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VOLUME 14

ISSUE 6

VERSION 1.0



GLOBAL JOURNAL OF HUMAN-SOCIAL SCIENCE: E
ECONOMICS



GLOBAL JOURNAL OF HUMAN-SOCIAL SCIENCE: E
ECONOMICS

VOLUME 14 ISSUE 6 (VER. 1.0)

OPEN ASSOCIATION OF RESEARCH SOCIETY

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GLOBAL JOURNAL OF HUMAN-SOCIAL SCIENCE: E
ECONOMICS

Volume 14 Issue 6 Version 1.0 Year 2014

Type: Double Blind Peer Reviewed International Research Journal

Publisher: Global Journals Inc. (USA)

Online ISSN: 2249-460X & Print ISSN: 0975-587X

Causal Relationship between Education, Carbon Dioxide (CO₂) Emission and Economic Growth in Bangladesh

By Mirza Md. Moyen Uddin

DSHE, Ministry of Education, Bangladesh

Abstract- The purpose of this study is to test the relationship among education, environmental pollution and economic growth in Bangladesh. Perhaps this is the first research done using time series data for 37 years from 1974-2010. Vector Error Correction Mechanism (VECM) techniques is applied to establish the long run and short run relationships among the variables in the model. Using Johansen cointegration method, the empirical findings indicate that there exists long run cointegration among the variables. Unit root test were performed to test the statistical properties of the data used in variables. Results show strong positive relationship among environmental pollution, education expenditure and economic growth. The results of this study will help the environmental authorities to understand the effects of economic growth for degrading the environmental quality and manage the environmental pollution by creating awareness through education.

Keywords: *environment, education, VECM, GDP, Bangladesh.*

GJHSS-E Classification : *FOR Code: 910103*



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I. INTRODUCTION

Global warming and climate change attracted considerable attention worldwide. The intergovernmental panel on climate change (IPCC) reported that the global temperatures increase by 1.1 to 6.4 °C and rise in the sea level of about 16.5 to 53.8 cm by 2100 (IPCC, 2007). This would have tremendous negative impact on the half of the population of the world live in coastal areas (Lau et al., 2009). In this circumstance many countries like Bangladesh will totally submersed by sea water by 2100.

Bangladesh is a small developing country in South-east Asia. Its population is above 160 million and the world's most density of population is situated here. Bangladesh is also recognized worldwide as one of the most vulnerable countries to the impact of climate change. For the past few decades, Bangladesh government has been showing concern about environmental pollution. Here with the production and economic activities it emits huge amount of carbon dioxide every year especially from fossil fuels, gas fuels, liquid fuels and solid fuels. On the other hand higher

economic growth causes environmental degradation threatens the sustainability of the environment because economic growth is closely related to energy consumption which is responsible for higher levels of CO₂ emissions. It became the general consensus that higher economic growth should not be pursued at the expense of the environment and this issue raised the question of how economic growth can be made more sustainable. Sustainable development defined by Brundtland (1987) as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Some of international organizations around the world continuously attempt to reduce the adverse impacts of global warming. One such attempt is the Kyoto Protocol agreement, made in 1997 as an attempt to reduce the adverse impact of global warming. Among the variety of polluting substances, Carbon Dioxide (CO₂) is a major one and represents 60 percent of green house gas emission (World Bank, 2007).

II. LITERATURE REVIEW

Grossman and Krueger (1991) and Kuznets (1955) states that in the early stages of economic growth, environmental quality decreases with an increase in per capita income, but after a certain level environmental degradation starts decreasing with the increase in the level of per capita income, thus resulting in an inverted U-shaped curve (i.e. Environmental Kuznets Curve, EKC). Saboori, et al. (2012), analyzed that the dynamic relationship between carbon dioxide emissions and economic growth in Indonesia based on the EKC hypothesis. This confirms that CO₂ emissions declines at initial level of economic growth then reaches a turning point and increases with the higher level of economic growth. Ahmed et al. (2012) claimed that there is a strong positive relationship between environmental pollution and economic growth. Granger Casualty Test indicates changes in GDP per capita Granger-cause Emission. Ru, et al., (2012), analyzed that the relationship between economic development and the factors causing the environmental pressures is the basic premise of formulating and adjusting the environmental policy. A sound environmental policy

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should be effective to reduce or mitigate the environment pressures and simultaneously maintain economic development. Odhiambo, (2011), examined that the unidirectional causal flow from economic growth to CO₂ emissions in South Africa without a feedback. The results also show that energy consumption Granger-causes CO₂ emissions and economic growth. Alkhatlan, (2012), found that the positive and significant relationship between GDP and CO₂ emissions in Saudi Arabia. He analyzed that the long run income elasticity of carbon emissions is greater than the short run income elasticity of carbon emissions. This implies that income leads to greater carbon dioxide emissions in the long run. Islam, et al., (2012), found that there is a strong positive relationship between international trade and carbon (CO₂) emissions from the gas fuels of various manufacturing sector of Bangladesh. Bloch, et al. (2011) analyzed that the relationship between coal consumption and GDP in China using both a supply side and a demand side framework. The error correction mechanism (ECM) is used to examine both short run and long run Granger causality. The results shows that coal prices Granger cause coal consumption, so a reduction in pollution without restricting economic growth may be possible by withdrawing the current policy of coal subsidization by the Chinese Government and replacing it with a policy of subsidizing greener energy sources. Gunter, (2010), analyzed in context of Bangladesh that the lower GDP growth rates imply higher population growth where the long term impact of low GDP growth on CO₂ emission is actually worse. Higher GDP growth rates will increase CO₂ emission faster, but it implies that the peak of CO₂ emission reaches earlier and due to the lower population, at a lower emission level. In other words, development can be considered to contribute to lower long run CO₂ emissions. Salequzzaman and Davis (2003) found that there are unique challenges for ecologically sustainable development with a very high population density, a still high population growth rate and limited natural resources. A significant program of environmental education and development of local expertise is needed for massive changes in behaviour with respect to the environment. The formal education system provides a ready framework for reaching a large part of the existing population and can help make future generations conscious of the importance of environmental conservation. In Bangladesh, NGOs and universities with environmental education departments can play a significant role in teacher training and providing materials for formal and non-formal education.

Review of literature helps to know the research gap. That is why, a number of literatures have been

reviewed to know the Causal Relationship between Education, CO₂ Emission and Economic Growth and identified research gap in this field. Environmental pollution education is a new phenomenon in the world and in context of Bangladesh it is also very recent idea. Most of the study relates this environmental pollution to other things rather than education. But education is vital elements that create awareness especially among those are the students, because they are the future of the country. Very few studies are found on the relevant field. Moreover it is observed that no specific work is done by using empirical model to determination the causality between education and environmental pollution on this topic in Bangladesh. So the researcher thinks, there prevail an immense research gap which is the main justification of the research.

III. MODEL SPECIFICATION AND VARIABLES

The study applied multivariate model analysis techniques to examine the relationships among environmental pollution i.e. CO₂ emission, education expenditure and GDP growth in Bangladesh. The study based on the assumption that in GDP production is driven by high energy consumption that is likely to produce CO₂ emissions that causes environmental pollution and education expenditure in GDP is driven to create awareness through education among people about environmental pollution. The basic form of the relationship among the variables can be expressed as:

$$Ep_t = \alpha + \alpha_1 Ed_t + \alpha_2 GDP_t + \varepsilon_t \quad (1)$$

Where, Ep Environmental pollution i.e. CO₂ emission, Ed = Education Expenditure, GDP = Gross Domestic Production, ε = Error terms.

IV. EMPIRICAL STUDY

The empirical study consists of unit root test, the cointegration test and error correction mechanism. These are discussed below.

a) Testing Methods of Unit Roots

Testing for the unit root problem the Augmented Dickey-Fuller test and Phillips-Perron test were used here.

i. Augmented Dickey-Fuller (ADF) Test

The Augmented Dickey-Fuller (ADF) test is used to test for the existence of unit roots and determine the order of integration of the variables. The ADF test requires the equation as follows:

$$\Delta y_t = \beta_1 + \beta_2 t + \delta y_{t-1} + \sum_{i=1}^m \alpha_i \Delta y_{t-i} + \varepsilon_t \quad (2)$$

Where u_t is assumed to be identical and independently distributed random variable. The ADF test

statistic checks the null hypothesis of the stationary time series. If $\rho=0$ (where, $\beta = \rho - 1$) against the alternative $\rho < 0$ then y_t contains a unit root. The test we do both with and without a time trend. SIC method is used to choose the optimal lag length. It can be seen in Table 1 that presence of a unit root which indicates non-stationarity, cannot be rejected in level form. But in difference form the non stationarity problem is vanished.

ii. Phillips-Perron (P.P) Test

Phillips-Perron (1988) test deals with serial correlation and heteroscedasticity. An important assumption of the DF test is that the error term u_t is independently and identically distributed. The ADF test adjusts the DF test to take care of possible serial correlation in the error terms by adding the lagged difference terms of the regressand. Phillips and Perron use non parametric statistical methods to take care of serial correlation in the terms with adding lagged difference terms. Phillips-Perron test detects the presence of a unit root in a series. Suppose, y_t is estimating as

$$\Delta y_t = \alpha + \beta t + \rho^* y_{t-1} + u_t \quad (3)$$

Where, the P.P test is the t value associated with the estimated co-efficient of ρ^* . The series is stationary if ρ^* is negative and significant. The test is performed for all the variables where both the original series and the difference of the series are tested for stationary.

b) Cointegration Testing Methods

i. Concept of Cointegration

The concept of cointegration was introduced by Granger (1983) and the statistical analysis of cointegrated process was organized by Engle and Granger (1987). Cointegration means that despite being individually non-stationary, a linear combination of two or more time series can be stationary (Gujarati, 2011). When a linear combination of non stationary variables is stationary, the variables are said to be cointegrated and the vector that is quite possible for a linear combination of integrated variables to be stationary. In this case the variables are said to be cointegrated. The key point of cointegration is:

1. cointegration refers to a linear combination of non stationary variables.
2. all the variables must be integrated of the same order.

Suppose, considering the following cointegrated regression equation as

$$y_t = \alpha + \beta x_t + u_t \quad (4)$$

In this series y_t and x_t are I (1) and the error term u_t is I (0). Then the coefficient measures the

equilibrium relationship between the series y and x . The term u_t , indicates the deviation from the long run equilibrium path of y_t and x_t . A time series data (y_t) is said to be integrated of order one and that can be denoted as I (1). If the original non stationary series has to be differenced 'd' times for stationary process, the original series is integrated of order 'd' that can be denoted by I (d). Consistency in ECM requires all of terms to be integrated of order zero, I (0). This is possible only if y and x are cointegrated in a linear form, that is $X_t = \alpha y_t + u_t$, which is stationary.

There are several methods for testing cointegration. Here Granger Causality test, Trace Statistics and Maximum Eigen value test were used to find cointegration among the variables.

ii. Trace Statistics and Maximum Eigen Test

Johansen and Juselius (1990) method employs VAR system to test for the numbers of cointegration vectors and that test provides two Likelihood Ratio (LR) test statistics for cointegration analysis in time series. First test is named trace (λ_{trace}) statistics and the second is maximum eigenvalue (λ_{max}) statistics. These tests can be shown as follows:

Trace Statistic:

$$\lambda_{trace}(r) = -T \sum_{i=r+1}^k \ln(1 - \hat{\lambda}_i) \quad (5)$$

Maximum eigenvalue Statistic:

$$\lambda_{max}(r, r+1) = -T \ln(1 - \hat{\lambda}_{r+1}) \quad (6)$$

where r is the number of cointegrating vectors under the null hypothesis and $\hat{\lambda}_i$ is the estimated value for the i th ordered eigenvalue from the matrix Π . The trace statistics tests the null hypothesis that the number of cointegrating relations is r against of k cointegration relations, where k is the number of endogenous variables. The maximum eigenvalue test examines the null hypothesis that there are r cointegrating vectors against an alternative of $r+1$ cointegrating vectors. To determine the rank of matrix Π , the test values obtained from the two test statistics are compared with the critical value from Mackinnon-Haug-Michelis (1999). For both tests, if the test statistic value is greater than the critical value, the null hypothesis of r cointegrating vectors is rejected in favor of the corresponding alternative hypothesis.

More specifically, Table 3 shows that at 5 percent level of significance the likelihood ratios (trace statistics) for the null hypothesis having one ($r=1$) cointegration (57.33895) is higher than the critical values (35.19275). At 5% level of significance, the maximum

eigenvalue statistics for the null hypothesis having one cointegration (37.93834) is higher than the critical value (22.29962). Hence, according to the likelihood ratio and maximum eigenvalue statistics tests- environmental pollution (i.e. CO₂ emission), education expenditure and GDP i.e. economic growth are cointegrated. Thus, there is existence of the long run equilibrium relationship among these variables.

c) Error Correction Modeling (ECM)

Granger and Engle (1983) analyzed that if the variables are integrated of order one and cointegrated, then there exists the Error Correction Term (ECT) and these variables bears the steady state situation or in equilibrium situation.

Considering the following equation which exist each other relationship as:

$$\Delta y_t = \beta_1 + \sum_{i=1}^n \beta_2 \Delta y_{t-1} + \sum_{i=1}^n \beta_3 \Delta x_{t-1} + \alpha_1 \Delta ETC_{t-1} + \varepsilon_{1t} \quad (7)$$

$$\Delta x_t = \gamma_1 + \sum_{i=1}^m \gamma_2 \Delta x_{t-1} + \sum_{i=1}^m \gamma_3 \Delta y_{t-1} + \alpha_2 \Delta ECT_{t-1} + \varepsilon_{2t} \quad (8)$$

Where x_t and y_t denotes the variables,

ECT_{t-1} is the error correction term which is the lagged residual series of the cointegrating vector, ' Δ ' denotes the first difference, ' ε ' denotes the error correction term. Here the error correction term capturing the disequilibrium situation. The negative and significant coefficient of error terms suggests that there is a short run adjustment process working behind the long run equilibrium relationship among the variables. Coefficient parameters of error correction term are the speed of adjustment for the short run imbalances. In fact, in the vector error correction model all the variables are endogenously determined within the model. When the variables are cointegrated, there is a systematic and general tendency of the series to return to their equilibrium situation. This means that the dynamics of adjustment is intrinsically embodied in the theory of cointegration.

The error correction model states the dependence on both x_t and y_t of error correction term. If the error correction term is not zero, then the model is out of equilibrium. That is y_t lies it's equilibrium values and it starts falling in the next period to correct the equilibrium error.

V. EMPIRICAL RESULTS

a) Results of Unit Root Test

We first perform unit root tests on all three series in levels and first difference in order to determine the univariate properties of the data in the analysis. To investigate the stationary properties of the variables we run the regression analysis with an intercept term and

with intercept term with trend for testing the presence of a unit root. The Augmented Dickey-Fuller test is used to test for the existence of unit roots and determine the order of integration of the variables. The tests are done both with and without a time trend. Results show that the variables CO₂ emission, education expenditure and GDP growth are non stationary in level form because the ADF test statistic of their level form of the variables are less than their respective critical values. This means that they all have the unit root problems and hence they suffer from instability problem in the short run.

Results of ADF test of the variables in level and difference form are also given in Table 1. which indicates that the non-stationarity problems vanished after the difference form of the data series, because here the ADF statistic are greater than their critical values and the null hypothesis of non stationarity are rejected.

Table 1: Augmented Dickey-Fuller Unit Root Test Results

Variable	Statistics	Critical Values			Statistics	Critical Values		
	With intercept	1%	5%	10%	With trend and intercept	1%	5%	10%
Level Form								
CO ₂ emission	3.138912(2)	-3.626784	-2.945842*	-2.611531*	-0.989891(2)	-4.234972	-3.540328	-3.202445
Education expenditure in GDP	2.928958(2)	-3.632900	-2.948404	-2.612874*	2.638842(2)	-4.243644	-3.544284	-3.204699
GDP	1.750733(2)	-3.626784	-2.945842	-2.611531	-1.099151(2)	-4.234972	-3.540328	-3.202445
Difference Form								
CO ₂ emission	-4.681470(2)	-3.632900*	-2.948404*	-2.612874*	-6.739015(2)	-4.262735*	-3.552973*	-3.209642*
Education expenditure in GDP	2.631175(2)	-3.632900	-2.948404	-2.612874*	-6.022913(2)	-4.252879*	-3.548490*	-3.207094*
GDP	-5.201792(2)	-3.632900*	-2.948404*	-2.612874*	-6.033745(2)	-4.243644*	-3.544284*	-3.204699*

Note: On the base of critical value * denote that the rejection of null hypothesis of unit root at 1%, 5% and 10% levels of significance. Here we consider the variables with intercept only, and with trend and intercept, both in level and first difference form. Number in the bracket denotes lag length.

b) Phillips-Perron Test

We have also applied Phillips Perron non parametric test for checking the non stationarity of the variables. In the level form, some cases there have the unit root problem in respect of environmental pollution i.e. CO₂ emissions, education expenditure and GDP

growth. But in difference form both with constant and with constant and trend, the statistic value is greater than that of critical value at 1%, 5% and 10% levels of significance. So, the null hypothesis of non-stationarity is rejected, i.e., the data series are stationary at difference form. Results of Phillips Perron test is shown in Table 2.

Table 2: Results of Phillips-Perron (P.P.) Test

Variable	Statistics	Critical Values			Statistics	Critical Values		
	With intercept	1%	5%	10%	With trend and intercept	1%	5%	10%
Level Form								
CO ₂ emission	6.132033(2)	-3.626784*	-2.945842*	-2.611531*	-0.655198	-4.234972	-3.540328	-3.202445
Education expenditure	13.38117(2)	-3.626784*	-2.945842*	-2.611531*	12.53238	-4.234972*	-3.540328*	-3.202445*
GDP	1.839900(2)	-3.626784	-2.945842	-2.611531	-1.054326	-4.234972	-3.540328	-3.202445
Difference Form								
CO ₂ emission	-4.818463(2)	-3.632900*	-2.948404*	-2.612874*	-9.851673(2)	-4.243644*	-3.544284*	-3.204699*
Education expenditure in GDP	3.873066(2)	-3.632900*	-2.948404*	-2.612874*	-6.022913(2)	-4.252879*	-3.548490*	-3.207094*
GDP	-5.209039(2)	-3.632900*	-2.948404*	-2.612874*	-6.056790(2)	-4.243644*	-3.544284*	-3.204699*

Note: The test is conducted using Eviews 7.1

c) *Cointegration Results*

Cointegration test clarifies the existence of long run equilibrium relationship among the variables. The estimated results, particularly Maximum Eigen value and Trace statistics are presented in Table 3 which indicates that the statistics values are greater than their critical values. This means that the hypothesis of no cointegration is rejected and hence they are cointegrated. The Trace statistics and Maximum Eigen

value tests indicate that there is one cointegration equation at 5% level. This means that the variables-environmental pollution (i.e. CO₂ emission), share of GDP in education and total GDP have the long run relationships. So, it is clear that there is one linear cointegration equation that there is one long run relationship and liner deterministic trend among the variables.

Table 3 : Cointegration among the Variables Education Share in GDP, CO₂ Emission i.e. Environmental Pollution and Total GDP.

H0	H1	Trace Statistics	5% Critical value	Max. Eigen value	5% critical value	Hypothesis
H ₀ : r=0	H ₁ : r=1	57.33895	35.19275	37.93834	22.29962	None**
H ₁ : r=1	H ₁ : r=2	19.40061	20.26184	11.99227	15.89210	

Note : The test is conducted using Eviews 7.1

d) *Results of Error Correction Model (ECM)*

After checking unit root tests, Johansen maximum likelihood procedures are used to test for cointegration and to estimate the error correction parameters to confirm that each series is in I (1) process. Since cointegrating relationship is found among the variables, an Error Correction Model (ECM) is constructed to determine the direction of causality. The significant lagged ECT coefficient indicates that the current outcomes are affect by the past equilibrium errors.

If the two variables are cointegrated, there must exists an error correction mechanism. This implies that error correction model is associated with the cointegration test. The long term effects of the variables can be represented by the estimated cointegration vector. The adjusted coefficient of error correction term shows the long term effect and the estimated coefficient of lagged variables shows the short term effect. Causality test among the variables are based on Error Correction Model with first difference. Table 5 shows the Vector Error Correction Model (VECM).

Table 4 : Results of Vector Error Correction Model for CO₂ emission (EM), Education Share in GDP (ED) and Total GDP

Error Correction	D(EM)	D(ED)	D(TGDP)
CointEq1 (ECT)	-0.137464** [-3.36278]	-0.013702** [-2.15379]	0.020512 [0.76930]
D(EM(-1))	-0.039416 [-0.24723]	-0.027249 [-1.09819]	0.311982** [3.00017]
D(EM(-2))	-0.212151 [-1.10799]	0.018546 [0.62236]	0.128171 [1.02627]
D(ED(-1))	-2.175981 [-1.60648]	0.706698** [3.35235]	1.460010 [1.65256]
D(ED(-2))	-3.342343** [-2.23678]	-0.225857 [-0.97119]	-0.573544 [-0.58847]
D(TGDP(-1))	0.205923 [0.70041]	-0.013257 [-0.28972]	-0.075350 [-0.39293]
D(TGDP(-2))	-0.643603** [-2.57319]	0.024088 [0.61880]	0.003069 [0.01881]
C	1380984.** [3.96764]	112907.2** [2.08430]	-202825.7 [-0.89340]

*Note : ** denotes the rejection of the hypothesis at 5% level of significance. The (**) values are statistically significant and shows the estimated coefficient of lagged variables. Values in the third brackets are t-statistics.*

Table 4 shows that the error correction term is significant for carbon dioxide (CO₂) emission (EM), and education expenditure (ED), indicating the long run and short run relationship between education share in GDP and environmental pollution. If the error correction term of CO₂ emission (EM) i. e. environmental pollution and education expenditure (ED) are statistically significant and cointegrated, they have the long and short term causal effects on each other.

VI. CONCLUSION

In this study we have used carbon emission data as the environmental pollution indicator, GDP as the economic growth indicator and education expenditure in GDP as the education indicator. Time series data for 37 years from 1974 to 2010 was used to analyze causal relationship between environmental pollution, education and economic growth in Bangladesh using VECM based test techniques to establish the short run and long run relationship among the variables in the model. Result shows that there have the long run linear deterministic relationships among the variables. From VECM results it is clear that carbon dioxide (CO₂) emission (EM), and education expenditure (ED) are statistically significant and cointegrated and that is why they effects on each other. It can be said that more education share in GDP intensify the literacy rate and increase in literacy rate create awareness among the people that reduces emission, i.e., environmental pollution. The educational attainments lead to reduce environmental pollution and it also leads to GDP growth, i.e., sustainable development. There has the unidirectional causality between education expenditure and environmental pollution i.e. education and sustainable economic growth. These results will help the environmental authorities to understand the effect of economic growth to the environmental pollution as well as the necessity of environmental awareness through education in Bangladesh. This results postulates that Bangladesh can obtain higher economic growth with better environmental pollution management by creating awareness through education.

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GLOBAL JOURNAL OF HUMAN-SOCIAL SCIENCE: E
ECONOMICS

Volume 14 Issue 6 Version 1.0 Year 2014

Type: Double Blind Peer Reviewed International Research Journal

Publisher: Global Journals Inc. (USA)

Online ISSN: 2249-460X & Print ISSN: 0975-587X

Legal Effects of the Nigerian Patent Law on Sale of Drugs and Consumer Protection in Nigeria

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Abstract- The essence of the law of patent is usually to protect inventions especially ones that are new and those that improve on the new ones. In effect, patent confers the right to exclude others, generally, from exercising those rights the law confers on the patentee. The major beneficiaries of patent often include scientists, researchers, professors, pharmacists, engineers and extendedly the consumers.

However, as the task of this work demands, the concentration will be on health related inventions. That is, the legal effects of patent laws on pharmaceuticals or drugs and other edibles. The legal protection available to consumers will also be discussed in the light of the customs and practices of trade in Nigerian. This will then lead us to an examination of how the law relating to patent has been able or failed to safeguard public health care system in Nigeria. Consequently, issues regarding consumer rights and the corresponding right of the buyer for goods to be of merchantable quality especially regarding the enormity of the problem of counterfeit drugs will be discussed.

GJHSS-E Classification : FOR Code: 729999



Strictly as per the compliance and regulations of:



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However, as the task of this work demands, the concentration will be on health related inventions. That is, the legal effects of patent laws on pharmaceuticals or drugs and other edibles. The legal protection available to consumers will also be discussed in the light of the customs and practices of trade in Nigerian. This will then lead us to an examination of how the law relating to patent has been able or failed to safeguard public health care system in Nigeria. Consequently, issues regarding consumer rights and the corresponding right of the buyer for goods to be of merchantable quality especially regarding the enormity of the problem of counterfeit drugs will be discussed. These issues are much more vital as it is increasingly becoming costly being a Nigerian ¹. Medical care delivery is adversely affected in Nigeria as the spate of counterfeit drugs have killed or maimed many Nigerians. In a recent report by a journalist ², the sad story of a mother whose child almost died as a result of the fake drug that was administered to the child. The mother had bought the drug from a chemist and had administered the right dose to her child. Stories such as this enumerate the gravity of the problem faced by average Nigerians who seek medical treatment.

This work will examine briefly the legal regime of patent law and consumer protection in Nigeria. In order to do this efficiently, an analysis of the relevant provisions of the Patent and Design Act,³ the historical background of patents in Nigeria, the Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act,⁴ the Consumer Protection Council Act⁵ and the Sale of Goods Act of 1873⁶ and other regulatory Acts will be discussed. Furthermore, the role NAFDAC will also be examined whilst an attempt will be made at cross border issues of patent relating to health.

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I. HISTORICAL BACKGROUND OF PATENTS IN NIGERIA

In the 19th and early 20th centuries, patents registered in the United Kingdom were by order-in-Council made applicable in Nigeria. The colonialist's first introduced the patent system in the former colony of Lagos and southern Nigeria in 1900 by the patents ordinance no 17 of 1900 and the patents proclamation ordinance no. 27 of 1900 respectively. The patents proclamation ordinance no 12 of the 1902 introduced similar legislation in Northern Nigeria. These instruments provided for a full fledged patent office headed by a Registrar. However, the patent administrative institution was never meant to encourage either indigenous inventive activity, local research and effective transfer of technology but it was geared towards the protection of property rights in technology relevant for the exploitation of other mineral and human resources in the colonies⁷.

Following the amalgamation of Southern and Northern Nigeria in 1914, the separate legislations for the different regions were repealed and substituted by the patents ordinance No. 30 of 1916 which was amended in 1925⁸ to become the Registration of United Kingdom Patents Ordinance No. 6 of 1925. The new law only provided for the registration in Nigeria of patents already granted in the U.K, an anomaly that persisted even long after independence in 1960. In effect, applications were first made to the UK patent office to be granted a patent for an invention before proceeding to Nigeria to have it registered. It also meant that it was the UK law that substantially applied to patent applications and grant in Nigeria⁹ up till 1970.

In 1970, the Patents and Design Act No. 60 was enacted repealing the Registration Right (Limitation) Act 1968 and the UK patents Act, 1949 in so far as it was force in Nigeria. This Act is substantially still in force but it is now codified with provisions on industrial designs to become the Patents and Designs Act.

¹ Okakhume, B, 'Our Pharmaceutical Products Market. The Nation Newspaper 7th August, 2011 Pg 61

² Ketefe, Kayode, 'Enforcing Consumers' Rights in Nigeria' published in the National Mirror Newspaper of August 15, 2011

³ Cap P2, LFN 2004

⁴ Cap C34 LFN 2004

⁵ Cap C25 LFN 2004

⁶ As applicable to Nigeria as a Statute of General Application (SOGA)

⁷ Sikoyo, G.M et al., 'Intellectual Property Protection in Africa'. Act Press 2006 Pg. 19-20

⁸ Ibid

⁹ Cap P2, LFN 2004

II. PATENTS AND DESIGNS ACT CAP P2 LFN 2004

This Act generally regulates, administers and enforces patent rights in Nigeria. Section 1 generally provides for the requirement that an invention must meet to be patentable. An invention will be patentable if it is new, results from an inventive activity and is capable of industrial application¹⁰ or if it constitutes an improvement upon an already patented invention, new in its improvement. This must also satisfy the requirements of resulting from an inventive activity and industrial application. It is clear from the provision stated that novelty is a condition precedent for patentability. More so, that the Act does not or will readily not protect an invention that is not beneficial to the larger consumers. Hence, the requirement that such a patent must be capable of being used or worked in any industry including agriculture. Innovative improvements on inventions are also encouraged by the Act¹¹. For instance, the law will readily grant the application of patent in respect of a drug manufactured by a similar process of existing patent drug that has a soporific effect if that new drug does not have this effect and still performs effectively the same function.

Unlike copyright, a patentee, like a trademark owner does not enjoy statutory rights automatically. Accordingly, he or she must file an application for it to be registered¹². In *Ducros S.A v. Silas Industries and Trading Company Ltd*¹³, the court in deciding whether registration of a product with NAFDAC constitutes registration as envisaged in an infringement action, held that a patent that is not registered under the Patents & Design Act cannot be protected. An applicant for a patent, upon the grant of his application becomes a patentee and enjoys the following rights: to preclude others from making, importing, selling or using the product on stocking it for the purpose of sale or use. If the patent has granted in respect of a process he has the right of precluding others from applying the process or doing in respect of a product obtained directly by means of the process, any other Acts mentioned in paragraph (a)¹⁴. It needs no serious or critical thinking to conclude that counterfeiting of patented articles is an infringement of intellectual property rights of patent because if patent concerns about how things work, how they are made and what they are made of, then unauthorized making of any patented article is a violation of rights. This is most gruesome when it comes

to pharmaceuticals and food item which are very germane to the health of any nation.

Section 25 of the Act forbids these acts of infringement and goes further to state the reliefs available to a successful plaintiff in an action for infringement. This includes damages in function, accounts or any proceedings in respect of the infringement of other preparatory rights.

Like every right known to law, there are also exceptions to rights conferred on a patentee. The Act generally allows the use of patented articles for public purposes by government agency¹⁵. Drugs are among the articles that can be used by government for public interest, which includes public health.

III. THE ROLE OF NAFDAC

Just like many other issues that are taken care by various legal and institutional frame works in Nigeria, the aspects of what goes into the mouth as food and pharmaceuticals which are integral components of health care systems worldwide are not left behind¹⁶. This further confirms the importance of intellectual property laws (particularly patents and trademarks) when properly enforced to the public health. This brings to fore the need to appraise the role of National Agency for Food and Drug Administration and Control (NAFDAC).

The threat posted to global health by counterfeit pharmaceuticals led World Health Organization Assembly Resolution in 1988 to call on countries to help in combating this menace¹⁷. Nigeria received her share of the threat in 1989 when over 150 children died as a result of Paracetamol syrup containing DIETHYLENE GLYCO. Also, in 1990, 109 children died as a result of taking Paracetamol syrup produced with toxic ethylene glycol instead of propylene glycol, a tragedy that occurred more than 50 years after its occurrence in the United States¹⁸. The problems of fake drugs¹⁹ was so severe that neighboring countries like Ghana and Sierra Leone officially banned the sale of drugs, foods and beverage made in Nigeria. Such problems led to the establishment of NAFDAC. It is important, however, to import the meaning given to Fake drugs by the Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act²⁰. Fake drugs were defined as "

¹⁰ Act S.1 generally of the Patents and Designs Act, Cap P2, LFN 2004

¹¹ *James OitomenAgboronfo V Grain Haulage and Transport Ltd* (1998) FHC, 1, 236.

¹² S. 2, 3, 4, 5 Loc Cit'

¹³ FHC/L/CS/1057/2003

¹⁴ . S. 6 Ibid. *Pfizer Incorporation V Polyking pharmaceutical Limited and Anor.* (1998) FHCL.1

¹⁵ Part II, FIRST Schedule, patent and design Act, Cap P2. LFN

¹⁶ www.ncbi.nlm.nih.gov (accessed on: 16th August, 2011)

¹⁷ See NAFDAC website @www.nafdacnigeria.org/ - (Last visited on August 16, 2011)

¹⁸ See World Health Organization, 'Fake Drugs: A Scourge of the System. WHO Drug Info. 1995, 9 127-129

¹⁹ See S.12 The Interpretation section of the Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act Cap C34 LFN 2004

²⁰ Hereinafter referred to as the CFDUPF Act

1. Any drug or drug product which is not what it purports to be
2. Any drug or drug product which is so coloured, powdered or polished that the damage is concealed or which is made to appear to be better or of greater therapeutic value than it really is, which is not labeled in the prescribed manner, one which label or container or anything accompanying the drug bears any statement, design or device which makes a false claim for the drug or which is false or misleading; or
3. Any drug or drug product, the container of which is so made, formed or filled as to be misleading;
4. Any drug or drug product, the label of which does not bear adequate directions for use and such adequate warning against use in those pathological conditions or by children, where its use may be dangerous to health or against unsafe dosage, or methods of duration of use; or
5. Any drug or drug product which is not registered by the agency in accordance with the productions of the Food, Drugs and Related Products (Registration etc.) Act.

In December 1992, NAFDAC's First governing council was formed. In January 1993, the enabling legislation was approved as DECREE NO 15 of 1993 (now currently listed as CAP N1 laws of federation on Nigeria 2004). On 1st of January 1994, NAFDAC was officially established as a parastatal under the Federal Ministry of Health replacing the Directorate of Food and Drug Administration and Control which had been deemed ineffective.

According to its enabling law, NAFDAC has the following functions: to regulate and control the importation, exportation, manufacturing, advertisement, distribution, sale and use of drugs, cosmetics, medical devices, bottled water and chemical; conduct appropriate tests and ensure compliance with standard specifications designated and approved by the council for the effective control of quality of foods, drugs, cosmetics, medical devices, bottled water, chemicals and establish a relevant quality assurance system including certification of the production sites of the regulated products; undertake inspection of imported drugs, foods, cosmetics, medical relevant quality assurance system including certification of the production sites and of the regulated product, compile standard specifications, regulations and guidelines for the production, importation, exportation, sale and distribution of foods, drugs cosmetics, medical devices, bottled water and chemical; undertake the registration of food, drugs medical devices, bottled water and chemical intended for export; establish and maintain relevant laboratories or other institutions in strategic area

of Nigeria as may be necessary for the performance of its function²¹.

From the statutory functions of the body highlighted above, it is crystal clear that even though the regulatory functions of NAFDAC are product based and much attention is likely to be paid to trademark issues because of product identity, the body is also better positioned to regulate, control and enforce some of the rights of a patentee enshrined in the Patents and Designs Act.

However, as at year 2000, Nigeria was still drowned in the ocean of fake pharmaceuticals which for obvious reasons is not a good report on the nation's health, The Obasanjo administration then dissolved the management of NAFDAC in August 2000. A new management team with Dr. Dora Akuyuli as the Director General was inaugurated in April, 2001. The following three new federal government policies assisted the new management as it kicked off:

- The outright ban on the importation of drugs and other regulated products through land borders
- Designation of Calabar and Apapa sea ports, Murtala Mohammed International Airport and Mallam Aminu Airports as exclusive ports of entry for the importation of drugs and pharmaceutical raw materials.
- Release of shipping and Cargo manifest by the Nigerian Ports Authority, shipping lines and airtime to NAFDAC inspectors.

The achievements of NAFDAC²² over the years include the creation of 6 zonal and 36 state offices for easier accessibility which are being equipped function effectively; organization of workshop to enlighten various stakeholders such as (a) pure water producers (b) patent and proprietary Medicine Dealers Association (PPMDA) and the National Union of Road Transport Workers (NURTW), raising awareness not just in Nigeria but also in other countries like India, China, Pakistan, Indonesia and Egypt where drugs are mostly imported into Nigeria; holding meetings in concert with Chairman, House Committee on Health and other members, with ambassadors of countries identified with exporting fake drugs into Nigeria and soliciting their support to stop the trend; public destruction of 2 billion naira worth of drugs from four sources namely: repentant traders, those found in secret warehouse on tip off by the drug sellers and the public, those seized by drug sellers' internal task forces and NAFDAC's task forces; launching of anti- counterfeiting technologies by the Nigerian presidency; ensuring the formation of a wholesome drug mart as the bedrock of the sanitization exercise; making NAFDAC activities more efficient to reduce delays in, for example, registration and inspection, holding

²¹ See NAFDAC website @www.nafdacnigeria.org/- (Last visited on August 16, 2011)

²² See NAFDAC's website for a more detailed list of achievements

consultations with national and international stakeholders leading to various area of assistance including in the area of staff training, equipment donations and information sharing from United States good and Drug Agency (USFDA), environmental and occupational Health science institute (ECHSI), South African Medicines and Medical Defenses Regulatory Agency (SAMMDRA); sending proposals for reviewing obsolete laws to the national assembly; putting new guidelines and Standard Operating Procedures (SOP) in place for all regulatory processes. NAFDAC also supports consumer safety clubs in Nigerian high schools. This particularly important given the socio-cultural context i.e. where teenagers often run errands for the elderly and it pays to provide them with adequate information on the hazards associated with buying counterfeit pharmaceuticals²³. Between the years 2001 and 2006, Counterfeit drugs in circulation as measured by NAFDAC dropped from an average of 41% to 16.7 %.²⁴ Drugs not registered by NAFDAC stood at 19% in 2006 as against 68 % recorded in 2001²⁵. In collaboration with law enforcement agencies, NAFDAC performed 13, 897 raids on fake drugs manufacturing locations between 2001 and 2002. One if such raids involved as many as 150 soldiers, 350 policemen and 150 NAFDAC staff²⁶. Compared to Argentina, another country facing the challenges posed by counterfeit drugs, NAFDAC carried out within that short period over half of the raids that occurred in Argentina over 9 years.²⁷ Furthermore, in response to world Health organization recommendation for the inspection along the entire drug supply chain manufacturing, distribution and sales, NAFDAC sent independent analysts to inspect manufactures in China and India before drugs were licensed for import. This has led to an import ban imposed on 30 Indian and Chinese companies' failure to meet NAFDAC's standards.²⁸ More so, the producing capacities of local pharmaceuticals industries have increased tremendously and 22 new drug manufacturing outfits were established between 2001 and 2006.²⁹ The confidence of investors in the

pharmaceutical industry has been reinforced evidenced by the continuous upward movement in the share prices of the pharmaceutical companies quoted in the Nigerian Stock Exchange.³⁰ Consequently, by reason of NAFDAC enforcement activities, the Nigerian Patent and Trademark Office enjoyed increased patronage.³¹ Also, the ban on made- in- Nigeria drugs has been lifted by the other West African Countries and many multinational drugs companies are coming back to Nigeria due to improved regulatory environment.³²

However, with the achievements of NAFDAC so far highlighted, it is clear that much has been done, although, this is not to say all has been done. There is still much to be done by NAFDAC as it still hazardous being a sick Nigerian due to the problem of fake drugs. The question thus arise as to the level of protection that NAFDAC registration offers the average Nigerian drug or medical service consumer. Questions have arisen as to whether one important effect of registration is quality assurance or whether it guarantees the potency of the drug as one may find in some developed countries where registration and quality assurance demands that the actual content and effects are of necessity and must be inscribed on the label of the drugs produced.

IV. THE CHALLENGES OF NAFDAC

Some of the challenges faced by NAFDAC in the course of fulfilling its mandate include.

- *Slow Judicial Process:* It needs not to be said that the wheel of justice grinds slowly in Nigerian courts. There are instances where a case drags on for 16 years³³ and another for 20 years.³⁴ Despite the agency's on-field success with 121 destruction exercises in 7 years leading to counterfeit drugs and food items worth 190 million US dollars destroyed, these have been 45 conviction with about 60 cases pending in courts.³⁵
- *Slow Upgrade of Technological Equipments:* Counterfeits have become advanced in their operations with the aid of modern sophisticated technologies with effect that even the fake drugs appear even more original than the genuine ones. It is however unfortunate that the agency lacks necessary modern equipment to carry out its duties. This is made worse by lack of re-training and update of its personnel with recent trends in counterfeiting.
- *Corruption:* Corruption is also a serious challenge to the agency. This problem is quite endemic in Nigeria and has permeated all aspects of the

²³ World Health Organization, Fake Drugs: A Scourge of the System WHO Drug Inf. 1995; 9: 127- 129. Found also at: ncbi. Nlm.nih.gov (Last visited on 16th August 2011)

²⁴ Transcript of the interview titled "cracking down on killer drugs: Dora Akuyuli and the Nigerian success story; American Enterprises Institute, April 14, 2008: available at www.aei.org see also www.sproxil.com/socioeconomic.phi-accesssd on 16th August 2011

²⁵ Ibid

²⁶ Ibid

²⁷ See www.Sproxil.com/socioeconomic.Phi (Last visited 16th August, 2011)

²⁸ Ibid

²⁹ Consideration of Intellectual Property Rights in Regulation and Control: Activities of NAFDAC; prepared by Professor Dora Akuyuli, Director General NAFDAC, submitted to the world Intellectual property Organization (WIPO) Advisory Committee on Enforcement on 15th – 17th May 2006, available at www.wipo.int/ accessed on 10th August 2011.

³⁰ Ibid

³¹ Ibid

³² Ibid

³³ See *Ajani v. Giwa* (1986) 6 SC 234

³⁴ See *Ariori v. Elemo* (1981) S.C 1

³⁵ See www.sproxil.com (last visited on the 16th of August, 2011)

society. Drug counterfeiters stop at nothing to enhance their illicit trade. However, in order to enhance the performance of the agency, some likely solutions are suggested

a) *Training of Personnel*

Constant training is essential in the war against fake drugs. Enhanced pay and continued training of personnel may help to reduce the incidence of bribery and corruption within the agency. This is more important in light of the technological trends involved in counterfeiting. This can be achieved in part by providing relevant literature fake drug, their distribution models and Standard Operating Procedures (SOP) upon apprehension to minimize legal snags. The personnel of the agency must also be informed and be knowledgeable about the nation's Good Distribution Practices (GDP), Good Pharmacy Practices (GPP), Total Quality Management (TQM), Continual Process Improvement (CPI) and Good Manufacturing Practices (GMP).³⁶

b) *Monitoring*

Also, National Pharmaco-vigilance policies need to stay abreast of global trends by developing Standard Operation Procedures (SOP) for product sampling for tests of counterfeiting issuing merchandise warnings and administering product recalls.³⁷

c) *Consumer Awareness*

Moreover, much still needs to be done on consumer awareness. This is by maintaining a sustained awareness programme, unraveling the inherent risks in purchasing drugs from non-reputable resources especially those that indicate "goods sold cannot be returned" as such declarations tend to violate basic consumer rights. As a matter of fact, goods sold in Nigeria are generally not returnable. Consumers must be aware that they possess certain basic rights in contract. This can only be done through sensitization of the public through a sustained e.g. media awareness program.

V. CROSS BORDER ENFORCEMENT

Cross-national enforcement of patent especially through regulatory bodies is of vital importance given its relevance to health care of nations.³⁸ The World Health Organization has called for an increase in Inter-agency Collaborations between major enforcement agencies and regulatory bodies to tackle the problem of counterfeiting.³⁹ Examples of these are the European Union Rapid Alert System, the WHO's Rapid Alert

System, PSI Counterfeiting Incident System and the West African Drug Regulatory Authorities Network (WADRAN). However, the largest organized multinational cooperation on counterfeiting fake drugs to date was set up by the World Health Organization (WHO) in 2006: International Medical Products Anti-Counterfeit Task Force (IMPACT). It coordinates global action to protect public health. It includes all 193 WHO member states and well recognized international stakeholder. It also involves border control, prosecution, enforcement, media manufactures and product distributors and health.⁴⁰

Other groups such as the International Federation of Pharmaceutical Wholesaler (IFPW), World Self Medication Industry (WSMI), International Federation of Pharmaceutical Manufactures and Association (IFPMA), European Federation of Pharmaceutical Manufactures and Associations (EFPIA) can be made to co-operate by entering MOU and they would provide key feedbacks to the regulatory agencies on fake drug sources while leveling fees on members who fall below required manufacturing practice standard.

In fact, the World Trade Organization (WTO) agreement known as TRIPS (Trade Related Aspects of Intellectual Property)⁴¹ to which Nigeria is a signatory sets down minimum standards for the enforcement of Intellectual property rights. Part III⁴² of TRIP is in fact dedicated to the enforcement of rights and contains provisions on civil and administrative procedures and remedies, provisional measures, special measures on border control and criminal procedures which specify a certain amount of detail, the procedures and remedies that must be available so that right holders can effectively enforce their rights.⁴³ Members are enjoined to provide fair and equitable enforcement procedures without unwarranted delays or time-limits for effective action against infringements and avoid barriers to legitimate trade.⁴⁴ The rights of foreign owners and associations are also recognized under the agreement.⁴⁵ However, certain state corporations such as the Nigerian Television Authority (NTA) may not be sued without a few weeks' notice prior to the commencement of action.⁴⁶ Article 50 of the TRIPS Agreement provides for Anton Pillar, inspection and seizure orders. Judicial authorities are also granted the authority to order effective measures to preserve evidence especially where delay may cause irreparable harm to the right holder or where there is a demonstrable risk of evidence

³⁶ Ibid

³⁷ Ibid

³⁸ Ghosh, S et al.: 'Intellectual Property' Thompson West, 2007

³⁹ WHO Factsheet, "Counterfeit Drugs – November 2003" found at www.wpro.who.int/mediacentre

⁴⁰ Summary Reports, Impact General Meeting 12-13 December, 2007

⁴¹ This was negotiated at the end of the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) in 1994

⁴² S.41-61 of TRIP

⁴³ See <http://www.wto.org>

⁴⁴ Article 41

⁴⁵ Article 42

⁴⁶ S. 27 of the NTA Act, Cap N 2004.

being displayed. Regrettably, Anton Pillar order is yet to find a favourable place in the heart of many judges considering the fundamental issues that are raised such as the constitutionality of interfering with privacy, right of fair hearing and privilege against self-incrimination. Articles 51-60 thus include ample provisions that should prevent or even discourage infringement across territorial borders.

However, critical issues like sovereigns, trade agreements and political agenda can be delay or hinder the workability of cross- border enforcements.

VI. IMPACT ON SALE OF GOODS AND CONSUMER PROTECTION

As stated earlier, control of drugs, sale and availability of high quality medical goods and services are major problems in Nigeria. Thus, the health and safety of many have been compromised by the ineffective control of the manufacturing segment of the drug industry and more importantly by the inadequate control of the supply chain which includes local and international (import and export) trade in drugs and medical services and equipments. Regulatory bodies such as the Pharmacy Board and the Nigerian Medical Council also hold their members to strict rules of professional ethics in the bid to control the administration medicines and the protection of human health. The Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act Cap C34 LFN 2004⁴⁷ affords protection across the board to include not only fake, substandard, adulterated, or expired drugs, processed food but the sale of drugs or poisons in certain premises or places. Additionally, local trade practices that violate the rights of the Consumer abound in Nigeria. An example of this is the imbalance of power between consumers and drug manufacturers / counterfeiters, the no-return/refund policy of goods purchased locally, including medicines and the loss of such rights as the breach of warranty,⁴⁸ and other implied conditions such as that goods should be of merchantable quality among others or as to quality and fitness.⁴⁹ A famous case on liability of makers of products under the Common Law is the English case of *Donoghue v. Stevenson*⁵⁰ which laid down the principles of manufacturer negligence stating the principles that the consumer is able to claim damages if he has suffered harm from the said product and the injury is traceable to the producer.⁵¹ In *Oye Soremu v. Nigerian Bottling Co. Ltd*, the plaintiff successfully pleaded that the defendant had breached a duty of care owed to him.

However, in *Nathaniel Ebelamu v. Guinness Nigeria Ltd*,⁵² the plaintiff lost where there was proof, even by medical evidence that the sample of the Harp Beer consumed were poisonous.⁵³

The CFDUPF Act prescribes severe penalties for the act of selling, displaying counterfeit goods. S.1 of the CFDUPF Act however provides that, "notwithstanding anything to the contrary contained in any enactment of the law, any person who –

1. Produces, imports, manufactures, sells distributes or is in possession of; or
2. Sells or displays for the purpose of sale; or
3. Aids or abets any person to produce, import, manufacture, sell, distribute or display for the purpose of sale any counterfeit, adulterated, banned or fake, substandard or expired drug or unwholesome processed food, in any form whatsoever, commits an offence under this Act and shall, accordingly be punished as specified in this Act.

It follows therefore that the sale, hawking etc. of drugs or poisons in certain premises or places is prohibited.⁵⁴ The Act further prescribes penalty for offences under sections 1 and 2 of the Act. Liabilities for offences under S. 1 include a fine of N500, 000.00 or imprisonment for a term of not less than five years or more than fifteen years or to both such fine and imprisonment. For offences under S.2 (1), conviction to a fine not exceeding N500,000.00, or imprisonment for a term not less than two years or to both such fine and imprisonment. Where offences have been committed by bodies corporate,⁵⁵ S. 2 (2) of the Act provides that such shall be deemed to be guilty of the offence and may be proceeded against and punished accordingly. The Federal High Court shall have exclusive jurisdiction to try such cases.⁵⁶

The Act further establishes a Federal Task Force⁵⁷ with membership including principal pharmacists, two inspecting officers, not below the rank of Principal Regulatory Officers, two officers of the Nigerian Police Force of senior rank, appointed by the Inspector General of Police charged with the responsibility for enforcing the provisions of the Act, including coordinating the activities of the Task Force, powers to take samples or specimen of any article, and opening and examining, while on the premises, any container or package, book, record, believed to contain any information relevant to the enforcement of the Act, including fake drugs or poison, adulterated, banned or

⁴⁷ Referred to as the CFDUPF Act

⁴⁸ See S. 53 of the Sale of Goods Act, 1893

⁴⁹ See generally the Sale of Goods Act 1893

⁵⁰ (1932) A.C 562

⁵¹ See *Ngonadi v. Nigerian Bottling Co. Ltd*. [1985] 1 NWLR (Part 4)

739

⁵² (1980) 1 PLR 538

⁵³ See also, Ketefe, Kayode, 'Enforcing Consumer Rights in Nigeria' Can also be found in the online version of The Mirror August 15, 2011

⁵⁴ S.2 of the CFDUPF Act

⁵⁵ S. 4 of the CFDUPF Act

⁵⁶ S. 4 of the CFDUPF Act

⁵⁷ S.5 of the Act. The Act also provides for a State Police Task Force

fake drug or poison or unwholesome processed food.⁵⁸ S.7 provides for a State Task Force with special powers including the power to enter or seal-up any premises used or being used in connection with offences under the Act. S.9 further establishes a Nigeria Police Force Squad charged with the responsibility in the lawful execution of their functions under the Act. The 'ForceSquad' is however empowered to arrest, seize goods (all such goods seized shall be forfeited) and conduct lawful investigation into matters arising under the Act. Any person that obstructs the Force Squad in the performance of the lawful duty will be liable under the Act.

The Dangerous Drugs Act Cap D1 LFN 2004 is another Act that regulates the importation, manufacture, sale and use of Opium and other Dangerous Drugs. The question then is whether an importer or marketer who deliberately ships expired or counterfeit drugs into the country can be held responsible since the drugs would be extremely dangerous if used. In regard to hard drugs such as cocaine, opium, etc. to which the Dangerous Drugs Act apply, the simple act of selling or importing or trading in these will subject one to the law appropriately. The relevant point here is the use or trade in chemicals such as "Medical Opium" or morphine which are used medically. One may imagine the fluidity in the control of these very dangerous substances in Nigeria as they may be used under the guise of medical need.

Aside from these major legislations and the Common Law position as established by the case of *Donoghue v. Stevenson* which has since been judicially affirmed in Nigeria. For example, in the case of *Okwejinor⁵⁹ v. Gbakeji* it was established inter-alia that, the appellant was injured by the orange drink (Fanta) he drank. The duty of care was thus breached and the appellant was entitled to reparation from the second respondent. Hence, the appeal was therefore allowed. Other laws such as the Weight and Measures Act, Food & Drug Act, Hire Purchase Act, Merchandise Mark Act and the Standards Organization of Nigeria Act also apply to protect consumers in the country. All these laws were expected to offer the average consumer some protection against fraudulent and deceitful practices and offers rights such as the right to free access and informed decision and choice of goods at competitive prices, right of protection from hazardous goods or services, right to consumer education and the right to compensation in cases where misrepresentation or unsatisfactory goods have been marketed.

The Consumer Protection Council Act⁶⁰ provides generally for the formation of a Consumer Protection Council bestowed with functions such as providing speedy redress to consumer complaints

through negotiations, mediation and conciliation;⁶¹ work to eliminate hazardous products from the market;⁶² publish on a regular basis, list of products that are banned and by the Federal Government;⁶³ force offending companies to compensate the affected consumer; encourage trade, industry and professional associations to enforce quality standards;⁶⁴ ensure that consumers,⁶⁵ interests receive due consideration at appropriate forum and to provide redress to obnoxious practices or the unscrupulous exploitation of consumers and encourage the adoption of appropriate measures to ensure that products are safe for intended use or normal use.⁶⁶ In enforcing these rights, the Council has powers to apply to court where there is imminent public hazard, compel a company to certify that all safety standards have been complied with or even compel the company to give public notice of such hazard, ban sale, distribution or advertisement of products which do not comply with safety regulation or cause quality standards to be conducted on a consumer product and demand production of label showing date and place of manufacture of a commodity as well as certification of compliance.⁶⁷

The CPCA seeks to afford the consumer of goods and services so much so that where the rights of a consumer has been violated, the consumer shall have a right of civil action for compensation or restitution in any court of law. This is in addition to any redress that might have been imposed by the Council.⁶⁸ A judicial intervention may be possible where the Attorney General of the Federation is notified by the Council⁶⁹ that a person has persisted in a course of conduct that is detrimental to the interests of the consumer despite the receipt of a written assurance from such a person by the Council.⁷⁰ The Attorney General is therefore empowered to enforce compliance with the provisions of the CPC Act.⁷⁰

As mentioned earlier, the imbalance of power between the consumer and the seller of goods has grossly undermined the rights of the consumer. More importantly, the average Nigerian is grossly uninformed and is often deceived into buying low quality products that often have no return value or warranties. Sadly, most of the toys that are brought into the country have unsafe levels of lead which are dangerous to the health of children. The cost of health care is often beyond the

⁶¹ S.2 (a) of the CPCA Cap C25 LFN 2004

⁶² S.2 (b) of the CPCA Cap C25 LFN 2004

⁶³ S.2 (c) of the CPCA Cap C25 LFN 2004

⁶⁴ S.2 (f) of the CPCA Cap C25 LFN 2004

⁶⁵ S.2 (i) of the CPCA Cap C25 LFN 2004

⁶⁶ S.2 (j) of the CPCA Cap C25 LFN 2004

⁶⁷ S.5 of the CPCA Cap C25 LFN 2004

⁶⁸ S.8 of the CPCA Cap C25 LFN 2004

⁶⁹ S.10 (2) (b) of the CPCA Cap C25 LFN 2004

⁷⁰ S.16 of the CPCA Cap C25 LFN 2004

⁵⁸ S.6 of the CFDPF Act

⁵⁹ [2008] 5 NWLR (Part 1079) pg. 172-226

⁶⁰ Hereinafter referred to as the CPCA

reach of many of the poor Nigerians who readily resort to home-made remedies when children fall sick. The number of unreported fatalities makes it more difficult for the authorities to manage emerging health crisis especially in a timely fashion.

The Nigerian Sale of Goods Act

VII. CONCLUSION

In truth, consumer protection is still under-developed in Nigeria. This is the same with the law of patent as it is yet to get appreciable application in Nigeria. An average Nigerian knows that it is against the law to go into a bank with a gun and rob that bank. This is not with law of patent. This is however unfortunate in view of its importance. Interestingly, just like other areas of human endeavour, there are laws governing consumer protection and patents in Nigeria but its level of awareness is low. The importance of patent to health of a nation can thus not be overemphasized.

It is hereby suggested that in order not to allow these laws to remain dormant, regulatory agencies like NAFDAC, the CPC, SON, and other law enforcement agencies must rise to their calling. These bodies should be assisted with everything to boost or enhance their actions. If no other thing is considered, let the health of the nation be considered, it is wealth.





GLOBAL JOURNAL OF HUMAN-SOCIAL SCIENCE: E
ECONOMICS

Volume 14 Issue 6 Version 1.0 Year 2014

Type: Double Blind Peer Reviewed International Research Journal

Publisher: Global Journals Inc. (USA)

Online ISSN: 2249-460X & Print ISSN: 0975-587X

The Zanu PF Crying and Mourning about the Western-Imposed Punitive Sanctions on Zimbabwe: A much Ado about Nothing (2001– 2014)

By Dr. Silas Luthingo Rusvingo

University, Mutare, Zimbabwe

Abstract- The discourse in this Paper focuses on the under-listed:

- The reasons for the targeted sanctions on Zimbabwe
- The economic consequences of those sanctions and the
- State mantra to explain the economic consequences of those sanctions in Zimbabwe by its political leadership

After a grueling discussion of the above topics the Author, in complying with his tradition will proffer a Summary, Conclusion and some Recommendations designed for some risk treatment.

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GJHSS-E Classification : *FOR Code: 149999*



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I. INTRODUCTION

What boggles the sane mind of any person with Zimbabwe at heart is how the ZANU PF¹ government misses the whole point to explain the reasons behind the punitive economic sanctions in the battered Zimbabwe as below:

- The United States of America and the European Union want regime change in Zimbabwe which from the looks of it is ridiculous and attention seeking from sympathizers' in the East in particular China. The West² wants to make way for regime change via the MDC-T³ who are the Western Imperialist stooges in the SADC⁴ region, another hyperbolic, laughable and dismissible excuse by the then beleaguered ZANU PF political party.

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¹ ZANU PF is an acronym for Zimbabwe African National Union – Patriotic Front the ruling party in Zimbabwe since independence from Britain to date not so much because of popularity but because of some electoral shenanigans which are the subject of this Paper.

² West as used in this context refers to the United States of America, European Union, Canada, Australia and New Zealand.

³ MDC-T is an acronym for Movement for Democratic Change formed in Zimbabwe in 1999 to bring political pluralism then desperately lacking in Zimbabwe.

⁴ SADC is an acronym for Southern African Development Community comprising 14 member states among which is Zimbabwe. Built around peace, security, development, among others, are the core values of the Southern African Regional bloc.

- The West wants to collapse the economy of Zimbabwe to find an excuse for regime change in Zimbabwe. But how, makes the idea as delusional as it is stupid. The list of stupid and silly explanations goes on and on the constraint of space is the limiting factor.

But the sober truth which hurts sometimes is that the United States of America, the European Union (EU) and the rest of the Western World want democracy in Zimbabwe. And Zimbabwe as we shall find out sooner than later, has none of this. The USA, the EU and the rest of the Western World want the rule of law to rule supreme in Zimbabwe. And among other good governance issues none of this exists in Zimbabwe to create this more than a decade long face off between Zimbabwe and the West to create the necessity of a full throttle discussion of this so much abused concept of sanctions in Zimbabwe. Up next is to find out the real reasons and not the fantasy which as above is obtainable from ZANU PF.

II. WHAT HAS CAUSED ZIMBABWE'S ONCE STABLE ECONOMY TO SO SPECTACULARLY COLLAPSE

For the information of the Reader a number of very good reasons have been cited to explain why the Zimbabwean economy, once touted as the "Switzerland" of Africa to be the not only laughable basket case in the SADC region of modest economic growth but a victim of severe criticism from both political and economic analysts and pundits in the same regional bloc. Below are now the much awaited reasons for Zimbabwe's spectacular fall from grace.

- Many in this modern world of increasing complexity place the pivotal blame on none other than His Excellence President Mugabe, who has been for some strange reasons been the only President known to Zimbabwe for now an uninterrupted 34 years and 38 years in 2018 before the next harmonized elections scheduled for this date as on the country's political calendar.
- Among the sabre-rattling issues usually cited for His Excellence President Mugabe's long history of poor

performance are the chaotic land reforms of 2000 embarked upon with so much political zeal saw the +/- 6 000 mainly white commercial farmers lose their farms to His Excellent President Mugabe who then wasted little precious time to redistribute same to the then landless black farmers who to spite His Excellence President Mugabe have to date failed to utilize the so compulsorily acquired land to stoke fears of nationwide starvation in Zimbabwe (Mahove, 2013)(Museve, 2013).

- Zimbabwe's involvement in Democratic Republic of Congo (DRC) war fought in the late 1990s and to which Zimbabwe, more out prestige than need, sent its army to fight in a war which posed no threat real or imagined, to Zimbabwe.
- Absence of rule of law

The period after every general election in Zimbabwe has witnessed an increase in the absence of the rule of law as ZANU PF supporters take to the street to celebrate their flawed victory in every general election in Zimbabwe (Nikisi, 2013) (Amato, 2013) (Bambazonke, 2013).

III. OTHER SHENANIGANS BY HIS EXCELLENCE PRESIDENT MUGABE TO CONTRIBUTE THE COUNTRY'S ECONOMIC MALAISE

That there is more excitement by way of more drama and theatrics from His Excellence President Mugabe is certainly on its way for the enjoyment of the beloved Reader. It is also argued that Mugabe's political intolerance of anything which is an opposition political party in nature eg, the opposition MDC-T, electoral fraud, and gross human rights abuses have all contributed to the country's economic malaise. In other words the pain that he is always crying and mourning about is in fact 'mazvokuda mavanga enyora' (meaning suffering a pain from a self-conflicted wound). To expound on this to benefit the Reader the Author will carry out a bit of relevant Literature Review on these other shenanigans to show that His Excellence President Mugabe of Zimbabwe since independence from Britain in 1980 is in fact an analogue president in a digital era (Rusvingo 2008).

a) *Mugabe's political intolerance of political pluralism sees him crossing swords with the USA and the EU time and again as below:*

A tacit demonstration of His Excellence President Mugabe's political intolerance of political pluralism went a gear up in 2007. According to Rusvingo (2008) Morgan Tsvangirai of the opposition MDC-T political party was savagely attacked while in police custody at a Highfield police station and then later on proudly paraded on Zimbabwe Television (ZTV) screens with a battered face covered in blood. His crime?

Innocently holding a prayer meeting with his supporters in the Highfield Zimbabwe Grounds without permission and clearance from the partisan and ZANU PF aligned police force. In fact where in this modern world of increasing complexity at least in this 21st century would anybody still in command of his five senses butcher a legitimate leader of an opposition political party with a sizeable representation in parliament and proudly stand before the world cameras to proudly announce that:

"Tsvangirai deserved the good bashing from my cowboy policemen. While others have diplomas in political violence against political opponents, let the world know I, Mugabe has several degrees in violence".

Where in this world again at least in this 21st century would anybody deny his people food, (Mahove 2013 and Museve 2013) water from the perennially bungling Harare City Council (Langa 2014) and electricity from the equally bungling Zimbabwe Electricity Supply Authority (Mavhunga 2013) and fraudulently ask the same starving and water and electricity deprived Zimbabweans to give His Excellence another 5 year term to 2018 and yet another 5 year term for the same president until 2023 who at 100 years old will be still in power. 'Mwari neVadzimu venyika ino rambidzai' (meaning God and the Ancestral Spirits of this country, please forbid). In the body language of the Author's rural 85 year old grandmother, Mbuya ngazvichipera (Meaning grandmother let it be over) a surviving resident in the Author's rural home in Marondera West, she summed it up succinctly for the inquisitive Author when she said with tears welling up in her eyes:

'Hatichada, taneta, tapfidza' (meaning we no longer want to continue with this status quo. We are sick and tired. We have had enough of this suffering) (Rusvingo 2008).

While Tsvangirai was being subjected to this humiliating treatment at the hands of the politically intolerant His Excellence President Mugabe a horror script certainly awaits the Reader as far as electoral fraud is concerned. Up next is this horror script.

b) *For more than a decade the unrepentant His Excellence President Mugabe is caught in electoral fraud*

Politically speaking, the coming of Tsvangirai in October 1999 drastically changed the political landscape in Zimbabwe. But for His Excellence President Mugabe, he had other irons in the fire in readiness for that political challenge. Since 2000 the series of elections that were held in Zimbabwe were:

YEAR	TYPE OF ELECTION
2000	Parliamentary Elections
2002	Presidential Elections
2008	Harmonized Elections
2013	Harmonized Elections

From the irrefutable evidence gathered from the above four sets of elections it cannot be denied that all the four elections could have been stolen. The under-listed electoral shenanigans do not bode well for democracy in Zimbabwe:

- The heavy presence of the military and the partisan role that they played in these elections
- The presence of the Israeli company called Nikuv and the obscure role that it played in those elections particularly the 31 July 2013 harmonized elections.
- The voter slips with a water mark which had the potential of a light X against the ZANU PF inscription.
- The opaque manner in which the voters were registered in urban areas compared with rural areas.
- The higher number of assisted voters in the rural areas compared with urban areas. Even literate headmasters claimed to be illiterate to attract attention from the partisan assistance givers.
- The non-partisan West had no observers in these elections
- Busing of voters to vote in areas in which they were not resident
- Additional polling stations were done outside the requirement of the law. Nobody knew how many they were to prevent ballot stuffing.
- All the SADC guidelines were not complied with
- The opposition parties were denied access to the voters roll, print or soft copy
- Two members of the Zimbabwe Electoral Commission resigned citing irregularities in the manner the electoral processes were conducted
- The list of shenanigans goes on and on the said elections could have been brazenly stolen to give the incumbent party an unfair advantage over the other parties. And finally are the gross human rights abuses which characterized the elections before, during and after as below:

c) *His Excellence President Mugabe commits gross human rights abuses in the lead up to the June 27, 2008 run-off*

In the lead up to the 27 June 2008 run-off election 200 of the MDC supporters were reported killed by ZANU PF and its supporters countrywide to force Tsvangirai of the MDC-T party to withdraw citing more of his supporters being killed at the hands of the ZANU PF political party and its supporters (Takaona, 2014). Many

people had their houses razed to the ground for their support for Tsvangirai and many more were left homeless in what the international community condemned as gross human rights violations against the MDC supporters countrywide (Tagarepi, 2014). With his human rights abuses His Excellence President Mugabe did not stop here. He instead went a step further to rebuke the West. And below coming your way are the graphic details of those rebukes.

d) *How did His Excellence President Mugabe rebuke the West to earn economic sanctions from the West?*

On too numerous occasions, His Excellence President Mugabe had been caught offside on the need to maintain good relations with the West, chief among them the USA, the European Union and Australia, among others. Unknown to our analogue President in a digital era is that whether he likes it or not the USA, EU and Australia have suddenly emerged to be the prefects of this modern world of increasing complexity. And you only ignore this fact at your peril. After experiencing a torrid time at the December 2007 Lisbon EU-Africa Summit where His excellence had attended the said Summit but was not welcome to most European Heads of States in attendance, he waited for his turn when he touched down at the Harare International Airport. Emerging a lot pampered from the same summit he had been invited to attend but certainly not welcome to most European Heads of State the recalcitrant His Excellence President Mugabe had wasted little precious time to throw brickbats at the then British Prime Minister Gordon Brown, who had even boycotted the same summit in protest at His Excellence President Mugabe's presence as below:

"We defeated the British, we were the victors over the British. What is Britain after all? They think the Empire still runs. The Empire is no more, it has collapsed. If the British understood this, they would not behave like the Empirical power they used to be", proclaimed His Excellence President Mugabe at the Harare International Airport much to the applause of a few of his rag tag supporters who had been frog marched to the airport to welcome him back from the said summit (Rusvingo 2008:4).

For the first ever time His Excellence President Mugabe and his ZANU PF had emerged looking tired and bruised after the 2 000 parliamentary elections in which he had been given a good run for his money by the emerging Tsvangirai and his up-start MDC political party. The shocked President Mugabe who had won the said election by the narrowest of margins was so shamed to throw yet again some brickbats this time targeting the EU. In broad day-light and using the most unsavoury and undiplomatic language unbefitting a Head of State and Government and before the world cameras had this to say:

“To hell with the EU Observers and Monitoring Teams and their biased reports on the parliamentary elections. After all we Zimbabweans do not send observer and monitoring missions to oversee elections in Europe let alone Britain.”

The lead up to the 29 March 2008 harmonized elections in which His Excellence President Mugabe had for the first ever time been defeated by an opposition MDC party was certainly a free comedy of theatrics and drama to the people of Zimbabwe then used to pay expensively for same. Against an unprecedented move by ZANU PF supporters that they no longer wanted His Excellence President Mugabe as their Presidential candidate in the 29 March 2008 but a young candidate capable of reviving the Zimbabwean economy then in a decade long free fall, little did they know that His Excellence President Mugabe had other irons in the fire. To pre-empt the elective ZANU PF congress His Excellence had resorted to a self-serving strategy of numerous provincial solidarity marches in support of His Excellence President Mugabe's candidature. Spearheaded by the once suspended Jabulani Sibanda who would utter undespicable words in contempt of any members in ZANU PF who dared challenge His Excellence President Mugabe for the leadership of the party at the then forthcoming extraordinary party congress, the ZANU PF party aligned to His Excellence President Mugabe had organized several solidarity marches in support of His Excellence President Mugabe. These provincial solidarity marches culminated into the so-called “One million men and women” march on 30 November 2007 (Rusvingo 2008). On this historic day several thousands of his (His Excellence President Mugabe) rural supporters had been bused and rail-roaded to Harare started their 10 kilometres march from the Harare City Centre to the Highfield Zimbabwe Grounds where they were to be addressed by His Excellence President Mugabe who, as is always his tradition, would pour bucketfuls of scorn and rebuke on Britain and its EU allies and the opposition MDC political party for their daring attempts to bring regime change in Zimbabwe. The scathing verbal attack would go thus:

“Zimbabwe will never be a colony again”.

His Excellence President Mugabe would declare, to thunderous applause from the hungry marchers (Mawani, 2007).

Come the internal election day, His Excellence President Mugabe, in what was described by the Zimbabwe Independent weekly newspaper as a big fraud to nominate him as the sole presidential candidate, Mugabe was by show of hands elected as the winning candidate to stand again as the ZANU PF sole presidential candidate. Period. (Rusvingo 2008:110). Up next is to find out what punitive measures the West took to reign in the errant His Excellence President Mugabe.

e) *The miffed West imposed targeted punitive sanctions on His Excellence President Mugabe and his cabal*

The West, miffed by the under-listed shenanigans had no choice but to impose a raft of punitive sanctions on His Excellence President Mugabe and his cabal:

- A long history of intolerance against political pluralism in Zimbabwe dating back to the early days of Gukurahundi against Dr Joshua Nkomo of opposition ZAPU in the early 1980s had taken centre stage. From Dr Joshua Nkomo of opposition ZAPU who had fled Zimbabwe disguised as a woman, Tsvangirai of MDC had his fair share of the intolerables from His Excellence President Mugabe. In the SADC region the exemplary man for His Excellence President to take a cue from is Jacob Zuma, the President of South Africa. Julius Malema of the opposition Economic Freedom Fighters can heckle Jacob Zuma at any time and place for spending tax payers' money on his Ikandla private residence but Zuma does not order the non-partisan South African police to arrest him for illegal detention.
- Taking South Africa and its elections as a benchmark for Zimbabwe, elections in South Africa are a hallmark of democracy. In Zimbabwe, the long history of cheating and stealing of elections, let alone the political violence and the loss of life and limb is so unsettling banning of elections in Zimbabwe, if it is democratically allowed, is better than to have them at the expense of so much loss of life and property.
- Benchmarked against the South African elections of 07 May 2014 people heard of no reports of gross human rights violations for the entire duration of that election i.e, no reports of homes burnt down in political violence were received nor were reports of people displaced because of political violence. Elections in Zimbabwe are so violent all the rural areas of Zimbabwe are no go areas for the duration of the election. The rule of law ceases to take effect so that nobody is held accountable for any death or gross human rights violations during election time.
- Compared with Zimbabwe, Zuma does not rebuke the West. And this explains why Obama's 2013 three African nations visit, had South Africa as one of these countries. It was good governance that attracted Obama to visit South Africa where he pointed that bad governance had destroyed Zimbabwe. Up next is the nature of these punitive sanctions which torched the crying and mourning by His Excellence President Mugabe and his cabal.

IV. WHAT WAS THE NATURE OF THE PUNITIVE SANCTIONS ON ZIMBABWE BY THE WEST THAT HAD TORCHED THE CRYING AND MOURNING BY HIS EXCELLENCE PRESIDENT MUGABE AND HIS CABAL

In broad outline the sanction package for His Excellence President Mugabe and his cabal was made up as outlined below:

- A travel ban to the countries that had imposed the punitive sanctions. These countries are the USA, the EU, Australia and Canada, chief among others. The targeted sanction victims were His Excellence President Mugabe and the First Family, Cabinet Ministers, Generals of the armed forces, chief among others.
- The closure of their foreign accounts and the automatic loss of all the proceeds contained therein at the time of the closure of the said foreign accounts.
- A trade embargo on certain goods and services eg, the Marange diamonds.
- Exclusion of His Excellence from the first ever USA-Africa Summit held in New York on 5 – 8 August 2014.
- After the USA-Africa summit Obama pledged US\$ 33 billion in financial and development assistance and Zimbabwe stood not to benefit from that. Up next is how the various stakeholders said about the punitive sanctions imposed on the Zimbabwe's political leadership.

V. WHAT THE VARIOUS STAKEHOLDERS SAID ABOUT THESE WESTERN IMPOSED SANCTIONS ON ZIMBABWE'S POLITICAL LEADERSHIP TO CONCLUDE IT'S A MUCH ADO ABOUT NOTHING

From the relevant short literature review carried out by the Author, his findings on the crying and mourning by ZANU PF about the Western imposed sanctions on the ZANU PF political leadership were all rubbished as drivel from a ZANU PF suffering from a poverty of conscience. Some enterprising stakeholders accused ZANU PF of behaving like cry babies while the Author accused ZANU PF of engaging in thoughtless child play while the economy was burning like a veld fire. Having said this let us hear what Chimakure of the *Newsday* had to say to confirm whether or not ZANU PF should be taken seriously. It is over to Mr Chimakure.

a) *Chimakure urges ZANU PF to "Stop the 'Sanctions' Chorus.*

The burning question of food security, endemic corruption and the chaotic land reform in impoverished Zimbabwe was fiercely debated on 15 October 2013

following heated exchanges in the House of Assembly with all ZANU PF members of Parliament (MPs) choreographing the usual nauseating drivel about sanctions being behind everything that had gone wrong in Zimbabwe including the then looming food shortages which were threatening 2.2 million Zimbabweans with starvation (Chimakure, 2014).

Contributing to a motion on food shortages which had been introduced into the August House of Assembly for debate most ZANU PF MPs rushed to blame the sanctions imposed on His Excellence President Mugabe and senior ZANU PF party officials by the West and former Finance Minister Tendai Biti for contributing to the crisis. What boggles the mind is why the clueless ZANU PF should continue harping on about illegal sanctions when people are suffering and some of them dying. Justice, legal and Parliamentary affairs minister Emmerson Munangagwa left everybody in the House of Assembly dumbfounded when he claimed in a crazy fashion that potholes on our major roads which in some parts of the country have claimed lives as vehicles tried to negotiate them were caused by sanctions. Sanctions really? (Chimakure, 2013).

Poor service delivery everywhere is the economy is according to the myopic ZANU PF, again caused by sanctions. What hogwash from a political party that claims a long history of being the ruling party in Zimbabwe since independence from Britain in 1980. This excuse repeated with monotonous boredom will not wash now and in the future anywhere in this modern world of increasing complexity. What is now as obvious as the sun rising in the east and setting in the west is that even some people in ZANU PF today are already feeling the heat after overwhelmingly voting His Excellence President Mugabe and his ZANU PF party into power after the 31 July 2014 harmonized elections (Chimakure 2013).

Perhaps this could be the mother of all reasons why His Excellence President Mugabe continues to harp on the sanctions issue with monotonous repetition. It is the people's view that the paranoid ZANU PF quickly realized that they promised over much and that they would not be able to fulfill any of their exaggerated and hyperbolic pre-election promises hence their unsuccessful bid to shift the blame onto the Western imposed sanctions (Chimakure 2013).

The brutal truth of the matter which hurts sometimes is that the current political, economic and diplomatic crisis in Zimbabwe is very much man-made. While the one forefinger points at Western imposed sanctions as the cause of our economic woes the other four fingers point at none other than ZANU PF itself. Period. On the much hyped land reform programme the God-unforgiven sin committed by ZANU PF was to carelessly replace experienced white commercial farmers with inexperienced ones without the required

know how who sold farming equipment. The acquired land was underutilized at the onset of the Fast Track Land Reform programme. 'Nematakanana atiri kuona aya Mwari dai marambidza' (Meaning with all this drivel around us may God please forbid!). (Chimakure, 2014).

The chances are that the clueless ZANU PF can take the country into further abyss. And our only prayer to God if he cares to hear – any more of the man-made drivel from Zimbabwe is to empower the minority opposition parties to keep the recalcitrant ZANU PF under constant check.

Having dismally failed in its bid for blame deflection ZANU PF should be condemned in the strongest of terms to desist from inciting supporters to fight members of the opposition parties in the name of fighting sanctions. If they are real and genuine about the fight they should take their fight to the West and not the countryside where the opposition MDC–T supporters reside (Chimakure, 2013). Coming your was sooner than later is to unravel the IMF sanctions myth by Mushawatu.

b) Mushawatu strives to unravel the IMF sanctions myth

The fact of the matter is that Zimbabwe has been unable to access loans from the International Monetary Fund (IMF), the World Bank (WB), the African Development Bank (AfDB) for over a decade (Mushawatu, 2013).

Various schools of thought in Zimbabwe have given different explanations for the country's inability to access funds. Conflicting accounts of how the sanctions came about caused confusion in the minds of ordinary Zimbabwean prompting Mushawatu to write in an attempt to demystify the issue of sanctions in Zimbabwe in as far as the IMF and WB are concerned.

The Reserve Bank of Zimbabwe, in a document titled 'The Impact of sanctions against Zimbabwe', attempted but failed to explain the real cause of the imposition of sanctions. According to this document Zimbabwe's inability to access loans from the IMF and WB was as a result of the controversial land reform programme which angered the West and consequently led to punitive measures against the country by institutions controlled by the West (Mushawatu 2013).

What boggles the mind is that the document kicks off by telling us that Zimbabwe could not access loans from the Bretton Woods institutions because of its arrears but later somersaults and changes the story to resonate with the myth of the land reform programme in Zimbabwe. ZANU PF offers the controversial land reform as the reason why Zimbabwe could not access funding from the Bretton Woods institutions (Mushawatu 2013).

Simply defined sanctions are measures carried out against one party by another in order to make the party under sanctions behave in a way desired by the

party implementing the sanctions. The measures being carried out by the IMF and WB against Zimbabwe fit the bill of sanctions since they seek to compel Zimbabwe to behave in a certain way ie, to pay up its arrears (Mushawatu 2013).

The IMF and the WB have clearly laid out procedures aimed at standardized remedial actions for defaulting countries. The procedures have timeframes under which defaulting of payment will result in sanctions. When Zimbabwe was barred from accessing IMF loans, it had defaulted on payment for over a year. The governing procedures of these institutions allow them to implement measures against countries that have defaulted on debt repayment for such periods as the ones mentioned hence the sanctions (Mushawatu 2013).

The remedial measures by the Bretton Woods institutions include the suspension of voting rights and barring the country from accessing loans and technical assistance. These were implemented against Zimbabwe solely as a result of the country's inability to service its debts (Mushawatu, 2013).

Those who wrongfully claim that the sanctions against Zimbabwe are as a result of the land reform agenda would have to answer whether other countries that have had such measures implemented against them because of failure to service their debts, such as Somalia and Sudan are also being punished because of the land reform or similar programmes. The truth of the matter was Zimbabwe was barred from accessing IMF and WB loans because of failure to repay its debt (Mushawatu, 2013).

What did His Excellence President Mugabe say about sanctions? The answer on its way coming to you right away .

c) What did Mugabe say about sanctions?

The message from His Excellence is saying people should not blame sanctions for their failure to pay civil servants when Zimbabwe is endowed with so many natural resources. His Excellence President Mugabe said while sanctions had previously militated against efforts to improve government employees' welfare, it cannot continue to be the reason for failure given the resources the country is endowed with (Tafirenyika, 2014).

"I will ensure that we don't go back to the time of saying "aaah masanctions ndiwo ari kutitadzisa" (meaning sanctions are the reason why we are failing to pay civil servants) said His Excellence President Mugabe. "Ma resources aripo" (meaning we have the resources, the gold sector for example, they are very easy to get the money from unlike diamonds With gold we know the price of gold and must be sold to Fidelity" (Tafirenyika, 2014).

Sanctions imposed on His Excellence President Mugabe's government have been blamed by the

clueless ZANU PF as the reason for their failure to honour the promises they made in the run up to last year's elections. ZANU PF has in the past blamed sanctions and its Unity partner, MDC which was in charge of the Finance Ministry for failing to award civil servants salary increments. But a point of correction at this juncture is to remember that when these exaggerated and hyperbolic election promises were made punitive economic sanctions by the West had been there by about 2000 or thereabout. How then are the sanctions of 2000 or thereabout suddenly the excuse for failure to pay civil servants in 2014. That is politicking going too far off the mark (Tafirenyika, 2014). The nonagenarian added that the civil servants had sacrificed a lot under difficult circumstances especially during the hyperinflationary era of 2000 to 2008.

"I don't know makarama sei? Isu vamwe tine minda nemagarden" (meaning I do not know how you made it. Some of us could fall back on our land), but there are some who depend solely on their salaries (Tafirenyika, 2014).

According to the Author the one big problem that underlies everything that the clueless ZANU PF does is lack of discipline. To cause hyperinflation in the 2000–8 period they were printing money 24 hours a day. To cause food insecurity in Zimbabwe they authored the chaotic land reform programme, chief among other irregularities, now they are grappling with the size of the civil wage bill which currently stands at 70%. What does that mean to you? For every \$100 of government expenditure the civil service wage bill is knocking off \$70 of that money. During election time ZANU PF through financial indiscipline go on a senseless recruitment drive to please the electorate. The end result, according to Patrick Chinamasa, the ZANU PF Finance Minister, he cannot reduce the wage bill in which 75 000 of about 230 000 civil servants are ghost workers. These were unearthed by the internationally reputable Ernst and Young (India) in a comprehensive audit carried out at the request of the paranoid ZANU PF government (Mambo, 2014). All said and done what remains for the Author to carry out next is the Summary, Conclusion and Recommendations designed for risk treatment. But up next is the Summary of the Paper.

VI. SUMMARY

'MaSanctions mu Zimbabwe mazvokuda mavanga enyora' (meaning suffering pain from a self inflicted wound). At the very best ZANU PF is found engaging in child play to conclude that the crying and mourning about sanctions is nothing but attention seeking from a child in a quest of breast feeding from its mother. The usual drivel and hogwash such as the West want to recolonise Zimbabwe to make way for regime change to benefit the MDC-T, the West wants to collapse the economy of Zimbabwe to find an excuse,

chief among others, are a complete miss of the point to confirm that the crying and mourning is in fact a much ado about absolutely nothing. To militate against the above drivel, the real not imagined reasons, for Zimbabwe's long history of failure are placed squarely on His Excellence President Mugabe who for an uninterrupted 34 years has been President of Zimbabwe, the chaotic land reform which replaced experienced white commercial farmers with inept black farmers who sold farm equipment, endemic corruption from ZANU PF kleptocracy always mouthing off historical liberation slogans to justify their continued stay in power, Zimbabwe involved in the DRC war which did not create new wealth for the impoverished Zimbabwe, let alone posing any security threat to democracy and the rule of law. Other negative forces militating against Zimbabwe's economic prosperity are His Excellence President Mugabe's political intolerance of political pluralism, electoral fraud, gross human rights abuses, chief among others. The West was also a victim of vitriol and scorn by His Excellence President Mugabe. In retaliation for this long list of wrong doing by Zimbabwe, punitive economic sanctions were imposed on Zimbabwe by the USA, EU, Australia, IMF, WB and AfDB. As expected Russia and China vetoed.

A short literature review was carried out to sound out what other stakeholders said about the punitive sanctions against Zimbabwe vis-à-vis the crying and mourning from ZANU PF. First to make contribution was Chimakure of the Newsday who rubbishes the crying and mourning by ZANU PF as another act of child play designed primarily for attention seeking from sympathizers' such as Russia and China. Then came Mushawatu who also rubbishes another drivel by ZANU PF to say that Zimbabwe failed to access loans from the Brentonwoods Institutions primarily because of defaulting on payments and not as a retributive action against the controversial land reform programme. His Excellence President Mugabe chipped in with his contribution that people should stop blaming everything including drought and starvation on sanctions. And finally another discovery which was a source of discomfort to any Zimbabwean with Zimbabwe at heart was civil service wage bill gobbling 70% of the government expenditure. Of the 230 000 civil servants, 75 000 are ghost workers employed at the behest of the indisciplined ZANU PF. Having said this up next is the Conclusion.

VII. CONCLUSION

Let us take the bull by the horns. "Ngatirege kurova imbwa takaviga mupini" (meaning let us not beat about the bush) "amai kana vari ivo muroyi ndizvozvo zvatakdzwa nemashope shope" (meaning if the mother has been caught as the village witch, so be it). That sanctions are part of the regime change agenda in

Zimbabwe, that the West imposed sanctions to reverse, the chaotic land reform in Zimbabwe, that the West imposed punitive sanctions primarily to hurt the Zimbabwean economy to make way for an MDC government in Zimbabwe through the back door, that potholes on our roads claiming lives of many Zimbabweans through road accidents, that we have drought and starvation in Zimbabwe because of sanctions imposed by the West, chief among other nonsensical excuses is all but cheap ZANU PF hogwash, drivel, manyepo (meaning lies) which will not wash now and in the future. The brutal truth which will hurt ZANU PF is that ZANU PF is not behaving to the expectations of those who have imposed the punitive economic sanctions. Take it or leave it. This modern world of increasing complexity has the USA, EU and Australia as the prefects of this world. They are the custodian of the foreign direct investment for which the impoverished Zimbabwe is in desperate need as testified by its destroyed and damaged infrastructure. That tiny and humiliatingly poor as you are you can have the guts to tell the USA and the EU:

“Keep your money. I will keep my Zimbabwe” as once said by His Excellence President Mugabe.

Uku ndookunonzi kunyebera church chaiko. Hapana kunamata apa (meaning to say, Your Excellence Mr President, you are shedding crocodile tears). Know this fact that you need the USA and the EU more than the two need you. And so the crying and mourning by your party ZANU PF is all but a baby cry from a baby in need of breast feeding from its mother. And there is nothing more or less to it. Period. On that sombre note the Author declares time for the Recommendations.

VIII. RECOMMENDATIONS

‘Hanzi navakuru vakare mwana asingachemi anofira mumbereko. Mbudzi kuzvarira pane vanhu kuti itandirwe imbwa’ (meaning the baby cry is designed for attention seeking that it is breast feeding time, meaning a goat that gives birth in the presence of a crowd of people did it for security reasons eg, a threat from the predators like dogs in the neighbourhood). The positive side of the crying and mourning by the clueless ZANU PF was designed for attention seeking for a ‘save our soul’. And indeed people with a Christian background like the Author will certainly rush to their rescue. From the looks of things ZANU PF are an Ebola suffering patient in the intensive care unit of a missionary hospital in rural Zimbabwe in need of both material and spiritual help in order to survive the Ebola attack.

First and foremost, ZANU PF must learn to behave to the expectations of the blind review of its peers. Forsaking democracy and the rule of law will certainly make you cross swords with the US A and the EU who are not only the custodians of the foreign direct

investment needed by any country in the poor third world of which Zimbabwe is one, but the spiritual home of democracy, Christianity, civilization and the rule of law, chief among others. Therefore, any breach of the above political benchmarks will not only make you an enemy open for military attack by the USA and EU but a hopeless enemy not worth of financial aid. Therefore, Zimbabwe must learn to behave to the expectations of these super powers.

Secondly ‘Ushe madzoro, ukatongawo nhasi ini ndichatongawo mangwana’ (meaning we must take turns to rule and not for one person to rule for ever). The root causes of the shenanigans by the ZANU PF party as exposed in this Paper is for the love of power and nothing else. Look at Spain, the World Football Champion since 2010 and the current European Champions. The Spanish dominance in World Football was becoming worrisome to everybody with soccer at heart. And look at the cruel manner in which they were dispossessed of their title eg, by a 5-1 score line defeat, chief among others. So, do you want that to happen to you? (Reuters 2014) ‘Dambe rinoregwa richanakidza’ (meaning too much of everything is not only boring but open to violent over-throws as what happened to Spain in the 2014 World Cup in Brazil which ran from 14 June to 13 July 2014. Those with ears have heard. And for today the Author will park the bus right here to take a breather. “Mwari neVadzimu venyika ino tibatsirei Amen” (meaning God and the Ancestral Spirits of this country please help us, Amen).

IX. KEY ASSUMPTION

In presenting this Paper would, right from the outset wish to reassure the beloved Reader that all the facts and figures contained herein are stated as they are on the ground. Any offence to any person whosoever was and is unintentional and therefore sincerely regretted.

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GLOBAL JOURNAL OF HUMAN-SOCIAL SCIENCE: E
ECONOMICS

Volume 14 Issue 6 Version 1.0 Year 2014

Type: Double Blind Peer Reviewed International Research Journal

Publisher: Global Journals Inc. (USA)

Online ISSN: 2249-460X & Print ISSN: 0975-587X

A Brief Analysis on India's Trade with SAARC Countries: Recent Trends

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Abstract- The analysis of trade between the countries is an interesting phenomenon in international trade. Analyzing the trend is some more interesting. In this study an analysis is made between India and SAARC. An analysis is made about the recent trends in India's trade relation with SAARC countries. Out of the eight members of SAARC three were selected for the analysis, namely Bangladesh, Pakistan and Sri Lanka. For these three countries India's exports to and imports from were taken and analysis were made. The trend shows that in general both imports and exports were increasing over time. This trend exhibits for all the three trading countries. However, depending up on the economic and political conditions of the trading countries the researcher could find the fluctuation in the trade relation. All the three nations exhibit a characteristic trend unique to their own country in trading with India.

Keywords: SAARC, grant in-aid, tariff, liberalization, bilateral trade, WTO, economic meltdown.

GJHSS-E Classification : FOR Code: 140299



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Dr. B. Ambrose ^α & Mr. P. Sundarraj ^σ

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I. INTRODUCTION

Generally it can be stated that the formation of South Asian Association for Regional Cooperation (SAARC) as a regional organization is to accelerate the process of economic and social development in member states and to have a greater cooperation with in the eight members of SAARC. It is generally found that intra-country differences in production and consumption patterns leave considerable scope for further regional trade expansion. South Asia has made good progress in liberalizing trade regimes and slashing tariffs since the early 1990s when most of the countries in South Asia started with reforms. The countries have also undertaken considerable industrial deregulation and other structural reforms. The governments and the private sector recognize that strong exports are critical for overall economic growth and poverty reduction. Moreover export-led growth has become a key thrust in each member country. Each member country has been integrating with the global economy, as evidenced by the significant increases in the merchandise trade. In this paper India's trade with SAARC countries like Bangladesh, Pakistan and Sri Lanka were taken and these countries trade relation with India were analyzed and results were produced.

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II. METHODOLOGY

The trend analysis between India and selected members of SAARC Countries has been done. In this analysis Bangladesh, Pakistan and Sri Lanka was selected for the analysis. As these three countries are having a high level of trade with India in terms of Value and Volume. The time period for the analysis is from 1996 to 2013. The analysis starts with the Asian financial crisis and end up with recent available data. Most of the data were collected from Department of Commerce, Government of India and Development Initiatives based on OECD DAC and UN OCHA FTS. Here Ordinary Least Square (OLS) method has been used to derive the results. This data was regressed using OLS independently, with the time as dependent variable. The Conclusions were made based on the Co-efficient which has been derived.

III. INDIA'S TRADE WITH SAARC COUNTRIES

In India, the external sector has exhibited a marked transformation since the balance of payments crisis in 1991. The crisis was overcome by a series of stringent measures with an overriding objective to honor all external obligations without resorting to rescheduling of any external payment obligation. While successfully dealing with the crisis through an adjustment programme, it was decided to launch simultaneously a comprehensive programme of structural reforms in which the external sector was accorded a special emphasis. The major trade policy changes in the post-1991 period included simplification of procedures, removal of quantitative restrictions, and substantial reduction in the tariff rates. Various steps were also taken to promote exports through multilateral and bilateral initiatives, including identification of thrust areas and regions. The policy stance marked a move from the provision of direct export subsidy to indirect promotional measures. India also took several policy initiatives at the multilateral levels for introducing new tariffs. Here in this paper a purposive selection is made in India's trade with SAARC countries. Out of eight countries in the SAARC group only three countries were selected for the analysis because these three countries were found to be trading with India comparatively on a higher trade volume and value.

Table 1 : India's Trade with Bangladesh, Pakistan and Sri Lanka
(US\$ Million)

Year	India's Export to Bangladesh	India's Import from Bangladesh	India's Export to Pakistan	India's Import from Pakistan	India's Export to Sri Lanka	India's Import from Sri Lanka
1996-97	868.96	62.23	157.22	36.16	477.41	42.84
1997-98	786.46	50.81	143.15	44.45	489.23	30.21
1998-99	995.64	62.40	106.10	214.45	437.13	32.76
1999-00	636.31	78.15	92.95	68.21	499.27	41.59
2000-01	935.04	80.51	186.83	64.03	640.14	45.01
2001-02	1002.18	59.12	144.01	64.76	630.89	67.38
2002-03	1176.00	62.05	206.16	44.85	920.98	90.83
2003-04	1740.74	77.63	286.94	57.65	1319.20	194.74
2004-05	1631.12	59.37	521.05	94.97	1413.18	378.40
2005-06	1664.36	127.03	689.23	179.56	2024.67	577.70
2006-07	1629.57	228.00	765.45	323.62	2167.90	470.33
2007-08	2923.72	257.02	975.23	287.97	2238.39	634.96
2008-09	2497.87	313.11	1439.88	370.17	2425.92	356.57
2009-10	2433.77	254.66	1573.32	275.94	2188.08	392.19
2010-11	3242.90	446.75	2039.53	332.51	3510.05	501.73
2011-12	3789.20	585.73	1541.56	397.66	4378.79	637.43
2012-13	5144.99	639.33	2064.79	541.81	3983.87	625.81

Source: Department of Commerce, Govt. of India.

IV. INDIA'S TRADE WITH BANGLADESH

In recent years, Bangladesh has adopted an outward-oriented growth strategy which aims at reducing the anti-export bias prevalent in the economy and improving competitiveness while keeping in view medium-term imperatives and long-term development agenda. Bangladesh's trade policy objectives keep pace with globalization and the gradual development of a free market economy under the World Trade Organization (WTO) rules; facilitate imports of technology and to expand use of modern technology; ease imports for export industries Calibrating trade policy reform to support small and medium sized enterprises development is another priority (WTO, 2006).

The objectives stated in the Export Policy 2003-2006, which stresses the need for product-based and sector-based development.

India's trade with Bangladesh is given in the table 1, from the data table it can be clearly understood that the overall exports of India to Bangladesh has increased over time. However, fluctuations are found on a year to year basis. The author believes that this fluctuation is due to some external factors like USA's economic melt down and its impact on the world economy. To conform this view from the table 2, it can be understood that the USA's Aid to Bangladesh during the study period has taken a downturn. The author believes that, this has resulted in the reduction of Bangladesh's ability to import from India.

Table 2 : USA's Grant in Aid to Bangladesh (2000-2011)
(US\$ million)

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
USA	6.5	22	23.1	2.4	7.7	5.3	0	0	39.5	7.8	19.7	7.5

Source: Development Initiatives based on OECD DAC and UN OCHA FTS data

In the table 1 which shows that India's export to Bangladesh has taken a dip from the year 2007 to 2010. In other words the capacity of Bangladesh to import has taken a hit. India's imports from Bangladesh in general seems to be increasing but the total value is seems to be comparatively at a low level. Here too, the trend of Bangladesh exports exhibits the pattern of Bangladesh's imports. In simple terms in the year between 2007 and 2010 India's imports from

Bangladesh remain stagnant, this could possibly be the same reason cited for India's exports to Bangladesh.

The results of OLS estimates too depicts that the coefficient of India's exports to Bangladesh is 0.901 and it is significant at one percent level. The test of goodness of fit value is high. With regard to India's imports from Bangladesh the estimated coefficient are at 0.867 and this is significant at one percent level. From this it can be stated that India's exports to Bangladesh

in the later part of the study period has been increasing over time with some fluctuation.

V. INDIA'S TRADE WITH PAKISTAN

In case of Pakistan, during the past four years, various initiatives have been announced as a part of the Trade Policy. These measures aimed at reducing cost of doing business and included long-term financing of export oriented projects, relocation of industries, freight subsidy, sales tax facilitation for export sectors, incentives for priority export sectors, research and

development (R&D), marketing and business facilitation, special export zones, garment skill development board, creation of Trade Development Authority of Pakistan (TDAP), revamping of the trade bodies law and framing of rules, tariff rationalization initiative. A Rapid Export Growth Strategy (REGS) was announced in 2005. The strategy aimed at (i) trade diplomacy to increase market access; (ii) diversification of export markets; (iii) strengthening of trade promotion infrastructure; (iv) skill development; and (v) early provision of modern infrastructure.

Table 3 : India's Trade with SAARC Countries

India and Bangladesh	Co-efficient	R Squared
Exports	0.901*	0.799
Imports	0.867*	0.751
India and Pakistan	Co-efficient	R Squared
Exports	0.927*	0.859
Imports	0.857*	0.734
India and Sri Lanka	Co-efficient	R Squared
Exports	0.943*	0.889
Imports	0.894*	0.798

*Source: Computed by the Author, *Significant at 1% level.*

India's exports to Pakistan data is given in the Table 1. From the table it can be understood that India's overall exports to Pakistan has increased over time. After a strong perusal of the data one can understand that in the years like 1999 and 2000 India's exports to Pakistan has taken a dip. This is mainly due to the fact that India and Pakistan had a skirmish over the Kargil issue. Again there is another dip in the year 2011. This is due to American economic slowdown. In other words Pakistan is unable to buy from India.

In case of regression estimates the coefficient for India's exports to Pakistan stands at 0.927 with one percent level of significance. A look into India's imports from Pakistan presents many interesting features. First of all the value of goods imported by India from Pakistan is less. Since 1999 and till 2003 the value of India's imports has drastically gone down mainly due to kargil crisis. After 2005 India's import from Pakistan increases over time but it is a marginal in nature. The coefficient of the OLS estimates is 0.857 with one percent level of significance. It can be stated that compared to India's exports to Pakistan, India's imports from Pakistan is marked at a lower level. The cause for lower level of India's import from Pakistan, other than the political imbroglio the real reason could be that Pakistan is not producing goods that can be successfully marketed in India.

VI. INDIA'S TRADE WITH SRI LANKA

Sri Lanka began economic liberalization in 1997 with a move away from socialism. Sri Lanka's export-

oriented policies have seen a shift from a reliance on agricultural exports to an increasing emphasis on the services and manufacturing sectors. The service sector accounts for over 55 per cent of Gross Domestic Product (GDP). Manufacturing, the fastest growing sector, is dominated by the garment industry. The agriculture sector, though decreasing in importance to the economy, nevertheless accounts for around 18 per cent of national output and employs more than one third of the workforce. The public sector remains large, with the state continuing to dominate in the financial, utilities, health and education sectors.

India's export to Sri Lanka is given in the Table 1, from the table it can be deduced that the overall export to Sri Lanka has increased significantly. However, there exists some fluctuation within the study period. Here the highlight is that during the year 2009-10 there is a marked fall in the India's exports to Sri Lanka this may be due to the civil war in Sri Lanka during the time period. For India's exports to Sri Lanka the regression coefficient is at 0.943 with significance at one percent level, and the R squared value is 0.889. In considering the imports from Sri Lanka, nothing significant was found, because the value of imports is comparatively lower than the exports. The import value was \$42 million in 1996 and \$625 million in 2012. Similar to the exports India's imports from Sri Lanka also taken a dip in the year 2009 for the very same reason given above for exports. Though the coefficients value is significant at one percent level, the values for imports are actually lower than the exports.

VII. CONCLUSION

In the recent times India's trade with the selected SAARC countries witness a general increase in the overall trade. Though there is a general increase India's exports to and from individual SAARC countries, there exist a difference in trade relation with India and individual member countries. In simple terms it is proved that in recent time the general trend is that India do more exports and imports with Bangladesh followed by Sri Lanka and Pakistan comes the third in terms of value. When the same data is analyzed with the OLS estimator, when the value of coefficient and goodness of fit is taken into consideration, there seem to be an interesting turnaround, where Sri Lanka comes first followed by Pakistan and then comes Bangladesh. This trend of India's trade with the select SAARC countries reflects the present period of time, but this may change over time.

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