

Making trade work for development in 2005

What the UK should do

This year the UK government is in a unique position to ensure that international trade is driven by sustainable development, and not simply by the economic interests of rich countries. This paper sets out precisely what Oxfam is asking the UK to do during its presidency of the G8 and the EU, and in the run up to December's WTO Ministerial meeting in Hong Kong, to make this happen.

Summary

This year there are critical opportunities for the UK to instigate policy reform that would result in increased pro-poor trade. However, if these opportunities are to be realised, the government will need to demonstrate real leadership through its presidencies of the G8 and the EU, and at the WTO.

In the run up to the G8 summit at Gleneagles in July, and throughout the presidency of the EU in the second half of the year, it will be the UK's duty to set agendas, prioritise discussions and push members nations to reach conclusions. It is vital that when the UK does so, it uses these occasions to promote pro-poor trade. Although the G8 itself has no direct jurisdiction over trade, it can give a strong steer as to what its members must do in WTO and IMF/World Bank negotiations, or in Free Trade Agreements.

Oxfam believes that clear progress can be made on all the following issues at all three fora, if the UK has the political will to make it happen.

Oxfam is calling for the UK to:

- Promote the right of poor countries to decide their own agricultural and industrial policies, including import tariffs, in line with food and livelihood security concerns and their own understanding of development priorities.
- Push for an end to agricultural dumping. This includes committing to an early end date for export subsidies and to stopping domestic subsidies that act as indirect export subsidies.
- Work to ensure that reform of the EU sugar regime is pro-development. This would mean Europe making sharp cuts in domestic production.
- Support the West African cotton initiative at the WTO, to ensure a solution to the cotton dumping issue by the WTO Ministerial in Hong Kong.
- Push for all rich countries to offer duty-free, quota-free market access to the Least Developed Countries (LDCs) without restrictive conditions, such as onerous 'rules of origin'.
- Oppose EPAs in their current form and ensure that any Economic Partnership Agreement (EPA) between ACP groups and the EU have sustainable development as a central objective and include the principle of non-reciprocity.
- Give active political support and technical assistance to developing countries that wish to limit patent rights in order to ensure access to affordable medicines.
- Obtain agreement from rich countries to offer substantial new trade-related aid, without economic policy conditions attached.

The government has demonstrated that it does believe that trade has to be made to work for development. Its new position on EPAs, which recognises that trade deals with the world's poorest countries must not be reciprocal, is

an excellent start. So too is the government's acceptance that the Commission for Africa's report should become UK policy.

But the UK alone does not have jurisdiction on trade and these policies must now be reflected in its dealings with the rest of Europe and other developed countries. This year the UK has not only – it says – the will to make real progress, but it also has the power to ensure that pro-development policies are implemented.

A huge amount is at stake. As the DTI White Paper on trade pointed out, many of the issues dealt with in this briefing note are key to the success of the Doha Round, and thus the WTO.

To do all this will require a major investment of political capital, but one which will yield huge dividends in terms of poverty reduction and improved global security. This year the UK really does have the chance to help make poverty history through changing the agenda for international trade.

Introduction

This year there are critical opportunities for the UK to instigate policy reform that would result in increased pro-poor trade. However, if these opportunities are to be realised, the government will need to demonstrate real leadership through its presidencies of the G8 and the EU, and at the WTO.

The global case for poverty reduction is now clearly on the political agenda – a number of G8 leaders, including President Bush, have said that they place hunger and disease on a par with more conventional security concerns. If the UK's leadership is to transform the current trading system into one that is more fairly balanced in the favour of developing countries, it will need to tackle both US and European intransigence on a range of issues. UK success in this endeavour would strongly increase the likelihood of the Doha Round concluding by 2007.

Oxfam believes that, in the right circumstances, trade can be vital to poverty reduction. However, rich countries must stop pushing their own short-term commercial interests when these directly contradict the interests of poor countries. The UK must challenge the current Northern protectionist regime, at the same time as creating the space for, and promoting the rights of, developing countries to decide their own trade policies, particularly in agriculture – rather than these being dictated by the WTO, the international financial institutions, or through Regional Trade Agreements (RTAs).

A strong lead must be taken throughout to ensure that the nuances of the arguments for Special and Differential Treatment (S&DT) for poor countries are not co-opted by Northern countries for their own purposes. Further, the UK should ensure that actions by individual companies do not undermine development and poverty reduction efforts. This way, the UK could deliver a set of trade reforms that really would help to make poverty history.

Oxfam is calling for the UK during its G8 and EU presidencies, and in the run-up to Hong Kong, to:

- Promote the right of poor countries to decide their own agricultural and industrial policies, including import tariffs, in line with food and livelihood security concerns and their own understanding of development priorities.
- Push for an end to agricultural dumping. This includes committing to an early end date for export subsidies and to stopping domestic subsidies that act as indirect export subsidies.

- Work to ensure that reform of the EU sugar regime is pro-development. This would mean Europe making sharp cuts in domestic production.
- Support the West African cotton initiative at the WTO, to ensure a solution to the cotton dumping issue by the WTO Ministerial in Hong Kong.
- Secure a commitment that rich countries will implement WTO panel decisions swiftly and in good faith.
- Push for all rich countries to offer duty-free, quota-free market access to the Least Developed Countries (LDCs) without restrictive conditions, such as onerous 'rules of origin'.
- Ensure that any Economic Partnership Agreement (EPA) between ACP groups and the EU have sustainable development as a central objective and include the principle of non-reciprocity.
- Regulate UK business operations in developing countries in order to increase social, economic and environmental benefits.
- Give active political support and technical assistance to developing countries that wish to limit patent rights in order to ensure access to affordable medicines.
- Obtain agreement from rich countries to offer substantial new trade-related aid, without economic policy conditions attached.

At the G8

While recognising the limitations of G8 jurisdiction over trade policies, Oxfam believes that the G8, under the UK's presidency, could give a significant fillip to the position of poor countries in the multinational trading system.

At both the Kananaskis (2002) and Evian (2003) G8 meetings, some broad pledges were made on trade. The aims of the Africa Action Plan, for example, included improved market access for the poorest countries.¹ At the Gleneagles summit in July, the UK will need to push the G8 for a clear timetable for achieving past and current commitments, and a strong statement that decisions at the WTO Hong Kong Ministerial must be pro-development. Oxfam would like to see the following outcomes from Gleneagles:

1. The right of poor countries to decide their own agricultural trade policies

The UK should encourage the G8 to state clearly that agricultural trade policies should be designed to promote food security and economic development in the developing world, endorsing the recent Commission for Africa view that decisions on whether or not to liberalise 'should not be dictated within trade agreements as part of mercantilist negotiations, or as part of World Bank or IMF programmes.'²

Many Oxfam partner organisations in developing countries see the right to manage their own agricultural sectors as their number one concern, given its importance in poverty reduction. For this reason, Oxfam is calling on the UK to support developing-country demands for 'special and differential treatment' for their agriculture. At the WTO, this means having a separate tariff-reduction formula, ring-fencing food and livelihood security crops from liberalisation – so-called 'special products' – and introducing an automatic safeguard mechanism against agricultural import surges.

The rising assertiveness of developing countries such as India, the G33, and the G90, means that if the G8 fails to do this with good will, the failure of Doha, and thus of the WTO itself, becomes more likely.

Securing G8 agreement on the need for developing countries to carefully regulate agricultural imports will not be easy. However, while the Evian G8 communiqué contained some problematic language on liberalisation, talking about 'substantial opening in trade

in all areas, including in agricultural and non-agricultural goods',³ elsewhere the G7 has indicated that: '...developing countries face particular problems and need the flexibility to sequence reforms to their trade policies.'⁴ At the same time, most G8 members have started to recognise some validity in the developing countries' arguments. The UK's DTI White Paper said: '...developing countries need the space to design and sequence trade reform packages in way that is appropriate for their particular circumstances, and then integrate them into their own development and poverty reduction strategies.'⁵

2. Rich countries should play by the WTO rules

The final communiqué from Evian stressed the G8's 'faith in and commitment to the multilateral trading system, which has contributed so much to international growth, stability and sustainable development for over fifty years'.⁶ The same clause referred to the importance of 'discipline' in the WTO.

However, with worrying frequency, industrialised countries flaunt the rules they themselves have agreed. The most obvious examples of this are their cotton and sugar subsidy regimes. In September 2004, a WTO dispute panel found that almost all US cotton subsidies contravene the rules, a ruling endorsed by the Appellate Board in March 2005. Similarly, in October 2004, the EU was found to be illegally subsidising its sugar production – a ruling the current appeal hearing is likely to reaffirm.

Rich countries, which deploy armies of lawyers in their trade ministries, do not have the excuse that they do not understand WTO rules. Instead, these are blatant attempts to 'get away with it', which contravene the spirit, as well as the letter, of the rules-based, multilateral trading regime. Worse, once rich countries have been found guilty of rule-breaking, they continue to use delaying tactics, even where this prolongs the immense harm they are causing to developing countries.

The USA was slow to provide necessary evidence to the cotton panel. Even after the appeal result, a United States Trade Representative (USTR) spokesperson said that negotiation, rather than litigation, was the way forward, strongly indicating that more delays are likely. As developing countries have pointed out, implementation of panel rulings is not part of the Doha Round negotiation, it is simply about fulfilling binding commitments made in the Uruguay Round.

The rules oblige the USA to phase out the use of all trade-distorting cotton subsidies on a fast-track basis, and to reform or eliminate

direct payments so that they do not create an implicit encouragement to grow cotton in the USA. Further negotiations at the WTO should complement the ruling rather than become a substitute for it. In this context, the UK should press for a binding solution to the cotton issue by the next WTO Ministerial in Hong Kong, and support the establishment of an emergency fund for LDC cotton producers. The establishment of such a fund should not be linked to new conditionality, and would expire as soon as a solution to the cotton subsidies is implemented.

The UK should push for a renewed commitment by G8 members that they will not break WTO rules, and that they will implement dispute settlement decisions swiftly and in good faith.

3. Better market access and rules of origin (RoOs) for LDCs

Oxfam believes that all developed countries, including the USA, should offer duty-free and quota-free access to goods from Least Developed Countries, and bind this at the WTO. This would realise a commitment made in the Doha Ministerial Declaration to grant improved trade terms to the LDCs, as well as one made at the UN LDC Ministerial in 2001. It also chimes with a strong demand from the Commission for Africa.

However, this will not be sufficient to significantly boost LDCs' trade with the North unless the rules that govern such arrangements are changed. At Evian, the G8 promised: 'We will each work to ensure that the rules (particularly rules of origin provisions and documentation requirements) do not inadvertently preclude eligible developing countries from taking advantage of recent preference programmes.'⁷ The EU has done nothing about this to date, with the result that LDCs, which in theory enjoy duty-free access to European markets under the Everything But Arms initiative, often pay high duties and lose potential sales.

The RoOs must be changed in two ways: they must be simplified, by removing onerous red tape for exporters, and they must be relaxed. European Trade Commissioner Peter Mandelson has said he wants the EU to have proposals for a newly simplified RoOs regime on the table by the time of the G8 summit, which is welcome. However, RoOs need also to be relaxed to allow LDCs to source inputs from anywhere in the world, without harming their duty-free export status. This is known as global cumulation.

Research from the Institute of Development Studies in Sussex, UK, shows that 10,000 jobs were created in Lesotho in 2001 alone, largely

on the back of the US–African Growth and Opportunity Act’s more lenient RoOs.⁸ Unfortunately, some EU member states, notably Italy, Spain, and Portugal, oppose similar measures in Europe, in order to protect domestic manufacturers.

4. Aid-for-trade package

As the Commission for Africa report observes, African countries are facing an extremely difficult process of adjusting to changing patterns of trade, and are often unable to take advantage of market opportunities.

The G8 and other rich countries should commit themselves to providing a substantial pot of new money for trade-related development assistance. This would be used for economic and social adjustment costs caused by changes in trade, including preference erosion, and for improving export capacity (infrastructure, know-how, etc).

This assistance should take the form of grants for the poorer countries and should not have economic policy conditions attached. The resources could come from normal national taxation or could be raised through innovative mechanisms such as the International Finance Facility or international taxation.

5. Patents and access to medicines

From January 2005, the world’s major suppliers of generic medicines, including India, have had to comply with the WTO TRIPS agreement and can no longer produce affordable versions of new patented drugs coming on to the market. In the long term, this problem can only be addressed by reform of the agreement. In the short term, as the UK-sponsored Commission on Intellectual Property recognised, it is vital that national patent law in developing countries takes advantage of what flexibility there is in the TRIPS agreement in order to limit the negative effects on public health.

The UK should press the G8, as part of its broader action to address the health crisis in the developing world, to reaffirm its commitment to the Doha Declaration on Trips and Public Health and refrain from seeking intellectual property rules in developing countries that go beyond WTO obligations. Although it will be difficult to wean the US away from the pursuit of ‘TRIPS plus’ regional trade agreements – a practice criticised by the Commission for Africa – a strong G8 statement on the primacy of public health over private commercial interests will help governments in developing countries be more assertive. Countries in the G8 should also clearly state their support

for the use of good-quality, low-cost generic medicines in treatment programmes funded by international aid, and put pressure on the large international companies to go much further in reducing drugs prices in the developing world.

During the UK presidency of the EU (July–December 2005)

The UK agenda for the Presidency of the EU is yet to be fully elaborated. **The UK should provide leadership by tabling discussions on all the points listed above for that agenda.** It should translate into concrete action the positive wording in the Commission for Africa report on allowing developing countries to decide their own agricultural policies. Because this aspect of trade policy does not touch on sensitive domestic issues, the UK could build support for this right across EU member states.

The UK should also ensure the following are high on the agenda:

1. An end to export dumping

As the DTI White Paper on trade observed, a deal on agriculture could unlock other vitally important issues in the Doha Round.⁹ Ending agricultural dumping is a key component of such a deal. Under the Common Agricultural Policy and the US Farm Act, both the EU and USA continue to provide farm subsidies that prop up uncompetitive and unsustainable production and lead to large, exported surpluses. As the Commission for Africa report highlighted, this is deeply damaging and must stop as soon as possible. The Commission called for direct export subsidies to end by 2010.

The UK, in alliance with like-minded member states, should commit the EU to push for agreement at Hong Kong on an early end-date for export subsidies.

However, the problem is not just direct support to farm exports, as the UK government maintains. First of all, most EU countries are keeping some production-linked subsidies, which may lead to dumping. Second, there is evidence that even 'decoupled' payments, such as those now paid to UK farmers, can affect production levels and therefore trade.

The UK, as EU president, should put a review of the trade impact of domestic subsidies onto the EU agenda, with a view to further reform which would target subsidies more effectively in line with Europe's social and environmental goals. The UK should also reopen discussion on the European Commission's 2003 proposal of placing a ceiling on individual farm payments under the CAP, a measure that the UK shamefully vetoed at the time. Limits on payments are

currently under discussion in the US draft budget, and should form part of the WTO negotiations on agriculture.

In line with the wishes of many developing countries, the UK should press the EU to support a thorough revision at the WTO of supposedly non-trade-distorting, 'green box' subsidies, and of blue-box production-reducing subsidies, with a view to establishing tighter disciplines. While it will be difficult to persuade other EU member states to support this, some leverage is provided by the commitment in the WTO's 2004 'July Framework' agreement to clarify the contents of the green box to ensure that all subsidies within it meet its criteria.

2. Pro-development sugar reform

The EU Agriculture Commissioner, Mariann Fischer Boel, has said that Europe must demonstrate its commitment to pro-development trade reforms by changing its sugar regime before the WTO Ministerial. The European Commission will present legislative proposals in June/July 2005, following the final WTO ruling on EU sugar subsidies.

EU sugar reform has huge implications for poor people and countries, and Oxfam believes that their interests must be at the heart of the EU sugar debate. Our research shows that in Mozambique and Zambia alone, pro-development reform of EU sugar policies could lead to the creation of over 30,000 jobs in long-term, sustainable industries.

While Oxfam welcomes Commissioner Fischer Boel's commitment to reform, existing EU reform proposals fall far short of what is needed to deliver this outcome.

Oxfam is calling for Europe to scale back its own sugar production, in order to bring an end to dumping and to create space for more imports from the poorest countries. We support a more gradual price reduction, deeper quota cuts, and a longer transition period than the Commission currently proposes. Sugar-dependent countries that lose out from EU sugar reform must be given effective adjustment assistance.

Although the UK government has no detailed public position on sugar, it is pro-reform and has welcomed the Commission's proposals as a basis for discussion. In contrast, while accepting that some reform is needed, the majority of member states think that the Commission's plans go too far. A grouping of ten countries, led by Spain, is actively promoting an alternative which, while proposing

slower implementation, fails to call for reduced European production levels or increased market access for poor countries.

If the UK is to honour its repeated commitments to genuine – and sustainable – development in Africa and in poor countries in other regions, it must actively work to build support for a reform that puts the needs of poor countries first.

3. Pro-development Economic Partnership Agreements (EPAs)

Trade with the EU has the potential to contribute to economic development in the ACP countries, resulting in more competitive markets. However, there is a significant danger that if Europe continues to negotiate EPAs as standard free-trade agreements, complete with reciprocal commitments to liberalise, they will damage development, as the Commission for Africa recently pointed out. For this reason, Oxfam opposes EPAs in their current form.

An impact assessment study conducted by PriceWaterhouse Coopers said that a ‘bad’ EPA could destroy West Africa’s manufacturing sector.¹⁰ At a recent trade meeting in Tanzania, African ministers made it clear that they too are deeply concerned by the direction of EPA negotiations, and with the inclusion of the ‘Singapore issues’ in particular. Negotiation on three of the four Singapore issues – investment, competition, and government procurement – was dropped from the WTO agenda at the insistence of developing countries, yet the EU insists on keeping them in the EPAs, leading the Zambian Minister of Commerce, Trade and Industry to ask: ‘Where is the convergence between the WTO level and the EU approach in the EPAs?’

The UK’s new EPA policy is extremely positive. The government now advocates that developing countries should have the right to choose the pace, sequencing, and product coverage of EPAs. It also rejects the Singapore issues, unless a developing country group asks that they be included, and eliminates upfront all remaining EU tariffs without conditions. The UK must now work with like-minded states – which could include the Netherlands, Ireland, and Sweden – to pressure the European Commission to reword the mandate to this effect.

The UK should also obtain EU-wide agreement for a thorough examination of alternatives to EPAs for countries that do not wish to sign one – particularly as it was the UK that pushed for the commitment to alternatives in the first instance.

4. A stronger position on regulation of corporate behaviour and operations

The UK says it is very concerned that businesses should behave in a socially and environmentally responsible way in developing countries. However, Oxfam believes that the DTI's proposals are not sufficiently ambitious for this to become a reality, as it relies predominantly upon the voluntary participation of companies. The UK government should adopt effective public policy which, firstly, makes it mandatory for companies to assess and report on their social and environmental impacts, both domestically and overseas; secondly, holds companies accountable for negative impacts; and thirdly, provides effective redress for those affected by such impacts. The UK should ensure that it demonstrates its leadership on this by acting in the national context and by placing it on the EU's agenda.

At the WTO

Although competency for WTO trade negotiations lies with the European Commission rather than the individual member states, the UK can join with other like-minded countries in mandating the Commission negotiators to recognise and respect developing-country interests, including the need to regulate imports appropriately, while at the same time pushing to reduce European protectionism.

All the above arguments about allowing developing countries space to develop appropriate agricultural trade and development policies are also key at the WTO. Positive moves on this would meet commitments set out in the Doha Declaration to take developmental and food security considerations fully into account. The UK has said it is broadly supportive of a 'special safeguard mechanism' and 'special products', provided these are not used as tools for blanket developing country protectionism. This is positive, although the UK needs to be much more proactive in supporting these initiatives.

The UK also needs to push for:

Movement on Non-Agricultural Market Access (NAMA) negotiations

While agricultural development is vital for poor countries, complementary industrial development is also essential. For Africa and other developing regions to be able to build their industries, Northern governments must dismantle protectionist barriers and, at the same time, allow truly differential treatment for poor countries. The willingness of the rich world to undertake these reforms will be critical to the success – or failure – of the trade talks launched in Doha.

There are still many Northern policies, including European, which are designed to keep out products in which the developing world is competitive, such as clothing, leather goods, and steel. The EU should commit itself to eliminating tariff peaks and tariff escalation, and to not abusing non-tariff barriers such as product standards and anti-dumping measures, while also seeking similar commitments from other industrialised countries.

At the same time, the EU should back the Special and Differential Treatment principle of 'less than full reciprocity', allowing developing countries the flexibility to set industrial tariff levels in a manner that assists growth and poverty reduction.

This year the UK government is uniquely positioned to make trade between rich and developing countries work for poverty reduction and sustainable development. Its new position on EPAs is an excellent start, but it needs to leverage the influence it has over the G8 and EU, and work in Geneva and Brussels with like-minded states to convert its positive words into action, on all of the areas outlined in this paper. This requires a major investment of political capital, but one which will yield huge dividends in terms of poverty reduction and improved global security.

Notes

- ¹ G8 Africa Action Plan, Kananaskis, 2002, <http://www.g8.gc.ca/2002Kananaskis/kananaskis/afraction-en.asp>
- ² Commission for Africa report, p.251, <http://www.commissionforafrica.org/english/report/thereport/15chap8.pdf>
- ³ Co-operative G8 Action on Trade, Evian G8 Summit, 2003, para 3.1, http://www.g8.fr/evian/english/navigation/2003_g8_summit/summit_documents/co-operative_g8_action_on_trade.html
- ⁴ G7 Finance Ministers' Conclusions on Development, 4–5 February 2005, para 5, http://www.hm-treasury.gov.uk/otherhmtsites/g7/news/g7_statement_conclusions050205.cfm
- ⁵ Department of Trade and Industry, 'Making Globalisation a Force for Good, July 2004, p.78
- ⁶ Co-operative G8 Action on Trade, para 1
- ⁷ Ibid., para 3.7
- ⁸ Stevens, C. and J. Kennan, Making Trade Preferences More Effective, Institute of Development Studies, Sussex (p.4). <http://www.ids.ac.uk/ids/global/pdfs/CSJKTradePreferences.pdf>
- ⁹ DTI, 'Making Globalisation a Force for Good, p.80
- ¹⁰ Sustainability Impact Assessments (SIA) of Trade Negotiations of the EU–ACP Economic Partnership Agreements, Mid Term Report Working Draft, 1 October 2003, p.125. http://www.sia-gcc.org/acp/download/summarized_mid-term_report_final_doc_light.pdf

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