

Talking Points: Negative Impacts of U.S.-Colombia FTA

IMPACT ON LABOR

- **Colombia remains the most dangerous place in the world to be a trade unionist.** 23 trade unionists were killed so far in 2011. 16 were killed since the Labor Action Plan went into effect. 51 trade unionists were killed in 2010. 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 the [International Trade Union Confederation](#), in 2010 more unionists were killed in Colombia than in the rest of the world combined. (see [graph](#)).
- According to Colombia's National Labor School (Escuela Nacional Sindical, ENS):
 - **23** unionists were assassinated in 2011 as of September 2011.
 - **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.
 - **2908** 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.
- According to an October 2011 [study](#) by Human Rights Watch that reviewed hundreds of cases of anti-union violence, **the special unit of the Attorney General’s office that investigates these killings “has made virtually no progress in obtaining convictions for killings from the past four-and-a-half years.”** The increase in convictions cited by the government, while real, is due largely to plea bargains by paramilitaries under the Justice and Peace process (who would then receive reduced sentences of 5 to 8 years); this does not include cases after 2006. The sub-unit “has made virtually no progress in prosecuting people who order, pay, instigate or collude with paramilitaries in attacking trade unionists.”
- 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. (From [USLEAP fact sheet](#))
- **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 plan will lead to a reduction in violence. The “Action Plan” is not legally binding.
- **Labor rights violations continue despite the Action Plan.** According to AFLCIO President [Richard Trumka](#) (Sept. 2011), “the Labor Action Plan has proven ineffective, as workers continue to be forced to sign ‘pactos colectivos’ (unilaterally determined salary and benefit schemes imposed by employers to dissuade workers from joining a union), join cooperatives or cooperative-like structures that act as labor intermediaries (to avoid direct employer-employee relationships and thereby prevent workers from forming a union), illegally fired for legitimate union activity... and even threatened and killed.” Companies are converting cooperatives into “Simplified Joint Stock Companies,” essentially just the banned cooperatives with new names. The National Labor School (ENS) in an October 2011 report asserts that “the vast majority” of companies contracting their workers through the banned cooperatives have failed to comply, “thanks to non-existent labor inspections and legislative loopholes.” The supposed 100 new labor inspectors “are not visible,” and have no inspection plan for priority sectors.

Far from being content with the Action Plan's implementation, the ENS stated that "we are concerned that, if the U.S. Congress passes the Free Trade Agreement, the limited willingness for change will be further reduced and the Action Plan will be turned into a new frustration for Colombian workers, in addition to causing other serious consequences."([October 2011](#))

- **Protection of trade unionists falls short.** The Colombian government has taken some steps to strengthen protection for labor leaders as per the Action Plan. But [according](#) to the AFL-CIO, the Colombian government has addressed its backlog of requests for protection in part by declaring some 180 workers as having only "ordinary" risk and thus not needing protection. The Oil Workers Union received notice August 2011 that protection would be terminated for 23 leaders.
- 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, including the prohibition on industry-wide unions, restrictions on unionization, and the failure to use ILO standards to define "essential services" that are subject to strike prohibitions. (According to [USLEAP](#))
- **Labor, faith-based organizations and human rights advocates in both the U.S. and Colombia argue 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 [Interfaith Working Group on Trade and Investment](#), Presbyterian Church USA, the Latin America Working Group, TransAfrica Forum, American Jewish World Service, Citizens Trade Campaign, Washington Office on Latin America, and many others. See [letter](#) opposing Colombia FTA from hundreds of U.S. & Colombian organizations.
- **Past experience with trade agreements shows that U.S. leverage in promoting worker rights is reduced once an FTA is implemented.** The Labor Chapter of the Colombia FTA is weaker than working rights conditions that currently govern U.S. trade policy with Colombia. Violence against trade unionists could surge after an FTA is passed, as is the case with Guatemala. Violence increased greatly following the ratification of CAFTA in 2006. No trade unionists were murdered in 2006, the year of CAFTA's implementation. There were 16 trade unionists killed in 2009 and [10 in 2010](#).

IMPACT ON U.S. ECONOMY

- The [Economic Policy Institute](#) has estimated that this agreement **will result in the loss of 55,000 jobs in the United States.**
- "While there is hope that the Colombia Trade Agreement will create jobs in the U.S., the experience from such agreements (NAFTA has been the most notable) has actually been the loss of jobs. And, indeed, the Economic Policy Institute predicts a net loss of 55,000 jobs due to the Colombia FTA. Given this predicted job loss, at a time when working Americans are already struggling to find jobs, pay their mortgages, and make ends meet, advancing the Colombia Trade Agreement will send the wrong message to the working people of both Colombia and the U.S." —Richard [Trumka](#), President, AFLCIO

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. 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, according to a [study](#) by Colombian economists.

- 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." (from [Public Citizen fact sheet](#))
- The FTA may undermine the Colombian government's own positive 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 negatively affected 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 the over 5 million Colombians who have been forcibly displaced from the countryside, the great majority of whom live in absolute poverty.

ENVIRONMENTAL IMPACTS

- "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 FTA will undermine environmental protections as the investment chapter allows foreign companies to challenge environmental regulations, according to [Friends of the Earth](#).
- 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 certainty that these plant and animal species and their habitats will be protected.

IMPACT ON HUMAN RIGHTS

- Since the Santos Administration took office in August 2010, 19 land rights leaders have been killed, some after their requests to the government for protection were ignored. In the first five months of 2011, “We are Defenders” ([“Somos Defensores”](#)) registered 140 acts of aggression against human rights defenders, including 18 murders and 98 threats, compared with 174 acts of aggression against defenders in all of 2010. Human rights defenders fear that the lack of inclusion of human rights defenders, Afro-Colombian, indigenous and community leaders in the Labor Action Plan is sending a “bad signal” to the government and to the sectors who are behind the threats and attacks. The 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 serious 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. Some cases continued to be illegally assigned to the military justice system, and most of those transferred to civilian courts are stalled. Even in the most notorious set of cases, known as Soacha for the area the 22 victims came from, more than three years after the murders, only one case involving two victims has so far resulted in convictions. Some military officers who have been convicted have been able to serve their terms in comfortable centers with special privileges, as *Semana* magazine uncovered, comparing the [Tolemaida](#) center to a beach resort.
- The Uribe Administration criminalized the defense of human rights, and the Santos Administration despite some positive steps has not decisively changed this. Under Uribe, the President’s personal intelligence service, the Department of Administrative Security (DAS), [illegally wiretapped](#) human rights defenders, journalists, Supreme Court justices, and union leaders. The DAS provided paramilitaries a hit list of 23 trade unionists and human rights defenders in 2006, a number of whom were subsequently killed. While the Santos Administration has improved rhetoric, false cases against human rights defenders continue in the courts, and most of those implicated in the DAS scandal have yet to be brought to justice. Moreover, human rights defenders’ protection is being privatized and cut back.
- 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 violence against unionists, defenders, displaced, Afro-Colombian, indigenous and *campesino* leaders. Only when it became clear that violence and impunity were serious obstacles to achieving approval of a trade agreement did the government begin to take them seriously. While the Santos Administration is now paying more attention to these issues, it has not managed to prevent new murders from taking place nor brought those responsible to justice.

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 failed to consult with ethnic minorities; indeed, many projects have been implemented violently or coercively in ethnic lands. The FTA itself was not previously consulted with Afro-Colombian and indigenous communities.
- “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.
- You may have heard of conflict diamonds, the campaign to make sure people don’t buy diamonds that are associated with human rights abuses. But Colombia has [conflict gold](#), conflict coal, conflict oil, conflict cattle, conflict hydroelectric dams and especially, conflict African palm for biofuel. Some of the kinds of investments that are most associated with the conflict will be favored by the FTA.
- “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 \(ACSN\)](#)

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. (Public Citizen’s Global Trade Watch [fact sheet](#))