

Talking Points on Negative Impacts of the U.S.-Colombia Free Trade Agreement

IMPACT ON COLOMBIAN FARMERS

- The FTA would have an unequal impact. While some larger, export-oriented operations might benefit, it would harm the Colombians already most brutally affected by decades of war: poor farmers in conflict zones, Afro-Colombian and indigenous communities, and internally-displaced families seeking to return to their lands.
- The U.S.-Colombia FTA would force Colombian agricultural products to compete without any protection against U.S. subsidized commodities. As a result, according to research conducted by respected Colombian economists, Colombia's 1.8 million small farmers would see their net agricultural income fall by over 16 percent on average. (Info from: <http://www.oxfamamerica.org/files/colombia-fta-impact-on-small-farmers-final-english.pdf>)
- Nearly 400,000 small farmers would lose between 48 and 70 percent of their income, when the majority of them now earn less than the minimum wage. (Info from same link above)
- According to Colombia's Ministry of Agriculture and Rural Affairs, the proposed Colombia trade pact would cause a 35% decline in agricultural employment in conflict-ridden regions of Colombia, leaving the unemployed with little choice but "migration to cities or other countries (especially the United States), working in drug cultivation zones, or affiliating with illegal armed groups."
- The FTA may undermine the Colombian government's own program to return land to displaced people, as many traditionally grow the same crops that will be imported by U.S. companies.
- Loss of rural livelihoods could generate social unrest and undermine food security, increasing dependence on food imports, as small scale farmers would not be able to compete with U.S. subsidized exports.
- Given the link between rural poverty and increased conflict, passage of this agreement would not only decimate rural livelihoods but also exacerbate the existing internal armed conflict.

IMPACT ON ILLEGAL DRUGS

- The FTA will undermine alternative development programs in Colombia, funded by U.S. taxpayer dollars, aimed at helping small farmers to abandon coca, the raw material for cocaine, and switch to food crops. Many of these food crops are the very ones that will be compromised by the FTA.

- By destabilizing the market for Colombia's small farmers, the FTA may result in greater numbers of people turning again to coca production, resulting in more cocaine on U.S. streets. Neither the U.S. nor Colombian government has a plan in place to limit the FTA's likely effect of expanded coca production.
- If 400,000 small farmers, who on average have less than five years of formal education, lose their livelihoods, they will have little option but to take up coca cultivation, join illegal armed groups to survive, or migrate to urban areas to join some 5.2 million Colombians that have been forcibly displaced from the countryside over the last 12 years, the great majority of whom live in absolute poverty.

ENVIRONMENTAL IMPACTS

- Colombia is home to a wealth of animal and plant diversity. Colombia contains 10 percent of the world's species in its jungle, mountain and water ecosystems. It also has the largest variety of birds and butterflies in the world. The U.S.-Colombia FTA should not be ratified until there is absolute certainty that these plant and animal species and their habitats will be protected.
- “The action plan does little to address the underlying conditions that lead to violence in Colombia, including conflicts over mineral wealth, natural resources and biodiversity. Workers rights, human rights and environmental rights are inextricably linked in industries ranging from mining to palm oil to flowers in Colombia. The rapid expansion of Colombia's palm oil production is causing both environmental harm and human rights abuses. Clearing land for palm oil plantations results in large scale deforestation and an increase in carbon pollution as well as violence towards and displacement of indigenous people.” – Sierra Club statement April 2011
- “The rapid expansion of Colombia's palm oil production is creating both environmental harm and human rights abuse. The land area devoted to oil palm plantations in Colombia nearly doubled from 145,027 hectares in 1998 to 275,317 hectares in 2005, causing large scale deforestation and an increase in global warming.” Sierra Club and Friends of the Earth letter 2008 <http://www.foe.org/pdf/ColombiaStatement.pdf>

IMPACT ON HUMAN RIGHTS

- The last six months have seen an increase in attacks and threats against community leaders and human rights defenders. The Action Plan fails to address steps to dismantle the paramilitaries and successor armed groups that are the source of so much of the brutal violence against labor, human rights, Afro-Colombian and indigenous activists
- The Santos Administration has yet to make advances in bringing to justice those responsible for more than 3,000 innocent civilians murdered, allegedly by members of Colombia's own armed forces in order to increase their body counts in the war. And even those who have been convicted of these crimes are often kept in detention centers that are more like a luxury resort than a prison.
- The Colombian government has criminalized the defense of human rights. In 2009 it was

revealed that the President's personal intelligence service, the Department of Administrative Security (DAS), had been illegally wiretapping human rights defenders, journalists, Supreme Court justices, and union leaders, and using that information to impede their work. The DAS provided paramilitaries a hit list of 23 trade unionists and human rights defenders in 2006, but most of those implicated have yet to be brought to justice. To date, the director of the DAS has still not been changed despite having supervised these illegal operations.

- Passing the FTA could halt the meager progress achieved to date on labor and human rights issues. For years the Colombian government shrugged off the level of violence against unionists, displaced, Afro-Colombian, indigenous and *campesino* leaders, and human rights defenders. Only when it became clear that violence and impunity were serious obstacles to achieving approval of a free trade agreement did the government begin to take them seriously. While it is now paying more attention to them, it has not managed to prevent new murders from taking place or brought those responsible to justice.
- You may have heard of conflict diamonds, the campaign to make sure people don't buy diamonds that are associated with human rights abuses. Well, Colombia has conflict gold, conflict coal, conflict oil, conflict cattle, conflict hydroelectric dams and especially, conflict African palm which makes biofuel.
- All actors in Colombia's brutal conflict use violence to clear people from the land. Illegal armed groups, guerrillas and paramilitaries, violently displace people to clear corridors for drug trafficking and control territory. But Colombian large landowners and businesses as well as multinational corporations seeking profits from legal businesses all too often employ paramilitary groups to threaten and kill members of farming communities and Afro-Colombian and indigenous communities in order to take over their land. With the FTA, it is these products most associated with the conflict that will benefit from expanded exports to the United States. And thus the FTA could escalate the violence as those who seek to benefit from expansion use threats and violence to accomplish their goals.

IMPACT ON INDIGENOUS AND AFRO-COLOMBIAN COMMUNITIES

- Afro-Colombians and indigenous communities have special protections under Colombia's 1991 Constitution including the right to be informed and previously consulted on all development projects that affect their collective territories. Most large scale development projects have not only not followed a previous consultation procedure but they've been enforced violently or coercively in ethnic lands. The FTA itself was not previously consulted with Afro-Colombian community councils and indigenous cabildos.
- "Precisely many communities that will be affected by investments tied to the Free Trade Agreement were not even informed of the content of this agreement. This reality is worrisome given the historic tendency exhibited in Afro-Colombian territories whereby large scale development projects tied to foreign capital correlate with zones of the country that have experienced forced displacement" — National Organization of

Displaced Afro-Colombians (AFRODES and AFRODES USA)

- “In our country, this Free Trade Agreement translates into a series of risks and threats for small agricultural producers and manufacturers, small industries, and the most vulnerable populations. In indigenous communities for example, food security and relationships with ancestral territories will be seriously compromised.” -- National Indigenous Organization of Colombia (ONIC)
- Colombia competes with the Sudan for the ranking of the world’s largest population of internally displaced population. An estimated 5.2 million people have been forced to leave their homes. In 2010, an estimated 280,000 persons became newly displaced. The FTA will expand investment in large-scale mining, palm oil and other extractive industries in areas where illegal armed groups still dominate. These companies use the “security services” of paramilitary groups to threaten, displace and kill community members in order to take over their lands. There are no new safeguards in place to ensure expanded investment in these industries will not result in expanded violence.
- “Unless radical changes are made prior to the FTA’s advancement, this agreement will de facto legalize and give credibility to a whole host of policies and actions that have led to serious human rights crimes against Afro-Colombians and the extinction of a large number of indigenous groupings.” –Afro-Colombian Solidarity Network (ACSN)

IMPACT ON LABOR

- Colombia remains the most dangerous place in the world to be a trade unionist. 51 trade unionists were killed in Colombia in 2010 alone. As AFL-CIO put it, “If 51 CEOs had been murdered in Colombia last year, this deal would be on a very slow track indeed.”
- According to Colombia's National Labor School:
 - **51** unionists were assassinated in 2010.
 - **47** union members were killed in Colombia in 2009.
 - **338** unionists received death threats, 35 were forcibly displaced, 16 were harassed, 34 were arbitrarily detained, and 7 disappeared in 2010.
 - **21** unionists survived attempts on their lives in 2010.
 - **2850+** union members have been murdered since 1986.
 - **1 every 3.2 days:** the rate Colombian unionists were killed on average over the last 24 years.
- The rate of impunity for assassinating union organizers remains around 94%. The absence of justice in the nearly 2,900 murders of trade unionists since 1986 demonstrates that the legal system has not adequately responded to these crimes. In 2009, the backlog of unaddressed cases actually increased, according to the latest impunity study conducted by the US Labor Education in the Americas Project (USLEAP).
- Violence against trade unionists has had its intended consequences. Over the past 20 years, unionization rates in Colombia have been cut in half. The number of Colombian workers covered under new union contracts has fallen from 260,000 to 60,000 over the past decade. Those seeking a real “benchmark” for reductions in intimidation against

trade unionists in Colombia should consider these figures as a starting point, rather than just the death toll.

- Workers in Colombia are subjected to an exploitative workplace. For example, over 2 million Colombians are employed through Associative Labor Cooperatives (CTAs) in the sugar, palm oil, health, mining and port industries, among others; all of these will be affected by the implementation of the FTA. CTAs enable companies to subcontract workers through third-party intermediaries in labor-intensive industries without the responsibility of providing contracts and basic benefits to employees. Workers in CTAs have no collective bargaining rights, and companies have no incentive to uphold basic labor standards.
- While the Labor Action Plan commits the Colombian government to take steps to protect trade unionists, prosecute cases, and reform some labor laws, it rewards promises rather than concrete results. The same number of trade unionists could be killed in Colombia in 2012, and the FTA would remain in place forever. There is no guarantee that the terms will in fact lead to a reduction in violence, and there is no way to delay implementation if the violence and impunity continue.
- Although the Labor Action Plan calls for some labor rights improvements, it falls far short of promoting the International Labor Organization's (ILO) internationally accepted standards. It does not address key worker rights issues in Colombia, including the prohibition on industry-wide unions, restrictions on unionization, and the failure to use International Labor Organization standards to define “essential services” that are subject to strike prohibitions.
- While lauded by large business interests in the United States, labor and human rights advocates in both the U.S. and Colombia have argued that the plan is grossly insufficient. This includes the largest labor confederations in each country — the United Center of Workers (CUT) and the Confederation of Workers (CTC) in Colombia and the AFL-CIO in the United States — as well as the Latin America Working Group, TransAfrica Forum, Witness for Peace, the Interfaith Working Group on Trade and Investment, Citizens Trade Campaign, and many others.
- The “Action Plan” is not legally binding. The failure to implement some of the obligations of action plan could also be a violation of the labor provisions of the FTA and subject to those enforcement mechanisms; however, the action plan cannot be fully or effectively enforced under that mechanism.
- Past experience with free trade agreements has revealed that U.S. leverage in promoting worker rights is significantly reduced once an FTA is implemented. While the Labor Chapter of the Colombian FTA, negotiated in May 2007, is an improvement over standards outlined in earlier agreements, it is weaker than working rights conditions that currently govern U.S. trade policy with Colombia. There are concerns that violence against trade unionists will surge after an FTA is passed, as is the case with Guatemala.

IMPACT ON U.S. ECONOMY

- “This agreement is another example of failed trade policies that have resulted in the loss of millions of U.S. jobs. The Economic Policy Institute has estimated that this agreement will result in the loss of 55,000 jobs in the U.S. - the last thing our economy needs.”
– SEIU
- “The Colombia FTA was written before the recession & Wall Street crisis, so it contains many provisions that restrict the ability of the government to regulate the financial sector. The pact commits its signatory countries to refrain from limiting the size of financial institutions, banning toxic derivatives, or controlling destabilizing capital flights and floods. This interference with re-regulation of the financial sector could leave the United States vulnerable to yet another financial crisis caused by risky Wall Street gambling.” – Public Citizen

LESSONS FROM PAST TRADE AGREEMENTS

- “Guatemala’s history is instructive. Murders of trade unionists dropped during CAFTA negotiations, averaging one every two years. Once CAFTA was implemented, the guns came back out. While there were no murders of trade unionists in 2006, the year that Guatemala ratified CAFTA, in 2009 there were 16, making Guatemala the second most dangerous country in the world to be a trade unionist.” – USLEAP
- The 1994 North American Free Trade Agreement (NAFTA) required the U.S., Canada, and Mexico to adopt numerous policies giving corporations new rights that were used to export good jobs, increase drug prices, attack food safety and environmental laws, and squeeze farmers and consumers alike. Seventeen years later, we’re living the damage caused under the NAFTA model: wages stagnating as prices rise, 5.2 million U.S. manufacturing jobs killed, and a \$776 billion trade deficit that threatens global economic stability. Mexico also lost factory jobs, as corporations traded Mexico’s \$1/hour wages for China’s \$0.40/hour wages. Some 1.3 million Mexican campesinos lost their livelihoods, and desperate migration to the United States has increased. (From Citizens' Trade Campaign fact sheet)

Note: These talking points were compiled from information in statements, fact sheets, articles, and studies written by many different organizations opposing the FTA. When a particular perspective is expressed, the quotes are attributed, whereas facts or more widely-shared opinions are not attributed. If you would like to know where the information comes from in any of the unsourced points, please contact the Latin America Working Group at vkritzer@lawg.org.