

# Targeting Small Arms

One million people have been killed by small arms since the last UN conference on the issue in 2001. While the death toll rises, governments have failed to take concerted action to combat the problem. In pursuit of the 'war on terror', some arms producers now supply arms to allies with poor human rights records. It is time states took effective control of small arms from the factory door to the arms affected community. They should back the call for the Arms Trade Treaty and fulfill their duty to protect their citizens.

## Summary

Since the UN Conference on Small Arms and Light Weapons met in July 2001, around one million people have lost their lives in incidents involving these weapons. In the same period, there have also been some positive developments, including the end to three civil wars and the collection and destruction of guns in a number of countries. However, each hard-won gain is threatened by renewed supplies of arms, and new fronts are opening up in the struggle against the destructive consequences of gun proliferation.

In the aftermath of 11<sup>th</sup> September 2001, countries have relaxed their export policies and are increasingly equipping countries deemed friends in the 'war on terror', regardless of the human rights record of the end-users. The rules on supply are being bent precisely when it is more vital than ever to uphold the principles of international law.

The international community must take concerted action now to tackle the proliferation of small arms. Not only would such action save lives and improve the daily existence of millions, it would also demonstrate that nations retain faith in the ability of multilateral bodies to act vigorously in the interests of ordinary people, particularly the poorest men, women, and children around the world. Vigorous action would include a commitment to affirming the relevance of human rights and humanitarian law for arms transfers: in short, beginning the process to adopt the Arms Trade Treaty (ATT) by 2006. The ATT places an explicit obligation on arms suppliers to assess transfers under international law.

Responsible control of small arms and development go hand-in-hand. If the international community is serious about achieving its Millennium Development Goals, it must not allow progress to be held hostage by the gun. Much can be done to rescue development from this threat, but action cannot be confined to arms-affected communities struggling to meet their basic needs: it must go all the way to the decisions made by arms producers and those who act as conduits for small arms.

States must make commitments about their role as suppliers of arms to others, and fulfil their duty to protect their citizens in accordance with international law. The UN Programme of Action must be elaborated, and key issues must be reinstated that were effectively dropped from the agenda two years ago, such as international commitments on brokering controls and marking and tracing.

States should adopt a strategic approach to the threat from small arms by taking action on four levels:

- **International: no more arms for atrocities**

Governments should sign up to an international instrument for arms transfers, including small arms and light weapons, based on human rights and international humanitarian law – with the goal of an Arms Trade Treaty being adopted by the UN by 2006.

- **Regional: building-blocks to an international agreement**

Governments should develop and strengthen regional-level arms control agreements, including principles of human rights and international humanitarian law.

- **National: protecting people**

Governments should improve state capacity and their own accountability to control arms transfers, and protect citizens from arbitrary and indiscriminate armed violence in line with international laws and standards.

- **Community: empowering local action**

Civil society and local government agencies need to take effective action to improve safety at community level by reducing the local availability and demand for arms.

If governments are willing to engage productively with others on all these levels, by the time they return in 2006 to the UN Small Arms Review Conference, they should be able to report that they have turned the tide on small arms proliferation. If action remains scattered across the globe, with no coordinated and comprehensive steps taken to address the source of the supply and the root causes of why people possess arms in insecure environments, it is more than likely that the death toll will continue to rise and small arms will continue to proliferate. This is not an acceptable outcome. Governments must act together now to secure a safer future for us all.

## Small arms – a worsening crisis

Since the UN Conference on Small Arms and Light Weapons met in July 2001, around one million people have lost their lives in incidents involving these weapons.<sup>1</sup> Conflicts have been fought in Iraq and Afghanistan, leaving both countries in a state of insecurity fuelled by the widespread availability of guns. Fifteen civil wars, fought largely with small arms and light weapons, grind on in thirteen countries, including the Democratic Republic of the Congo, Colombia, and Indonesia.

Oxfam International works with communities living in all of these conflict zones, providing humanitarian and development assistance. Too often aid has been suspended due to armed violence, and we have seen development gains lost as the livelihoods of men and women are ruined by conflict.

What has been done to stop this carnage and rebuild shattered lives? There have been some positive developments in the same period, ranging from support for peace processes in Sierra Leone, Angola, and Sri Lanka, hopefully signalling the end to these long-standing conflicts; to the collection and destruction of guns in countries such as Kenya, Cambodia, and Brazil, demonstrating that action can be taken to put arms permanently out of circulation. However, each hard-won gain is threatened by new supplies of small arms, and new fronts are opening up in the struggle against the destructive consequences of gun proliferation.

‘Yesterday’s ally of convenience can become today’s enemy. Future generations must not have cause to regret equipment supplied today to allies in the war against terror.’

Report of the UK Parliamentary Quadripartite Select Committee, May 2003<sup>2</sup>

The aftermath of the attacks of 11<sup>th</sup> September 2001 has brought a shift in the export policies of some arms producers, who will now equip countries deemed friends in the ‘war on terror’ regardless of the human rights record of the end-users. The US administration has stated that it will work with any government willing to help in the fight against terrorism, and in the year following September 11<sup>th</sup>, it requested nearly \$3.8bn in security assistance and related aid for 67 countries allegedly linked in some way to this struggle. Yet half of these countries were identified in the State Department’s own 2000 human rights report as having a ‘poor’ human rights record or worse.<sup>3</sup> These decisions add greatly to the risk that these weapons

will be misused, resulting in even more lives being lost. The rules are being bent precisely when it is more vital than ever to uphold the principles of international law.

Against this background, the deep rifts in the international community opened up by the Iraq crisis have created a difficult environment. There is a danger that confidence will be lost in multilateral solutions to world problems unless strong voices reaffirm their relevance and seek to make them work effectively.

Faced with this harsher, more polarized political environment, it is vital that the international community takes concerted action now to tackle the proliferation of small arms. Not only would such action save lives and improve the daily existence of millions, it would also demonstrate that nations retain faith in the ability of multilateral bodies to act vigorously in the interests of ordinary people, particularly the poorest men, women, and children around the world. Vigorous action would include a commitment to affirming the relevance of human rights and humanitarian law for arms transfers: in short, adopting the Arms Trade Treaty by 2006.

## What is the Arms Trade Treaty?

The treaty draws on existing international law and practice and applies these principles explicitly to arms transfers.<sup>4</sup> It represents a minimum standard below which no country should go when assessing the desirability of an arms transfer. There are four main articles:

**Article 1 Principle:** all international arms transfers should be authorised by the issuing of licences.

**Article 2 Express limitations :** governments have a responsibility to ensure that transfers do not directly violate their obligations under international law, including transfers of certain types of weapons incapable of distinguishing between combatants and civilians or which cause superfluous injury or unnecessary suffering, and observance of UN embargoes.

**Article 3 Limitations based on anticipated use:** governments have a responsibility to ensure that the weapons they transfer are not used illegally. The transfer must not go ahead if the supplier has knowledge or ought reasonably to have knowledge that the arms in question are likely to be used for

- a. serious violations of human rights or international humanitarian law, genocide, crimes against humanity;

- b. breaches of the UN Charter or corresponding rules of customary international law, in particular those on the prohibition of the use or the threat of the use of force in international relations; or
- c. be diverted and used to commit any of the above.

**Article 4 Other issues to take into account:** governments have a responsibility not to transfer arms if there are reasonable grounds that the transfer would

- a. be used for or to facilitate the commission of violent crimes;
- b. adversely affect political stability or regional security;
- c. adversely affect sustainable development; or
- d. be diverted and used to commit any of the above.

Most countries have ratified the international laws on which the Arms Trade Treaty is based, such as the UN Charter and the Geneva Conventions. If they are not willing to sign up to this standard, this begs the question 'why?' If a country pays more than lip-service to human rights and humanitarian law, it should have no difficulty with making this commitment explicit.

## The development dimension

Responsible control of small arms and development go hand-in-hand. Without security from armed violence, sustainable development is impossible; without sustainable development, worsening poverty and inequity – which are among the underlying causes of many conflicts – will add to the environment in which armed violence thrives.



Peter Rashid, Sierra Leone:

'Guns are not made for animals in the bush. Rocket launchers are not made for animals in the bush. So if the world powers could spend this money on turning the desert into agricultural fields to provide food, I think it would be better! Let them provide this food and bring it to the poor countries for us to buy and for us to live, rather than making rocket launchers, AK47s, M16s, etc., etc., for what? You are making them to kill who? To kill me and you! So I am very adamantly opposed to that.'

Photo: Crispin Hughes

The UN Conference on Small Arms has only begun to grasp the implications of its work for social and economic development. Much more needs to be done to ensure that action taken on small arms underpins the achievement of major development commitments.<sup>5</sup> The year before agreeing the Programme of Action (PoA), member states of the UN pledged themselves to achieve eight Millennium Development Goals (MDGs) by 2015.<sup>6</sup> These include targets on the eradication of extreme poverty and hunger, universal primary education, child and maternal health, HIV and other disease reduction, and gender equality. The extremes of hunger and poverty, the children with the least access to education and the worst mortality rates, the most dire maternal health, breakdowns in inoculation programmes and HIV education, and high incidences of gender-based violence are all found in environments where there is the greatest proliferation and abuse of small arms.

'My body has become sad. I have no happiness.' DRC, a 35 year-old woman raped by soldiers<sup>7</sup>

The UNDP's *Human Development Report 2002* notes that 'seven out of the ten countries with the lowest human development indices have recently suffered major civil wars'.<sup>8</sup> The connection between conflict and these indices is not coincidental. Armed conflicts tend to destroy the opportunities for both individuals and societies to overcome poverty. The availability of small arms plays a major role in fuelling these conflicts and multiplying violence.<sup>9</sup> Civil conflict and social violence fuelled by small arms also worsens the disparity between rich and poor within countries, putting at risk the development of whole sectors of the population.

#### **Colombia: health provision in Medellín**

Although Medellín is a city with high-quality health services, many of them are private and expensive. The population in the zones most affected by violence (the northwest and northeast zones) ... only use public health services because private services are too expensive for them. These public services are buckling under the extra burden of small-arms injuries, as well as having to deal with the security implications of functioning in a zone of violence.

A health expert told us, *'We are unable to respond to the situation. We are facing a snowball effect. And I'm not talking only about the hospital units. I'm talking about Medellín, which is not prepared for a conflict like this, which every day is more similar to the rural conflict: more clashes between guerrillas and paramilitaries who are fighting for the political and territorial control of the city with an increasing use of long range weapons. This is very troubling.'*<sup>10</sup>

If the international community is serious about achieving its Millennium Development Goals, it must not allow progress to be held hostage by the gun. Much can be done to rescue development from this threat, but action cannot be confined to arms-affected communities struggling to meet their basic needs, it must go all the way to the decisions taken by arms producers and those who act as transit points for small arms.

#### **Transit of arms: a Dutch Example**

To comply with the European Code of Conduct on Arms Export the Netherlands prevents the export of equipment which might be used for internal repression or international aggression, or contribute to regional instability. However, these principles are not extended to the Dutch arms transit policy.

It is estimated that tons of legal and illegal arms and other strategic goods are transported through the national airport of Schiphol and the port of Rotterdam. The Netherlands does not have a grip on, or an overview of this trade. For example, only three percent of 20,000 containers that are processed daily in the port of Rotterdam are scanned.

On 16 May 2002, a Dutch court in The Hague heard a summary proceedings filed by twenty-one civil society organizations including Novib (Oxfam Netherlands), to ban all export and transit of military goods to Israel. The Dutch government had so far refused to comply with the demands.

## **Programme of Action two years on**

The Programme of Action (PoA) agreed in 2001 was the international community's first attempt to find a joint solution to the problem of small arms proliferation. The range of work reported under the PoA is geographically widespread and diverse, showing that the problem of small arms is now internationally recognized, and appropriate counter measures are being developed, mainly at a national level.

### **Highlights from the PoA: work since 2001**

#### **The Horn of Africa, East and Central Africa**

- Establishment of national focal points in Uganda, Kenya, and Tanzania. Tanzania has also developed a national plan, and Kenya has begun work on a plan.
- Disarmament, demobilization, and rehabilitation processes (DDR) are underway with donor support in Ethiopia, Eritrea, and Republic of Congo.
- Several thousand child soldiers are taking part in demobilization processes in Sudan and Democratic Republic of the Congo.

### **Southern Africa**

- The Mozambique government and South African Police officers worked together on the sixth phase of Operation Rachel in eight provinces of Mozambique, collecting and destroying several thousand firearms and over a million rounds of ammunition.

### **West Africa**

- Economic Community of West African States (ECOWAS) moratorium on the import, export, and manufacture of small arms and light weapons was extended in 2001 for another three years.
- Public-awareness events in Togo, Senegal, Mali, and Sierra Leone.
- DDR of 48,000 ex-combatants in Sierra Leone included the collection of more than 25,000 weapons.

### **Europe**

- Formulation of stricter legislation governing small-arms possession in Belarus, Bulgaria, Bosnia, Belgium, and Germany.
- New export controls in Slovakia, Czech Republic, and United Kingdom.
- EU common position on brokering. Many EU countries are in the process of introducing brokering controls (Finland, UK, Belgium, France).
- NATO troops in KFOR and the UN administration (UNMIK) have undertaken a programme of weapons collection in Kosovo, gathering significant quantities of small arms and light weapons.
- Other weapons collection programmes have taken place in Albania, Macedonia, Bosnia and Herzegovina, and Serbia.

### **Middle East**

- Yemen has banned civilians from carrying guns on all city streets.

### **South Asia**

- A 15-day amnesty was held in Sri Lanka in January 2002 to encourage the surrender of unauthorised weapons.
- Bangladesh has introduced tighter controls on firearms possession.
- Pakistan has introduced a seven-point plan to deal with illegal weapons.

### **East Asia**

- Cambodia, the Philippines, and Papua New Guinea have all held public ceremonies to destroy small arms.
- The Pacific Island Forum has established the Honiara Initiatives and Nadi Framework for regional cooperation.

### **The Americas**

- Rio de Janeiro State Assembly passed a new law on the sale of small arms to civilians.
- USA and Mexico have agreed stronger export controls under Organisation of American States Convention.
- Canada has implemented stricter legislation on possession of small arms and is reviewing its export controls.

While providing a basis from which to begin the search for solutions, the PoA must not become a resting place. The individual initiatives developed under it have value, but they should not replace a more ambitious strategic intervention by world governments.

In the PoA, states committed themselves to the belief that 'Governments bear the primary responsibility for preventing, combating and eradicating the illicit trade in small arms and light weapons in all its aspects and accordingly, should intensify their efforts to define the problems associated with such trade and find ways of resolving them' (1.13). So far, while some governments have held seminars and conferences to explore different aspects of the problem, we have yet to see real gains from intensified efforts.

To have any impact on the global problem of weapons proliferation, the international community must adopt measures that tackle the problem from the factory door to the arms-affected community. This will involve all states making commitments about their role as suppliers of arms to others and fulfilling their duty to protect their citizens in accordance with international law. The programme must be elaborated, and key issues that were effectively dropped off the agenda two years ago, such as international commitments on brokering controls and marking and tracing, must be reinstated.

## Case study: building government capacity to protect citizens in Kenya

Kenya: Turkana herdsman cleans his rifle  
Adrian Arbib/Oxfam



Oxfam GB has worked extensively with communities in northern Kenya for many years, and has recently undertaken research to understand the impact of small arms on its programme. This experience has led to the conclusion that community-based

initiatives on conflict reduction must be backed by increased government capacity to protect citizens, as well as regional and international action on the issue.

The problem of small arms in Kenya is most acute in the pastoralist regions of the north, where political and economic marginalisation, inadequate state presence, precarious livelihoods, and proximity to war-ravaged countries have all provided fertile ground for the spread of weapons. Communities acquire guns to protect themselves and their property from internal and external neighbours.

The region is awash with military semi-automatic rifles such as AK-47s, G-3s, M-16s, and Uzis, militarising conflicts over livestock and pasture, increasing the lethality of clan and ethnic fissures and leading to rural banditry and criminality. In this situation, weapons collection and durable disarmament have little chance of succeeding until there are viable alternatives for the protection of civilians and livelihood options.

A comprehensive, inclusive, and participatory process of security-sector reform is critical. The state's capacity to protect its citizens must be built; immediate measures should include:

- community-led policing, where communities are consulted on the nature and quality of policing and security in their areas with oversight of existing structures;
- a review of existing local security structures such as the police reservists and other militia in order to assess their appropriateness, effectiveness, and degree of accountability;
- most critically, better remuneration and benefits for the police and other security forces, along with training and increased civilian oversight, to reduce corruption and increase professionalism.

## Manifesto for action

States should adopt a strategic approach to the threat from small arms by taking action on four levels:

- **International: no more arms for atrocities**

‘What would actually happen if we did that [refuse to sell parts] is not that the parts wouldn't be supplied, is that you would find every other defence industry in the world rushing in to take the place that we have vacated’<sup>11</sup>

Tony Blair, British Prime Minister, July 2002, on parts for aircraft destined for Israel.

‘India has scrapped the blacklist of countries it does not export weapons to, hoping to boost arms sales and subsidise domestic orders ... “We have started a drive to find export markets to achieve economies of scale for indigenous armament industry,” Mr Fernandes [Minister of Defence of India] said.’ October 2002<sup>12</sup>

Governments are under political and economic pressure to put profit before principles. Resisting this pressure is made more difficult by the fact that the principles that should be applied to arms transfers are found across a wide body of human rights and humanitarian law. Governments should sign up to an international instrument for arms transfers, including small arms and light weapons, based on human rights and international humanitarian law – with the goal of an Arms Trade Treaty being adopted by the UN by 2006.

- **Regional: building-blocks to an international agreement**

‘As the security of states worsens, the proliferation of small arms flourishes and as the arms proliferation flourishes the conflicts expand across boundaries. The impact of arms proliferation therefore transcends political boundaries.

It is against this background that the ECOWAS Moratorium needs to be sustained by governments, civil society organisations and all other stakeholders.’

Extract from statement by Mr Alfred Fawundu, UNDP Resident Representative, Ghana<sup>13</sup>

Governments should develop and strengthen regional-level arms control agreements, including principles of human rights and international humanitarian law. For example, regional agreements such as the ECOWAS moratorium and EU Code of Conduct, should explicitly recognize states’ responsibility under international law.

- **National: protecting people**

'If traders are selling the rebels these weapons they also have responsibility for the bullets that were fired and put me in this hospital.'

Bacary Biaye, in his twenties, who was shot and lost the use of his legs, Casamance, Senegal, 2000<sup>14</sup>

In many countries, one of the underlying factors contributing to gun proliferation is the failure by the state to protect its citizens, either through lack of capacity, repression, or corruption. In order to persuade citizens to give up their reliance on arms voluntarily and to rebuild the concept of security at community-level without civilians being armed, governments need to work to reduce conflict, improve state capacity and their own accountability to control transfers, and protect citizens from arbitrary or indiscriminate armed violence in line with international law.

- **Community: empowering local action**

**Cambodia**

'The Peace causes the Development' – Banner seen in the crowd at Cambodia's Flame of Peace, 2003

'A small survey done in Snuol where most of the weapons had been collected indicated that for many people "improved peace and security" was sufficient for them to feel they had done the correct thing in surrendering their weapons. While water wells were appreciated, the improved security was appreciated more.'<sup>15</sup>

The worst effects of the proliferation of small arms are experienced by ordinary men and women attempting to go about their daily lives. Civil society and local government agencies need to take effective action to improve safety at community level, by reducing the local availability of and demand for arms. To be sustainable, action on arms at the local level must be owned by the community. Even if the initiative originally comes from outside, the purpose and benefits must be understood by all those participating in the action, otherwise people will simply replace the surrendered weapons with new ones.

If governments are willing to engage productively with others on all these levels, by the time they return in 2006 to the UN Small Arms Review Conference, they should be able to report that they have turned the tide on small-arms proliferation. If, however, action remains scattered across the globe, with no steps taken to address the source of the supply and the root causes of why people possess arms in insecure environments, it is more than likely that the death toll will continue to rise, and small arms continue to proliferate. This is

not an acceptable outcome. Governments must act together now to secure a safer future for us all.

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For further information please email [advocacy@oxfaminternational.org](mailto:advocacy@oxfaminternational.org)

## Notes

<sup>1</sup> Based on the 'conservative estimate' in *Small Arms Survey 2001* that half a million people are killed each year by small arms. (*Small Arms Survey 2001*, Oxford: Oxford University Press p. 197).

<sup>2</sup> House of Commons (2003) 'Strategic Export Controls: Annual Report for 2001, Licensing Policy and Parliamentary Scrutiny', 20 May 2003.

<sup>3</sup> Federation of American Scientists (2002) 'Sweeping Military Aid Under the Anti-Terrorism Rug: Security Assistance Post September 11<sup>th</sup>', *Arms Sales Monitor*, No. 48 , <http://fas.org/asmp/library/asm/asm48.html>

<sup>4</sup> For more information about the treaty, go to <http://www.armslaw.org>

<sup>5</sup> In the preamble to the PoA, states recognized that 'the international community has a duty to deal with this issue, and acknowledging that the challenge posed by the illicit trade in small arms and light weapons in all its aspects is multi-faceted and involves, inter alia, security, conflict prevention and resolution, crime prevention, humanitarian, health and development dimensions' (1.15). The PoA can be accessed through [www.iansa.org](http://www.iansa.org)

<sup>6</sup> Eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV/AIDS, malaria, and other diseases; ensure environmental sustainability; develop a global partnership for development. See [www.un.org](http://www.un.org) for more details.

<sup>7</sup> Human Rights Watch (2002) 'The War within the War: Sexual Violence against Women and Girls in Eastern Congo', New York, NY: Human Rights Watch.

<sup>8</sup> UNDP, Human Development Report 2002, p. 16. See <http://hdr.undp.org/>

<sup>9</sup> Oxfam International (2001) 'The Human Cost of Small Arms', briefing paper.

<sup>10</sup> Oxfam (2003) 'The Impact of Small Arms on Health, Human Rights and Development in Medellín: a case study', research paper, January 2003, p. 20–21.

<sup>11</sup> Prime Minister's Press Conference, 10 Downing Street, 25 July 2002, see [www.number-10.gov.uk/output/Page3000.asp](http://www.number-10.gov.uk/output/Page3000.asp)

<sup>12</sup> Accessed from <http://news.bbc.co.uk/1/hi/business/2367431.stm>

<sup>13</sup> Civil Society Consultation on the ECOWAS Moratorium: 'Beyond the UN 2001 Conference', Rapporteur's Report, accessed from [www.ecowas.int/](http://www.ecowas.int/)

<sup>14</sup> Interview, Oxfam field trip, November 2000

<sup>15</sup> Extract from presentation 'Lessons learned from development-oriented SALW programmes: Reflections on experience in Cambodia' given by David de Beer on 14 April 2003 at the Wilton Park Conference 'Integrating Small Arms and Light Weapons into Development Programmes'.

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**Oxfam International Advocacy Office**, 1112 16th St., NW, Ste. 600, Washington, DC 20036 Tel: 1.202.496.1170, E-mail: [advocacy@oxfaminternational.org](mailto:advocacy@oxfaminternational.org), [www.oxfam.org](http://www.oxfam.org)

**Oxfam International Office in Brussels**, 22 rue de Commerce, 1000 Brussels  
Tel: 322.502.0391

**Oxfam International Office in Geneva**, 15 rue des Savoises, 1205 Geneva  
Tel: 41.22.321.2371

**Oxfam International Office in New York**, 355 Lexington Avenue, 3rd Floor, New York, NY 10017 Tel: 1.212.687.2091

#### **Oxfam Germany**

Greifswalder Str. 33a  
10405 Berlin, Germany  
Tel: 49.30.428.50621  
E-mail: [info@oxfam.de](mailto:info@oxfam.de)  
[www.oxfam.de](http://www.oxfam.de)

#### **Oxfam-in-Belgium**

Rue des Quatre Vents 60  
1080 Bruxelles, Belgium  
Tel: 32.2.501.6700  
E-mail: [oxfamsol@oxfamsol.be](mailto:oxfamsol@oxfamsol.be)  
[www.oxfamsol.be](http://www.oxfamsol.be)

#### **Oxfam Community Aid Abroad**

National & Victorian Offices  
156 George St. (Corner Webb Street)  
Fitzroy, Victoria, Australia 3065  
Tel: 61.3.9289.9444  
E-mail: [enquire@caa.org.au](mailto:enquire@caa.org.au)  
[www.caa.org.au](http://www.caa.org.au)

#### **Oxfam GB**

274 Banbury Road, Oxford  
England OX2 7DZ  
Tel: 44.1865.311.311  
E-mail: [oxfam@oxfam.org.uk](mailto:oxfam@oxfam.org.uk)  
[www.oxfam.org.uk](http://www.oxfam.org.uk)

#### **Oxfam New Zealand**

Level 1, 62 Aitken Terrace  
Kingsland, Auckland  
New Zealand  
PO Box for all Mail: PO Box 68 357  
Auckland 1032  
New Zealand  
Tel: 64.9.355.6500  
E-mail: [oxfam@oxfam.org.nz](mailto:oxfam@oxfam.org.nz)  
[www.oxfam.org.nz](http://www.oxfam.org.nz)

#### **Intermón Oxfam**

Roger de Lluria 15  
08010, Barcelona, Spain  
Tel: 34.93.482.0700  
E-mail: [intermon@intermon.org](mailto:intermon@intermon.org)  
[www.intermon.org](http://www.intermon.org)

#### **Oxfam America**

26 West St.  
Boston, MA 02111-1206  
Tel: 1.617.482.1211  
E-mail: [info@oxfamamerica.org](mailto:info@oxfamamerica.org)  
[www.oxfamamerica.org](http://www.oxfamamerica.org)

#### **Oxfam Canada**

Suite 300-294 Albert St.  
Ottawa, Ontario, Canada K1P 6E6  
Tel: 1.613.237.5236  
E-mail: [enquire@oxfam.ca](mailto:enquire@oxfam.ca)  
[www.oxfam.ca](http://www.oxfam.ca)

#### **Oxfam Hong Kong**

17/F, China United Centre  
28 Marble Road, North Point  
Hong Kong  
Tel: 852.2520.2525  
E-Mail: [info@oxfam.org.hk](mailto:info@oxfam.org.hk)  
[www.oxfam.org.hk](http://www.oxfam.org.hk)

#### **Oxfam Quebec**

2330 rue Notre-Dame Quest  
Bureau 200, Montreal, Quebec  
Canada H3J 2Y2  
Tel: 1.514.937.1614 [www.oxfam.qc.ca](http://www.oxfam.qc.ca)  
E-mail: [info@oxfam.qc.ca](mailto:info@oxfam.qc.ca)

#### **Oxfam Ireland**

9 Burgh Quay, Dublin 2, Ireland  
353.1.672.7662 (ph)  
E-mail: [oxireland@oxfam.ie](mailto:oxireland@oxfam.ie)  
52-54 Dublin Road,  
Belfast BT2 7HN  
Tel: 44.289.0023.0220  
E-mail: [oxfam@oxfamni.org.uk](mailto:oxfam@oxfamni.org.uk)  
[www.oxfamireland.org](http://www.oxfamireland.org)

#### **Novib**

Mauritskade 9  
2514 HD. The Hague, The Netherlands  
Tel: 31.70.342.1621  
E-mail: [info@novib.nl](mailto:info@novib.nl)  
[www.novib.nl](http://www.novib.nl)