress to support House bill HR 1376, introduced by Rep. Christopher Smith (R-NJ) and Rep. Barney Frank (D-MA) and similar Senate proposals, like that attached to the Senate AIDS bill by Sens. Rick Santorum (R-PA) and Joe Biden (D-DE). HR 1376 would provide an additional \$1 billion dollars in debt relief annually to countries that currently qualify and preclude some of the most harmful IMF conditions on debt cancellation.

## **Defense Authorization Bill: Multiple threats**

The Defense Authorization bill now before the U.S. Congress is one tool for implementation of the National Security Strategy promulgated by the Bush administration last September. First among many issues of great concern is the sheer size of the budget request: \$379.9 billion in discretionary budget authority - \$15.3 billion above FY 2003 without including the cost of the war on Iraq. Furthermore, the administration's request could bring us closer to the development and testing of new nuclear weapons.

The Bush administration has been studying possible uses for nuclear weapons in preemptive strikes and intends to develop nuclear “bunker busters,” which have already received some Congressional funding. In addition, the administration is pushing hard to repeal the current 10-year ban against research and development of “low-yield” (less than five kilotons) nuclear weapons. This is approximately one-third the size of the Hiroshima bomb.

In February, the House Republican Policy Committee released a document that calls for expedited preparations for underground testing, expanded nuclear capability, and granting the president options to use both conventional and nuclear weapons in preemptive strikes.

Moving forward with the development of new nuclear weapons greatly increases the likelihood of resumed testing, a breach of a 10-year moratorium in the U.S. on such

testing. Arms control advocates are concerned that the administration is using doublespeak when it pushes to develop low-yield weapons while professing no intent to produce them. This is especially apparent given the administration wants to shorten the time to prepare for nuclear testing. Once the funding and support get locked in, it will become harder and harder to stop the march toward resumed nuclear testing or even use.

Rep. Ed Markey (D-MA) will introduce an amendment to gut the \$15 million in the Bush '04 budget for the nuclear bunker buster, called the “Robust Nuclear Earth Penetrator.”

### ***Faith in action:***

Contact your representative, urging him/her to support the Markey amendment that would cut the \$15 million for the Robust Nuclear Earth Penetrator, or “bunker buster.” This is expected to be voted on next month during House floor consideration of the '04 defense authorization bill and/or the energy and water appropriations bill. In addition, please urge your representative and senators to maintain the ban on low-yield nuclear weapons research. If you write a letter it's always better to write to the district office, since mail is very slow in reaching their Washington, D.C. offices.