

OPEN LETTER TO PRESIDENT JUAN MANUEL SANTOS

Bogotá, 30 de mayo de 2011

Mr. President
Juan Manuel Santos
Ciudad
Mr. President:

The organizations that make up the Colombian Action Network on Free Trade (RECALCA) ¹, express to you publicly that we have arguments against the FTA with the United States. We believe that it does not advance the consolidation of the Colombian economy given the asymmetries between the two countries, and because the legal commitments entered into by the State limit the possibility of developing public and social welfare policies that guarantee and protect Colombian human rights. Rather, these rights are supplanted in order to prioritize the economic interests of U.S. businesses.

The debate on the FTA was not democratic because it did not account for criticism or comments from the affected communities. Opponents were stigmatized by President Alvaro Uribe Vélez, of whose government you were a part. The Northern Cauca Indigenous Council (ACIN), rice workers, and university students held internal consultations, whose negotiation points were disapproved and their signatures denied.

Currently, to facilitate its ratification in the United States Congress you, along with President Barack Obama, promised to develop an Action Plan "to protect internationally recognized labor and union rights, prevent violence against union leaders, and prosecute perpetrators of such violence." Here are the reasons for our disagreement with this Action Plan:

1. **The Action Plan indulges foreign business interests.** It is clear that this FTA is useful to the U.S. government, which "is looking for an ambitious trade agenda that would help U.S. economic growth" and increase the protection of the U.S. economy, ensuring "that our trading partners comply with basic labor standards and protect labor rights." In dozens of statements, exporters and U.S. firms have asserted that the result will be to increase exports to Colombia.
2. **The Action Plan is totally insufficient in addressing the violations against the labor movement that have been promoted over the past**

¹ RECALCA is composed of over 50 organizations and social movements. Since 2003 it has permanently monitored free trade agreements (FTA) that Colombia has negotiated and has also promoted public debate on the effects they have on the rights of the population.

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two decades in Colombia. Over the last decade, the Colombian trade union movement has reported the progressive deterioration of labor rights in the country. This has been expressed in law 50 of 1990 and 789 in 2002, which facilitated outsourcing, reduced labor costs, and facilitated the dismissal of workers, and therefore weakened the union movement. This regressive legislation manifested itself in violent repression and violation of the human rights of thousands of union leaders. The measures included in the agreement you signed lack the ability to reverse this trend. They also failed to renew or return to unionism, nor its social base, nor return its multitude of assassinated leaders.

3. **The specific measures under the Action Plan are indicators of intentions, not results.** A serious commitment by the government with the working class means stopping outsourcing and returning to direct labor contracts for the work force, not only by companies but also public institutions. It also means restoring the rights of workers who have been victims of outsourcing. To stop the misuse of organizational structures such as “associated workers cooperatives,” temp agencies, and some work contracts, we must not only increase the number of labor inspectors, but also strengthen Colombia’s productive capacity and dismount legislation that has allowed these practice. It will also be achieved through raising awareness and esteem for the social, economic and political contribution of the work force in constructing the present and future of the country, as well as by recognizing the importance of labor rights and trade unions.
4. **The commitments you made as President of the Republic do not guarantee an end to impunity** for crimes against union leaders since it is impossible to reverse, in such a short time, the effects of the Colombian judicial system’s failures for the past several decades. This system has turned its back on the protection of human rights for those who dare to oppose state policies and the interests of multinational corporations.
5. **The measures of the Action Plan exclude the need to clarify numerous human rights violations that have affected indigenous peoples and Afro-Colombians.** The forced displacement of millions of Colombians was declared by the Constitutional Court as an “unconstitutional state of affairs” in decrees 005-2009, 004-2009 and 92-2008 which ordered that the Government take corrective and preventive measures. But so far, they have not been met.
The Inter-American Court on Human Rights has stated that, “the prospect of the disappearance of each of the 65 indigenous groups in Colombian that have been declared at risk as a result of, or fundamentally based on the armed conflict, discrimination and lack of protection, implies a series of deep, historical violations of individual and

collective human rights under the American Convention on Human Rights. "

- 6. The Action Plan does not bring up the FTA's greatly damaging aspects regarding economic and social rights of the Colombian population** like the flooding of agricultural imports into our domestic market. This will make the small-scale farmers, already in the midst of a global food crisis and a harsh winter, even more vulnerable. Neither does the plan bring up the definition of intellectual property. As is, it benefits a few multinationals that have profited from selling medications during the worst health care crisis Colombia has experienced. Thus, these multinationals have restricted access to the right to health.

The Action Plan you signed is deceptive because it seems to ensure labor rights in the country but it replaces the Colombian State's legal obligations to provide security, protection, fulfillment and promotion of human rights, as established by the terms of the Constitution, with a free trade agreement. Therefore, we ask you to refrain from continuing the process of refining the FTA with the United States and instead, fulfill your obligations on human rights through policies that recognize the legitimacy of social movements and welcome their proposals and demands.

Enrique Daza Gamba

Coordinator

Colombian Action Network on Free Trade

Signed by:

Acción Campesina Colombiana. Acción Permanente por la Paz. Aprocolat – Tuluá. Asociación Censat Agua Viva. Asociación Colombiana de Ingenieros Agrónomos, ACIA. Asociación de Cabildos Indígenas del Norte del Cauca, ACIN. Asociación de Frijoleros del Sumapáz. Asociación Departamental de Usuarios Campesinos de Cundinamarca, ADUC. Asociación Nacional de Mujeres Campesinas indígenas y negras, ANMUCIC. Asociación Nacional por la Salvación Agropecuaria. Asociación Sindical de Profesores Universitarios, ASPU. Asociación Salud al Derecho. Asomujer y Trabajo. AVOCAR. CENOA. Central Unitaria de Trabajadores, CUT. Centro de Estudios del Trabajo, CEDETRABAJO. Centro de Investigación y Educación Popular, CINEP. Colectivo de Abogados José Alvear Restrepo. Comité de Solidaridad con Venezuela. Comité para la Defensa del Páramo de Santurbán. Confederación de Pensionados de Colombia, CPC. Confederación de Trabajadores de Colombia, CTC. Coordinadora de Mujeres Trabajadoras Andinas, capítulo Colombia, Comuande. Coordinadora Nacional Agraria, CNA. Corambiente. Corporación Cactus. Escuela de Formación Sindical y Política Raúl Eduardo Mahecha. Fundación para la Investigación y la Cultura, FICA. Federación Colombiana de Colegios de Contadores Públicos. Federación Colombiana de Educadores, FECODE. Federación de Mujeres

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