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Degrees towards Destruction: Women and Climate Justice

by Nina Somera

The past few years saw warnings from environmental experts that it will only take the earth a few degrees hotter before much of the present civilisations are wiped out. The gradual but significant impact of these devastating changes is not equal for everyone and in all places. Of all the earth's inhabitants and regions, such impact is likely to be concentrated on women in the global South.

Joan Meris of Green Peace-South East Asia: "Extreme flooding and droughts will intensify the disparities in rural areas especially in Africa, Asia and the Pacific. Fisherfolks are likewise vulnerable with the increasing coral bleaching or the discoloration of the corals due to changes in the water temperature, salinity, siltation, and even overfishing.

Given women's enormous role in the various stages of farming, fishing and other forms of food production as well as in addressing the needs of their families, women will be at the heart of every crisis emanating from disturbing changes in the weather and the environment."

In her essay, "Inseparable: The Crucial Role of Women in Food Security – Revisited," Marilee Karl, Isis International's founder cited that overall women are responsible for about 50 per cent of food production but in many tasks such as rice cultivation and livestock

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Baffling: New Twist in the Subic Rape Case May Renew RP-US Military Agreement

by Nina Somera

"I was shocked but not totally."

That was how Esperanza Santos described her initial reaction to the news of Nicole's "recantation." Santos has been actively convening Task Force Subic Rape, a group of feminists and gender advocates who supported Nicole even before the beginning of a landmark case that convicted an American soldier for rape for the first time.

In December 2006, the Philippine court found Lance Corporal Daniel Smith for raping a Filipina in Subic, Zambales during a rest and recreation period. However on 16 March 2009, Nicole's mother decided to terminate the services of Nicole's counsel, feminist lawyer Evalyn Ursua. Around that time,

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End Ban on Opposition Papers: Two Newspapers Shut Down Ahead of Elections

by Human Rights Watch

Malaysia's Home Ministry should immediately rescind its order suspending the publication of two opposition party newspapers, Human Rights Watch said today. Human Rights Watch also called for repeal of the 1984 Printing Presses and Publications Act.

On 23 March 2009, the Home Ministry notified the opposition party Parti Keadilan Rakyat (PKR) and its coalition partner Parti Islam Se-Malaysia (PAS) that they were prohibited from publishing their respective party newspapers, *Suara Keadilan* and *Harakah*, for three months. With three key by-elections scheduled for April 7, 2009, the ban will harm the parties' ability to inform and rally voters. Both parties plan to go ahead with the distribution of this week's publications, which are already in print.

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**LIFE IS MUCH EASIER
IF WE BURN OUR
BRAINS
AND KEEP OUR
BRAS**

Illustration by Bindia Thapar. From Laughing Matters by Kamla Bhasin and Biandia Thapar. New Delhi: Jagori, 2007

Food Sovereignty: Reinforcing the Right to Food

by Via Campesina

Editor's Note: This is the shortened statement was delivered by Henry Saragih, General Coordinator of La Via Campesina at the UN General Assembly on the Global Food Crisis and the Right to Food on 6 April 2009 in New York, United States. The full version is available in this URL: http://www.viacampesina.org/main_en/index.php?option=com_content&task=view&id=698&Itemid=40

...I follow carefully how UN Special Rapporteur has progressively shifted the focus of the food crisis from a development-centered model to a rights based concept: a global food crisis is a threat to the right to adequate food. It was thus a historic moment when Mr. Olivier De Schutter emphasised this in the UN Human Rights Council's session on the food crisis on May 22, 2008 [with a report] titled "Building Resilience: A human rights framework for World Food and Nutrition Security"...

In light of the Special Rapporteur's mandate and the work of the Advisory Committee, I would like to emphasise two points: First, efforts on institutionalising the right to food. The mandate of the right to food as a thematic mechanism has been of particular importance in setting the standard for all national member states of United Nations. The number of member states who have adopted this standard into their own national mechanisms has increased...

State obligation is instrumental in discussing the rights holder. At the national level, the rights holder is the citizen, including small farming households and rural agriculture workers... In a country where the right to food is institutionalised, the state carries the burden of protection in searching for policy options and developing the right...This, in the longer term, builds resilience and momentum.

Second, making the right to food work in international governance. Though it is not an easy and clear-cut situation, the result of the thematic mandate of the right to food, shifts the directions of the UN role on this issue. As we witness today, the right to food has been developing a set of standard which in turn has been adopted by many intergovernmental organisations as a policy option and legal framework. The significant issue for us today is how to build a responsive way of governing.

It is well recorded that peasants are discriminated regarding access to land, water, and natural resources...Moreover, discrimination could take place where justice systems favoured the literate, the collaterally and socially advantaged, and others. All these social structures often work against peasants...

The current food crisis shows us the widespread and systemic violations of the rights of peasants. Peasants suffer violent oppression as a daily experience: We are increasingly and violently expelled from our lands and alienated from our sources of livelihood. We cannot earn an income that allows us to live in dignity. We are increasingly prohibited from maintaining, preserving, exchanging and growing our own seeds, and our agricultural knowledge is therefore disappearing and we are being forced to buy seeds from transnational corporations (TNCs) in order to increase their profits.

Many peasants all over the world are being criminalised because they are fighting for their rights, especially for access to land and productive resources. In fact, there have been an increasing number of cases as large TNCs seek to control more land and impose industrial food and agrofuel production...

Therefore, a policy change regarding food and agriculture is fundamental to cope with the current crisis. As a matter of fact, we have enough food in the world, but the question is: who controls our food? People's access to healthy and adequate food is currently curtailed by TNCs' monopolistic power over the food system.

It is urgent that the Food and Agriculture Organisation (FAO), the UN and Member States adopt policies based on food sovereignty. We have deliberated the concept of food sovereignty in the World Food Summit in 1996...

Food sovereignty is the right of peoples to healthy and culturally-appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems...Food sovereignty prioritises local and national economies and markets, empowers peasant and family farmer-driven agriculture, artisan-style fishing, pastoralist-led grazing, and protects food production, distribution and consumption based on environmental, social and economic sustainability...It also means genuine agrarian reform through redistribution of land towards landless and peasants as well as access to other productive resources, access and control over seeds by peasants and small farmers, and the promotion of family-based sustainable agriculture.

*We have enough food in the world,
but the question is: who controls our food?
People's access to healthy and adequate
food is currently curtailed by TNCs'
monopolistic power over the food system.*

...The current battle of food and agriculture is not between the developed and developing countries, as is always echoed in the multilateral forum of the World Trade Organisation (WTO). Peasants, small farmers and small producers—from Europe and the US are also suffering from the food, climate, and financial crises. This is the battle of modes of production, as is mentioned by La Via Campesina. For example, we use minimal external inputs: we use local seeds preserved by people and our community in seed banks, we plant polycultures, we use compost, bokashi, or fertiliser made from cattle's manure, our agriculture is mostly labour-intensive (not capital-intensive), and produced for local communities and markets. We create this in our villages one by one in order to exemplify how food sovereignty comes into practice. These villages are found from the fishery village in northern shore of Java to Andean Mountain, from the fertile lands of Africa to Europe...

The human rights approach is necessary to provide for a holistic notion of food sovereignty.

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Pursuit of the Past: Afghanistan's New Law Allows Marital Rape

by Nina Somera

Days after the international condemnation on Afghanistan's new Shia Family Law, President Harmid Karzai ordered a review of the legislation. The Shia Family Law effectively allows marital rape and child marriage, a step back that is comparable to the Taliban regime. The law also grants men easier access to divorce and child custody.

The legislation had been pending until it re-emerged and passed in March. Critics describe the passage of the new Shia Family Law as tactical, Karzai's means to obtain the support of fundamentalist warlords. Some members of the parliament are likewise counting on such support for their political survival.

As Shinkai Karokhail, a woman member of the parliament explained, "It is about the votes. Karzai is in a hurry to appease the Shia because the elections are on the way. There are moderate views among the Shia but unfortunately our MPs, the people who draft the laws, rely on extremists."

Shia Muslims constitute 20 per cent of Afghanistan's population. Karzai is also unpopular in the country, having been seen as a puppet of the United States (US) and the occupation forces. He has also installed relatives in the government in a bid to consolidate his power. As Tariq Ali wrote in the *New Left Review*, "A quick-fix presidential contest organised at great expense by Western PR [public relation] firms in October 2004—just in time for the US elections—failed to bolster support for the puppet president inside the country."

In a response to the outrage expressed by US President Barack Obama, United Kingdom Prime Minister Gordon Brown, and Canada as well as the United Nations Development Fund for Women (UNIFEM) and the UN Office of the High Commissioner on Human Rights (OHCHR), Karzai surmised that the law may have been wrongly translated and interpreted by English-speaking leaders, media, and women's rights advocates.

But for Sonali Kolhatkar of Afghan Women's Mission thought otherwise, insisting that Karzai knew the contents of the law. In an interview with Al Jazeera, she said, "I doubt this law has been misunderstood. One of the representatives of Afghanistan's own independent human rights commission saw the full law and saw the president's signature on it."

OHCHR head Navi Pillay also asserted, "This is another clear indication that the human rights situation in Afghanistan is getting worse not better," Pillay said. "Respect for women's rights – and human rights in general – is of paramount importance to Afghanistan's future security and development. This law is a huge step in the wrong direction."

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Baffling...

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the media reported Nicole's "recantation." Worse, the *Philippine Daily Inquirer*, the most widely-read English broadsheet published a photo of Nicole and named her.

In a statement, Ursua narrated: "Nicole's mother personally handed me a letter...purportedly from Nicole. [The letter] serves as Nicole's notice of termination of my services as her counsel in the criminal case against Daniel Smith and all other cases arising from or related to it." Asked why Nicole did not hand her the letter personally, Nicole's mother revealed that her daughter left for the United States (US) a week before. Nicole's mother also sent Santos a text message when the latter inquired on Nicole's condition: "Really sorry. Thank you so much. There is no justice here in the Philippines."

In her new affidavit, Nicole expressed that she was indeed too intoxicated on the eve of 1 November 2005. She mentioned that she was attracted to Smith. She felt that she needed to disclose these afterthoughts as she has been bothered by the continuing stay of Smith at the US embassy in Manila.

It is however important to note that nowhere in the affidavit nor in the statements of Nicole's mother was there a denial of the rape incident. Contrary to the reports of mainstream media, the affidavit was not a recantation.

Dubious Document

Nicole's supporters remain suspicious of the affidavit. Ursua earlier mentioned that the language of affidavit was too articulate for her former client. Moreover, it was consistent with the storyline of the defense. "She has reached a level of maturity and empowerment. The affidavit was quite unlike her," Santos shared.

The affidavit was also signed in the law offices of Sycip Salazar Hernandez and Gatmaitan, where lead defense lawyer Jose Justiniano is based. Justiniano, himself filed the affidavit at the Court of Appeals, a move that is ethically questioned in legal circles.

"Why only now, after she testified which was like being raped for the second time?" Santos lamented, recalling that during the grueling trial Nicole had an unwavering spirit, unlike her mother, "who wanted to give up." In her interviews with the media,

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Nicole's mother insisted that the new affidavit was a decision of Nicole and the family. But she also admitted having received P100,000 as part of the legal compensation. "It would be a waste if I just let that money go," she remarked. Santos surmised that the "softer stance" of Nicole's mother can be attributed to the family's familiarity with military personnel including visiting US soldiers. The family maintained an eatery inside Camp Navarro, which also hosts the US soldiers in the Philippines.

Dangerous Diplomacy

Timing has made the release of the new affidavit even more suspicious. With the conviction of Smith, several lawmakers have been contemplating of abrogating the Philippine-US Visiting Forces Agreement (VFA), which allows the US to conduct military exercises in the country. The VFA has likewise been criticised with the reports of the participation of American soldiers in actual military operations especially in conflict-prone Mindanao.

The affidavit came just days after the phone conversation between Philippine president and Bush administration ally Gloria Macapagal-Arroyo and US President Barack Obama.

The affidavit also serves to bolster the recent Supreme Court decision that upheld the constitutionality of the VFA, even as it found the current VFA onerous. However, critics pointed out that since most of the justices at the Supreme Court are appointees of Arroyo, the decision should not be a surprise.

Santos further argued that even before the start of the hearing, the government was determined to lose the case. Ursua was denied the opportunity to cross-examine Smith. Instead the government lawyers in the prosecution tapped an amateur lawyer for this crucial task. The latter also declined to perform a rebuttal.

"The bigger blame should be on the government. Imagine the Justice Secretary berating Nicole. They really wanted to lose the case that's why the prosecution was not united," she asserted. Nicole's camp was also offered settlement deals even before the conviction. Just a few weeks after his conviction, Smith was whisked off from a local jail to the US embassy with the blessings of the Arroyo.

Indiscrete Disclosure

Another development that baffled the individuals and organisations who are supportive of Nicole and the Task Force Subic Rape Case was the *Philippine Daily Inquirer's* publication of her photographs and real name. Under Philippine laws, the identities of rape survivors may not be made public, so as to protect their privacy and help them move on. For its part, the most-widely read English broadsheet defended its action, "The *Inquirer* had earlier consulted with its lawyer as well as with a former chief justice, who both said it was all right to use Nicole's real name." The *Inquirer* counts among its columnist two retired Supreme Court justices.

But Santos read the action differently: "The *Inquirer* feels betrayed. For them, they helped in this case by covering the trial and appreciated the side of Nicole. But by revealing Nicole's face

and name, it is as though they are showing the public that this is the woman who betrayed us."

She also railed at the newspaper and other mainstream media which described the affidavit a recantation. "The problem is they want everything to be spoon-fed. They do not read and analyse carefully." Asked where they could have gotten a press release on a "recantation," she could only think of the defense.

"How come it is so easy to believe that Nicole lied? For most people, Nicole is still a loose woman who is punished for drinking. Yet boys are never questioned when they stay late at night and drink alcoholic beverages. The public also has a typical idea of rape. It could not appreciate that what happened was a rape show, that was why Smith's fellow soldiers were cheering him on," Santos added.

Moving Forward

The Task Force Subic Rape has no plans of disbanding. Instead, it is mobilising towards putting an end to the VFA.

Ursua further asserted, "The Nicole and the other lawyers represented is beyond the woman that Nicole and her family thought she is. Nicole is every Filipino woman who was and will be raped by American soldiers."

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AMARC condemns the attack on Community Radio Mukti in Nepal

by the World Association of Community Broadcasters (AMARC)

Amidst growing level of attacks against free media and freedom of expression in Nepal and just within days of attack on community radio Mahakali, yet another community radio station, Radio Mukti, run by a women's group and located in the central region town of Butwal has been vandalised by a group of students from the Butwal Multiple Campus on the night of 21 March 2009.

According to Ms. Kabita Sharma, Station Manager of Radio Mukti, "the students attacked the radio station approximately around 11 pm over a news broadcast on postponement of counting of votes of Free Student Union election in the campus. Windowpanes were smashed and a vehicle was damaged by the assailants. No one was present at the station at the time of attack."

"I received several threatening phone calls on Friday, March 20th from Bimal Giri, identifying himself as deputy president of All Nepal National Independent Student Union (ANISU-Revolutionary), the student wing of the United Communist Party of Nepal (Maoist). I urged him to stop threatening me and my colleagues over the phone and invited him to the station for a discussion. I informed him of my willingness to have an on the air debate, if he wanted one, but he declined. He spoke very rudely and threatened me of rape and death," said Sharma. The same day, a top level Maoist leader Bam Dev Chhetri had condemned Radio Mukti and several other media outlets in a public rally in the same district. He had accused radio Mukti and the others of working against the ANISU-R and the Maoist party.

"Despite the continuing threats and an atmosphere of fear, the station has not stopped broadcasting; it will continue to serve the community," said Sharma speaking over the phone from her station.

Raghu Mainali of AMARC Asia Pacific has condemned the attack on Radio Mukti. "It is highly unacceptable that

a community radio station is attacked and the staff threatened. This demonstrates further that the level of tolerance of the Maoists - the leading party of the ruling coalition, towards freedom of expression is non-existent. All individuals and institutions supporting human rights and communication rights must come together in condemning this attack," he has said.

In his message, the President of AMARC Asia Pacific, Ashish Sen has expressed shock and deep concern over the incident. "The international community and supporters of freedom of expression are highly concerned by the attacks on the free media in Nepal. The attack on Community Radio Mukti must be condemned in the strongest way possible. I call upon the free society of the world to extend their support to radio Mukti and all community radios of Nepal as well as the free media of that country at this perilous hour of crisis and concern."

Radio Mukti started test broadcasting on 3 October 2008 while its regular transmission began on 24 December 2008. The station is managed by an NGO run by women that aims to achieve equality for women through media currently broadcasts 18 hours a day.

End Ban...

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No official reason accompanied the ministry's action, although in later reports, the Home Ministry officials said the papers were banned for publishing reports that contravened the ministry's guidelines and permit conditions. Home Minister Datuk Sri Syed Hamid Albar said that the newspapers "were still publishing untrue stories after they were given warnings." He also said that the stories aimed to "instill hatred for the government and leaders."

"The government may argue it is banning party papers over concern for citizens' welfare, but this is unfair political warfare in disguise," said Elaine Pearson, deputy Asia director at Human Rights Watch. "Malaysia's citizens deserve better from their elected leaders."

"The government may argue it is banning party papers over concern for citizens' welfare, but this is unfair political warfare in disguise," said Elaine Pearson, deputy Asia director at Human Rights Watch. "Malaysia's citizens deserve better from their elected leaders."

Despite constitutional guarantees to freedom of expression, the draconian Printing Presses and Publications Act effectively silences criticism of the Malaysian government by requiring newspapers to renew publishing licenses annually. According to the law, the minister's discretion to grant, revoke, or suspend licenses is "absolute" and not subject to judicial review.

Suara Keadilan has faced government interference since it received its first printing permit less than a year ago, eight years after its initial application. In September 2008, the Home Ministry instructed PKR to "show cause" why its publication license should not be suspended after it reported incorrectly that Inspector-General of Police Tan Sri Musa Hassan became paralyzed after heart surgery. In February 2009, the government attempted to limit circulation by confiscating thousands of copies from distributors and warning them against selling the newspaper. It is unclear if *Suara Keadilan* circulation is limited to PKR party members.

On February 11, the authorities seized copies of Harakah, in print for 22 years without suspension. On February 26, PAS received a letter from the Home Ministry that it was in violation of its permit in part because Harakah reported on non-party matters.

"Much of Malaysia's mainstream media, with ties to Malaysia's ruling coalition, rarely run into trouble," said Pearson. "But online journals and other 'new media' that are critical of the government are easy targets for censorship."

Human Rights Watch also expressed concern with the refusal of the United Malays National Organisation (UMNO), the dominant party in the ruling coalition, to grant six members of the "new media," including Malaysiakini and the Malaysian Insider, access to its annual meeting on March 24-28, 2009. An UMNO official

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Degrees of Destruction...

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raising and geographic areas, women's contribution may rise up to 90 per cent. "As the providers of basic foods, fuel and water for their families, women have an important stake in the preservation of the environment and in combating environmental degradation," Karl asserted.

Given the disproportionate impact of climate change, an increasing number of feminists and activists is considering the paradigm of climate justice, which emphasises the accountability of entities who produced most carbon emissions in cleaning up the earth.

As Lidy Nacpil of Jubilee South explained, "People who have caused much of a problem must also have a bigger stake in solving such problem. In terms of climate change, the United States must take most of the responsibilities since they produce 30 to 40 per cent of the world's carbon emissions."

Nacpil also criticised the US' pronouncements that they will only act when China and other countries will significantly reduce their carbon emissions. "They should not black mail us. They know very well that developing countries do not have the capacity to significantly and immediately cut their carbon emissions."

She likewise railed at the idea of carbon trading, where developed nations are buying the excess capacity of the developing nations' assigned amount units (AAUs) or ceiling for carbon emissions. "Carbon trading is merely paying for your right to pollute," she remarked.

Nacpil were among the guests in the forum, "Disasters and Climate Change: Women More At Risk," held on 11 March 2009, was organised by the Sarilaya and the National Coalition of Rural Women (PKKK), World March of Women and the CBDRM Training and Learning Circle Project of the centre for Disaster Management. Meanwhile, Karl's paper will soon be available in the upcoming issue of Women in Action (WIA) on *Women and the Food Crisis in the Global South*.

Food Sovereignty...

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A human rights approach will help us identify the socio-economic and cultural problems of the people—those who are most vulnerable. WTO negotiations should not violate peoples rights!

...International food reserves have to be built up as well as intervention mechanisms to stabilise prices on the international markets at a reasonable level. Exporting countries have to accept international rules that control the quantities they can bring to the market. Furthermore, countries should have the freedom to control imports in order to protect domestic food production. The influence of TNCs has to be limited and the international trade in staple foods has to be brought to a necessary minimum level. As much as possible domestic production should fulfill internal demand. This is the only way to protect peasants, small producers and consumers against the current sudden price fluctuations that result from the international market.

We need radical actions and fundamental solutions. If we are to combat the food crisis, those actions and solutions must be based on human rights, and therefore, the rights of peasants. I want to reassure that we are in this together.

Globalise the hope, globalise the struggle!

End Ban...

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cited their "unfriendly" reporting as the reason. The meeting is of particular importance this year as UMNO will be choosing a new leader. With the current leader, Prime Minister Abdullah Badawi, stepping down, the new UMNO leader will fulfill his unexpired term, which has another four years to run.

On 12 September 2008, in still another attack on a free press, police arrested Raja Petra Kamarudin, founder and editor of *Malaysia Today*, under the Internal Security Act, which allows for indefinite preventive detention without charge or trial. He was accused of demeaning Islam. Although released on technical grounds, the government is appealing the decision. In a separate case, Raja Petra is on trial for sedition on the politically motivated charge of defaming a government leader. "The Malaysian government needs to allow all voices to be heard," said Pearson. "Freedom of speech is a touchstone of a true democracy."

We! is the newsletter of Isis International, an international NGO servicing women's information and communication needs within and beyond Asia and the Pacific region. We! provides the latest information on the issues, campaigns, conferences, training opportunities, funding possibilities and other goings-on in the women's movement. It also provides updates on national, regional and international events organised by NGOs, government bodies and multilateral agencies that impact women.

We! comes out in both electronic and print editions. The electronic edition is circulated every two weeks, and the print version as special editions. In consideration of the limitations of print space and time-bound nature of some of the materials, not all articles and postings in the electronic version will be included in the monthly version. Isis International encourages feedback and looks forward to receiving information about your activities, issues and campaigns. Archives of we! may be viewed at <http://www.isisinternational.org>

Isis is located at 3 Marunong Street, Central District, Quezon City Philippines 1100, with tel. no. +63 2 928-1956 and fax no. +63 2 924-1065. Send communications to communications@isiswomen.org