



Canadian Labour Congress

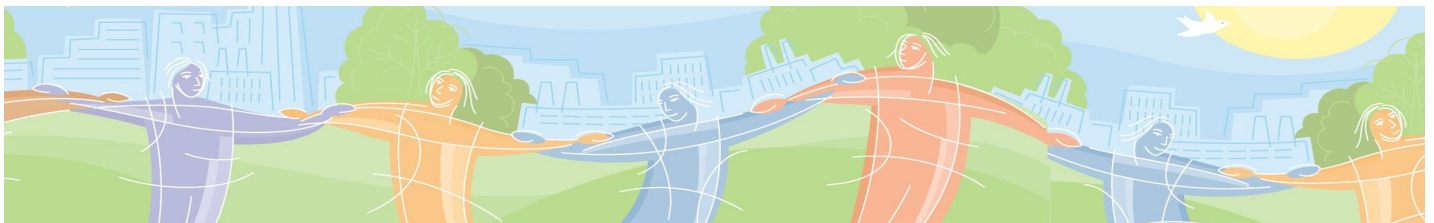
Congrès du travail du Canada

**Submission by the
Canadian Labour Congress**

to the

**House of Commons Standing Committee
on International Trade Concerning the
Free Trade Agreement Between Canada
and the Republic of Colombia**

September 14, 2009



Submission to the House of Commons Standing Committee on International Trade Concerning the Free Trade Agreement Between Canada and the Republic of Colombia

Summary

The Canadian labour movement asks Canadian parliamentarians to reject the Canada-Colombia agreement at least until a comprehensive, independent Human Rights Impact Assessment is completed, its findings broadly circulated and acted upon, and until the provisions of the investment chapter are withdrawn.

Authentic democracy and the respect for human rights are not the direct outcome of free trade. If human rights and the security of the person are not upheld, neither are the democratic rights of millions of Colombians. Since January 2007, there have been 115 trade unionists murdered. Colombia has four million internal refugees. This bilateral agreement is likely to intensify Colombia's refugee crisis because the investment provisions will further open up Colombian territories to foreign investment in the resource extraction sectors. If the NAFTA model is extended to Colombia, then the NAFTA experience should be heeded. There is nothing in recent Mexican history to suggest a free-trade-led path out of unemployment, impunity, or drug-running.

We do not believe the Colombian government must have a free trade agreement with Canada to support human rights organizations; investigate threats against foreign embassies; prosecute and punish the perpetrators of extra-judicial killings; eliminate impunity inside the military and security forces; expand the rule of law so as to deter criminals and human rights abusers; or strengthen the system of risk-reporting and early warnings. We

oppose the creation of any situation where Canadian investors, exporters and importers stand to benefit from the lack of freedom experienced by the most vulnerable populations in Colombia.

Colombia is already subject to international rules. Despite the fact that Colombia has ratified all eight of the fundamental human rights conventions of the International Labour Organization, this has had no apparent impact on its human rights record. We find no evidence to suggest that the Labour Cooperation Agreement will increase protections for workers in Colombia. We find naming the defence of individual and collective human rights as “protectionist” — a veiled attempt to deflect criticism from the failed neo-liberal economic policies at the root of the global economic crisis.

The Canada-Colombia Free Trade Agreement was not written to protect labour and human rights. It is more than a “trade” agreement. It is a “trade and investment” agreement underpinned by tacit Canadian support for a security agenda that defends the extractive industries, the drug cartels, and the internal security forces of Colombia. We ask our parliamentarians to say “NO” to the Canada-Colombia Free Trade Agreement.

Introduction

On behalf of the 3.2 million members of the Canadian Labour Congress (CLC), we want to thank you for affording us the opportunity to present our views. The CLC brings together Canada's national and international unions along with the provincial and territorial federations of labour and 130 district labour councils whose members work in virtually all sectors of the Canadian economy, in all occupations, in all parts of Canada.

The Parliament of Canada is faced with the critical decision of whether or not to enact the Canada-Colombia Free Trade Agreement (CCFTA). Proponents of the agreement have argued that if Canada enters into a preferential trading relationship with Colombia, we will be better able to support democracy and human rights in that country. They also argue that such a deal would help impoverished Colombians find work and avoid involvement in the drug trade; that we need a rules-based system governing international arrangements; that the accompanying Labour Cooperation Agreement is ground-breaking in its defence of labour rights; and that Canada would be contributing to protectionism if the government does not implement the agreement.

Opponents, on the other hand, argue that Canada should not legitimize a corrupt regime in a country where trade unionists and human rights defenders are murdered with impunity, and where drug cartels and paramilitary death-squad leaders have infiltrated the government. As well, opponents argue that this agreement is based upon the much discredited NAFTA model of trade and investment agreements that enshrines investor rights over democratic processes. As the experience of Mexico can attest, after 15 years of the North American Free Trade Agreement

(NAFTA), the smaller economy in the partnership did not experience new prosperity. Rather, Mexico faces increased poverty, inequality, and drug-related violence. Similarly, opponents point out that by virtue of their participation in international organizations, such as the International Labour Organization (ILO) and the World Trade Organization (WTO), both Canada and Colombia are already bound by the norms and rules of the multilateral world system which has brought down tariff levels dramatically in recent years. Whether international rules protect individual or collective rights is another matter. Furthermore, this bilateral agreement is not, primarily, about trade barriers or trade protection. At its centre is the protection of investors' rights as well as a defence of neo-liberalism, which has so recently brought capitalism to the very brink.

The Parliament of Canada is faced with very serious deliberation. Will this free trade agreement lead to a more democratic, peaceful, or secure Colombia? Would Canada's (or the world's) economic situation improve if the Canada-Colombia Free Trade Agreement enters into force? After analyzing the *text*, the free trade agreement itself, as well as the *context*, the existing political and economic situation in Colombia, the conclusion of the Canadian Labour Congress is that, on both counts, it would not. In fact, we suggest, it would make a bad situation much worse. Thus, we choose to be counted among the opponents of this deal.

The Canadian Labour Congress stands with our brothers and sisters in the Colombian labour movement who implore Canadian parliamentarians to reject this agreement. This agreement should not be passed at least until a comprehensive, independent Human Rights Impact Assessment is completed, its findings broadly circulated and acted upon, and until the provisions of the investment chapter are withdrawn.

Would this agreement advance democracy and protect human rights in Colombia?

Proponents of “free trade” like to imply that economic liberalization will necessarily lead to greater democracy. But is this really the case? Not at all. Even in the early days of capitalism, “free trade” was created as a theory of economic freedom, but in no way did it depend upon political freedom or “the rule of the people.” The early advocates of free trade were European industrialists confronting the tyranny of monarchies. They fought the landed classes who wanted to maintain control over preferential trading relationships with their colonies. For nineteenth-century free-traders, economic freedom for some did not mean a political voice for the many.

Indeed, the link between economic liberalism and political democracy emerged much later in Europe and elsewhere. As capitalism took root, it was the labour movement and other movements fighting for civil, social, and human rights that opened up democratic spaces in Parliament, in political parties, in civil society, and in the economy. It was workers, women, immigrants, and people who knew slavery and colonization who have fought and continue to fight for recognition of their individual and collective rights. As a result, we cannot simply assert that a free trade agreement between Canada and Colombia will somehow automatically increase the quality of democracy in Colombia. That would be ideological in the extreme. Democracy is a project and a process, rather than an absolute and final state. We are always living with its making and, in fact, with its unmaking.

Authentic democracy and the respect for human rights are not the direct outcome, nor are they the byproduct of an open

trading environment. Rather, to understand democracy, or its lack, we must observe the specific ways in which economic and political power is exercised in real historical contexts. This search for specificity is one of the principles underpinning the mandate of this Committee. As a result, we come here today to discuss the merits of the Canada-Colombia agreement.

Would the Canada-Colombia deal lend legitimacy to a dangerous regime?

Colombia prides itself on being the oldest democracy in the Americas. However, if we define the markers of democracy as holding periodic, free, and fair elections *together* with respect for human rights and fundamental freedoms, does Colombia qualify? Latin Americanists have wrestled with this question. According to a recent publication, political scientists agree that Colombia does hold elections, but they are marred by influence-peddling and vote-buying.ⁱ Although elections are held periodically, and turnout is good, campaigns are neither entirely clean nor fair. Voters are often intimidated, especially in rural areas, and there are close ties between dozens of members of Congress and paramilitary groups. Vote-buying is also commonplace.

Colombia's constitutional order does include the separation of powers and the independence of branches of government. Nevertheless, as Cameron *et al.* conclude, there has been a concentration of executive power under President Alvaro Uribe, in part due to a change in the Constitution allowing re-election. There has also been a disturbing pattern of executive interference in the judiciary, and repeated attempts have been made to roll back the powers of the courts. A third term would seriously undermine

Colombia's democratic systems and institutions further, and erode the constitutional checks and balances.

When we look at the question of human rights, there is no question that the democratic rights of millions of Colombians are not upheld. Trade unions have existed in Colombia for nearly 100 years; however, unions are still excluded from being a permanent and stable part of the democratic political system. On the contrary, trade unions are generally identified as an enemy of the State and of business. This attitude has given rise to a deeply entrenched anti-union culture in Colombian society. The hostile treatment of workers has intensified over the past seven years since Uribe came to power. The government exercises a great deal of economic and political control of workers and their unions, and defines the dangerous context within which labour relations are conducted in the country.

The Colombian labour movement operates under constant surveillance by security forces in collusion with paramilitary groups. The number of murdered trade unionists increased to 46 in 2008, from 39 in 2007; an increase of over 25%. By mid-September of 2009, a further 27 trade unionists had been murdered. Since January 2007, it must be acknowledged gravely that 115 trade unionist have been killed.ⁱⁱ

It is unconscionable that human rights defenders, journalists, trade unionists, and others who oppose government policies have been called terrorists by the President himself. This is an act giving *carte blanche* to paramilitaries to threaten and murder them and their families. As well, it is public knowledge that the secret police, which reports to the President's Office, has been found recently to be illegally tapping the phones of

journalists, judges, opposition politicians, and trade unionists in the third such scandal since 2000.

Furthermore, almost 400,000 people (notably indigenous peoples and Afro-Colombians) were newly displaced by paramilitaries in 2008, bringing the total number of internal refugees to approximately four million. This is the second-largest humanitarian crisis after the Sudan. The government, however, refuses to call this a crisis, and has made no effort to set up displaced peoples or refugee camps in the county.

Displacements are connected at their roots with international trade and investments. Significant displacement has occurred along the Pacific coast on land now used for cultivating heart of palm which is exported for use in bio-fuel production. Displacement has also occurred in mining regions where Canadian multinational corporations are seeking to exploit Colombia's extensive mineral reserves. We believe this bilateral free trade agreement is likely to intensify Colombia's refugee crisis because of the way the investment provisions will further open up Colombian territories to foreign investment in the resource extraction sectors.

Under these circumstances, it is difficult to envision how a preferential bilateral agreement with Canada would lead to greater democratization when the government has actively chosen "security" over human rights. On the contrary, it is our position that such an agreement would legitimize a dangerous regime and strengthen impunity.

**Would this deal help impoverished Colombians find work
and avoid involvement in the drug trade?**

To answer this question, we should heed the experience of Mexico in the North American free trade context. After 15 years of free trade under NAFTA, violence is at an all-time high, and every day the government controls less and less of the State, whereas the drug cartels exert more and more power. In fact, the recent explosion of drug-related violence and the militarization of the drug war there has been called the Colombianization of Mexico. The North American Free Trade Agreement (NAFTA) between Mexico, the U.S., and Canada has been identified as a primary cause of this situation for three main reasons.ⁱⁱⁱ

First of all, NAFTA locked-in a free-market economic model which oriented the economy toward exports. To gain in competitiveness, the Mexican government and employers sought lower wages and reduced consumption levels among the working classes. Industrial areas experienced overall declines. This downward pressure resulted in greater inequality and higher levels of unemployment in urban areas. At the same time, the importation of cheaper, subsidized, agricultural commodities, especially corn from the United States, destroyed rural economies.^{iv}

Secondly, thousands of small and medium national enterprises failed over the years because they couldn't compete with large multinationals. Nothing replaced these jobs, and hundreds of thousands of workers have lost their jobs. Large multinationals, in turn, subjected their "flexible" Mexican workforce to booms and busts. The promise of new jobs and investment hardly materialized, and any economic benefits derived

from increased economic openness have been directed toward a very small economic elite.

As a result, growing rates of unemployment have led to a doubling of the rate of migration from Mexico to the United States. As the U.S. subsequently tightened migration controls, working for cartels is more and more of a viable option for unemployed Mexicans who look for work where they can get it.

Thirdly, the rapid rise of truck traffic across the U.S.-Mexican border has created the opportunity for Mexico to become a corridor in the drug trade from Colombia. Until the 1990s, Colombia brought drugs north through Florida by plane or boat. But when the U.S. drug enforcement program closed this route, Colombians began sending their wares to the United States by truck. It is estimated that \$50 billion worth of drugs a year now flow across the U.S.-Mexican border. This rising power of the drug cartels, together with the increased militarization of the war against drugs in Mexico, is a lethal combination, and human rights concerns are mounting. Since President Calderón came to power in 2002, over 10,000 ordinary Mexican citizens (not drug-runners) have been murdered.^v Unfortunately, however, the Government of Canada does not recognize the serious human rights issues facing refugees fleeing Mexico, and recently imposed a visa requirement on Mexicans; thus harmonizing Canada's visa policies with that of the United States.

If the NAFTA model is to be extended to Colombia, then the NAFTA experience should be heeded. There is nothing in it to suggest a free-trade-led path out of unemployment, impunity, or drug-running.

Would this agreement legitimize failed policies of the Uribe government?

The Uribe government claims that it is winning the war against insurgents. However, observers such as the International Crisis Group argue that the violence is evolving rather than ending. Over seven years, the government of President Álvaro Uribe has produced important security gains, but these have been accompanied by serious human rights violations and breaches of International Humanitarian Law (IHL). Colombia is still not close to the end of its armed conflict.^{vi}

Colombian security forces have killed innocent civilians in systematic, pre-meditated, cold blood, claiming that their victims were guerrillas killed in combat in order to earn financial incentives or leaves. More than 1,300 victims of “false positives” have been recorded since 2002. These are not isolated cases, but rather a widespread phenomenon found throughout the country. This is according to Phillip Alston, United Nations Special Rapporteur on Arbitrary Executions. Although the number of extra-judicial executions by security forces has decreased in the past year, they still occur, and there is still a high degree of impunity for past crimes.

While extra-judicial executions by Colombia’s security forces have diminished somewhat, the numbers committed by former paramilitaries continue to be a widespread problem. Under the “Justice and Peace Law,” paramilitary combatants were supposed to hand in their arms and admit to their crimes in exchange for reduced sentences. But the system is flawed. Thousands of demobilized paramilitaries have rearmed and are forming even more deadly groups. Organizations such as the Black Eagles have

infiltrated state institutions and continue to terrorize the civilian populations. Even the Canadian Embassy has received threats from the Black Eagles. In March 2008, the Commander of the police forces promised immediate investigations, but there have been no results more than a year later. Although high-level paramilitary bosses have been incarcerated, their economic command and control structures have not been adequately dismantled, and there exists high levels of impunity for their crimes.^{vii}

Also of great concern is the fact that, in August 2008, President Uribe extradited 14 jailed paramilitary bosses to the United States on drug-trafficking charges, a much lesser crime than the crimes against humanity they were accused of in Colombia. The International Criminal Court of The Hague is considering opening an investigation into crimes committed in Colombia that fall within its jurisdiction (i.e. genocide, crimes against humanity, war crimes, and aggression), and has requested the Uribe administration to explain how the Colombian judicial system can guarantee the continued and effective prosecution of those primarily responsible for such crimes, including politicians that may have aided and abetted those crimes.^{viii}

Human rights organizations say they will not re-establish dialogue with the government until the President and high-ranking government officials stop verbally attacking human rights defenders, journalists, and anyone who opposes government policies by making unfounded accusations stigmatizing them as terrorists, and putting their work and even their lives at risk.^{ix}

We do not believe the Colombian government must have a free trade agreement with Canada to support human rights

organizations; investigate threats against foreign embassies;
prosecute and punish the perpetrators of extra-judicial killings;
eliminate impunity inside the military and security forces; expand
the rule of law so as to deter criminals and human rights abusers;
or strengthen the system of risk-reporting and early warnings.

For Canada to sign this trade agreement before conducting
an independent Human Rights Impact Assessment, the
government risks becoming complicit by using Canada's good
name to legitimize Colombia's disregard for human rights. We
oppose the creation of any situation where Canadian investors,
exporters, and importers stand to benefit from the lack of freedom
experienced by the most vulnerable populations in Colombia.

**Would this agreement strengthen a rules-based
international system?**

At present, Colombia is bound by the norms established by
the United Nations, the International Labour Organization, the
Organization of American States, and many other international
organizations recognized in the interstate system. Colombia is
already subject to these international rules. Colombia is also
subject to the liberal multilateral trading rules of the World Trade
Organization, and is engaged with other countries in the Doha
negotiations. In short, Colombia already participates in a "rules-
based" international system with norms, procedures, laws, and
practices that govern many aspects of its politics and economics.

Nevertheless, Colombian unions are attacked not only
through physical violence and assassination of union leaders, but
also through legal channels, intimidation, and harassment. The
majority of union murders are directly linked to labour conflicts

and are systematic, not random. Employers in this context seek to weaken union efforts to demand and defend workers' rights. In fact, fifty per cent of the murders of workers and trade unionists take place during an industrial dispute or collective bargaining, except where the victim is a union leader, and then the figure is seventy per cent. When murder and terror are insufficient to stop union organizing, other techniques are used to rid the country of unions. Certification submissions are often arbitrarily denied. Mass firings occur, and impunity exists for employers who violate the law. These violations have resulted in a serious decline, not only in the numbers of unionized workers in Colombia, but also in the numbers of certified unions. Furthermore, the number of workers covered by collective agreements is now the lowest in the Americas.

Despite the fact that Colombia has ratified all eight of the fundamental human rights conventions of the International Labour Organization, this has had no apparent impact on its human rights record. Of concern is the Colombian government's failure to reform its labour laws to fully comply with ILO standards. As well, its poor record of enforcing the laws against anti-union discrimination calls into question its commitment to genuinely protect the rights of workers to form unions freely and to bargain collectively. Given this record, we find it unlikely that Colombia's human rights record will improve simply because Canada enacts a free trade agreement with it. Colombia is already subject to international rules. The problem is: they are only selectively observed, obeyed, enacted, and enforced.

Does the Labour Cooperation Agreement provide for an open and robust dispute resolution process?

After close examination, we find no evidence to suggest that the Labour Cooperation Agreement, which accompanies the trade agreement, will increase protections for workers in Colombia. The CLC fully agrees with the Canadian Association of Labour Lawyers' statement that:

(T)rade agreements are not written to improve labour standards and there is little evidence that such agreements can become vehicles for the enforcement of labour rights. While some improvements have been made in the Canada-Colombia agreement, the essential structure of the labour clauses found in previous trade agreements (the NAFTA, Canada-Chile and Canada-Costa Rica), FTAs remain largely unchanged.

All of these labour side agreements exhibit the same deficiencies. First of all, provisions are found in side agreements rather than in the main text of the trade agreement. They focus on the enforcement of existing domestic labour laws rather than on raising labour standards. Enforcement mechanisms are slow and cumbersome. The dispute resolution mechanisms remain entirely at the discretion of the signatory governments. They are premised upon a model of political cooperation among the signatories and, hence, the complaint process is not transparent as it should be and depends on bureaucracies of the parties rather than by independent judicial or even quasi-judicial bodies.

The dispute resolution mechanism is in stark contrast to the rules established for disputes of investment in that the agreement

offers no trade sanctions, such as the imposition of countervailing duties or the abrogation of preferential trade status in the event that one of the parties commits violation labour rights and standards. Again, our long experience with NAFTA is instructive. Of all complaints submitted during the 15 years of NAFTA, all have ended with consultations amongst Ministries of Labour. *Not one case* has proceeded to an arbitration panel.

The Canada-Colombia Free Trade Agreement is different from previous labour provisions related to Canada's trade agreements in a number of respects. It contains a chapter on labour that is internal to the main agreement, as well as a separate Labour Cooperation Agreement (LCA) or labour side deal. The substance of the labour rights and obligation is found in the side deal.

In less than 500 words, Chapter 16 of the CCFTA sets out general statements and objectives with regard to labour. They recognize their obligations under the ILO, and affirm that "it is inappropriate to encourage trade or investment by weakening or reducing protections afforded in domestic labour laws" (1602). Other than that, the labour "chapter" simply states that parties will obey their own labour laws and will administer the Labour Cooperation Agreement.

In Article 1 of the Canada-Colombia Labour Cooperation Agreement (LCA), the parties agree to ensure their laws embody ILO principles. The LCA begins by affirming the 1998 ILO Declaration on Fundamental Principles and Rights at Work, while two commitments refer to the ILO's Decent Work provisions.^x This is an improvement over previous LCAs. However, the obligations outlined in Article 1 do not compel governments to make specific

improvements in labour law. Rather these basic “commitments” are basically a statement of good intentions.

In acknowledging basic ILO obligations, the side agreement goes beyond the NAFTA generation of labour provisions. Because Canada and Colombia are already obliged to follow these principles due to their membership in the ILO, however, this is not such a laudatory advance. As described in the ILO’s Follow-up Report:

According to the Declaration, all Members of the ILO, even if they have not ratified all the relevant international labour Conventions, have an obligation arising from the very fact of membership of the Organization, to respect, to promote and to realize, in good faith and in accordance with the ILO Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:

- (a) freedom of association and the effective recognition of the right to collective bargaining;*
- (b) the elimination of all forms of forced or compulsory labour;*
- (c) the effective abolition of child labour; and*
- (d) the elimination of discrimination in respect of employment and occupation.^{xi}*

The parties agree that they will not waive labour laws in order to encourage trade or investment. This is a positive step. The problem, however, is that the word “investment” is deleted in all subsequent references to this goal in the complaints process. In other words, the LCA will not pursue a complaint that the labour law was not applied in order to encourage international investment. As well, the Article allows the parties to waive labour laws for any other reason.^{xii}

Neither is an egregious one-time violation of the commitment to enforce labour law subject to sanction. Even if a Party is charged with not enforcing its labour law repeatedly, or in a systematic way, then it is acceptable for that Party to defend itself by saying it simply decided to allocate resources to some other pressing labour need. Thus, it shall not be considered in violation of the agreement and complaints can be dropped.

Articles of the LCA provide for submission, acceptance, and review of public communications (complaints) which may lead to Ministerial consultations between the parties. A review panel may be requested, not by the complainant but by the other Party and convened. If it considers that the matter is trade-related and the Party under review has failed to comply with its obligations under the agreement, a report is issued. If a Party refuses to comply with the report, the panel may then impose a monetary assessment of not more than US\$15 million annually which is paid into a fund to be expended on appropriate labour initiatives in the territory of the Party that was the subject of the review. This is the only penalty for labour rights violations under the agreement.

The Canadian labour movement believes that the labour side deal will not guarantee labour rights and freedoms, because even the weak laws that do exist, are not enforced, nor will they be enforced as a result of this Labour Cooperation Agreement. Labour rights are not respected, workers are not protected, there is a lack of social dialogue, and violence is being used deliberately against the trade union movement to eliminate it as an effective defender of workers' rights.^{xiii}

The labour side deal provides no enforceable rights for workers. It is subordinated to the main text of the agreement. There are no mechanisms for independent action by trade

unionists, and the offending governments have wide sway over what happens in any proceedings that are brought by the other Party. In our view, simply issuing a fine when other trade and investment conflicts are dealt with in all seriousness through investor-state arbitrations (judicial or quasi-judicial bodies) and the Party-to-Party dispute resolution system, indicates the cynicism embedded in this agreement.

To the question of whether the Labour Cooperation Agreement could be considered an historical advance in defence of workers' rights, we clearly say it is not.

Would Canada contribute to increasing protectionism if it does not implement this agreement?

In 2007, Canada and Colombia traded approximately \$1.3 billion worth of goods. This included \$703.8 million in Canadian exports of goods. Canadian exports to Colombia are in agricultural goods (wheat, barley and lentils), industrial products, paper products, and heavy machinery. For example, exports include sale of Hitachi trucks manufactured in Guelph, Ontario, to El Cerrejón, the world's largest for-export, open pit coal mine. In the same year, Canada imported \$643.7 million worth of coffee, bananas, coal, oil, sugar, and flowers.

Canada also exported \$94 million in services to Colombia in 2005 in economic activities primarily related to oil and gas industries, mining, engineering, information technology, and environmental services.^{xiv} Up to 2007, Canadian investments of \$739 million were largely directed to oil and gas, mining, printing, and education.

When we consider the numbers, it is evident that the Canada-Colombia trade and investment relationship is quite modest, especially when one considers that Canada's merchandise trade with the world in 2008 was \$932.3 billion.^{xv}

The Canadian government argues that the agreement, signed in November 2008, will "promote a more stable and predictable investment environment in Colombia," and says that it will provide a more level playing field for Canada as other countries sign preferential agreements with the Uribe government. We need, however, to question this argument given that there are only a few countries engaged in discussions with Colombia, and, at present, the U.S. Congress and Norwegian legislators are unwilling to ratify trade deals with Colombia because of its human rights record.

The importance placed on this agreement by the Government of Canada far outweighs immediate economic considerations, and suggests that a more important political and symbolic agenda is in play. In our view, if Canada ratifies this agreement, it would lend legitimacy to the Uribe regime in the international community, and increase the likelihood that the other stalled deals would be passed. We know Colombia is waging a full-out public relations campaign to try to gain legitimacy in the international community. It would be a shame if Canada were to perpetuate the Bush Administration's foreign policy agenda which linked security, trade, and investment as defined by neo-liberalism and the disregard for human rights.

At the same time, we know the Canadian government would like to push forward with its intentions of supporting the geopolitical and investment interests of the largest global corporations. Unfortunately, we find that naming the defence of individual and collective human rights as "protectionist" is a veiled

attempt to deflect criticism from the failed neo-liberal economic policies at the root of the disastrous global economic crisis we are now living through.

If Canada really wanted to lead the way for the international community in its relations with Colombia, the government would be much better advised to promote a *human* security agenda along with economic development grounded in respect for human rights, social rights, and multilateralism. This would mean a fundamental re-thinking of the outdated NAFTA model of trade and investment agreements that serve to perpetuate the problems with the failed neo-liberal policies of the past. On the question of protectionism, we must ask whose interests the Canadian government would be protecting, in fact, if this agreement is ratified.

Conclusion

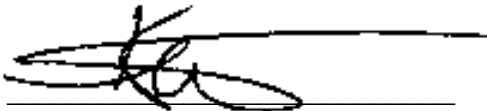
The Canada-Colombia Free Trade Agreement was not written to protect labour and human rights. It is more than a “trade” agreement. It is a trade and investment agreement underpinned by tacit Canadian support for a security agenda that defends the extractive industries, the drug cartels, and the internal security forces of Colombia.

We hope our parliamentarians will unanimously declare, in no uncertain terms, that passing the Canada-Colombia Free Trade Agreement is not, as the Prime Minister has unfortunately said, “the right thing to do for Canada, for Colombia and for the global economy.” Rather, we expect them to consider other more prescient voices. Recently, Michael Ignatieff quoted a famous political leader when he said that “men and women who live in fear are not free.” Jack Layton has asked why Canada would agree that killing a trade unionist “comes with no greater penalty than paying

a fine,” and Gilles Duceppe recently asserted that passing this agreement would make Parliament “complicit in the violations of human rights in that country.”

We commend these leaders for speaking out boldly, and we expect our parliamentarians to act together in defence of democracy and human rights by saying *NO* to the Canada-Colombia Free Trade Agreement.

This document is respectfully submitted on behalf of the Canadian Labour Congress:



Kenneth V. Georgetti
President

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September 9, 2009

- i Maxwell A. Cameron, Ana Maria Bejarano, Felipe Botero, Eric Hershberg, Gary Hoskin, “Hold the applause for Mr. Uribe – just yet,” *Globe and Mail*. June 10, 2009. <http://www.theglobeandmail.com/news/opinions/hold-the-applause-for-mr-uribe---just-yet/article1175522/>
- ii International Trade Union Confederation, “Colombia: Trade Unions in Mourning for Two More Murdered Colleagues,” ITUC On-line, 136/04090 7. September 2009.
- iii CBC News, Carole MacNeil, “Mexico’s Drug Wars.” June 14, 2009. www.cbc.ca/sunday/2009/06/061409_4.html
- iv Laura Carlsen, “NAFTA Free Trade Myths Lead to Farm Failure in Mexico,” Center for International Policy, Americas Program. December 5, 2007. <http://americas.irc-online.org/am/4794>
- v *Los Angeles Times*, “Mexico Under Siege.” September 4, 2009. <http://projects.latimes.com/mexico-drug-war/#/its-a-war>
- vi International Crisis Group, “The Virtuous Twins: Improving Human Rights and Improving Security in Colombia,” Latin America Briefing No. 21. May 25, 2009. <http://www.crisisgroup.org/home/index.cfm?id=6112&l=1> (retrieved August 3, 2009)
- vii Philip Alston, UN Special Rapporteur on extrajudicial executions, “Statement: Mission to Colombia 8-18 June 2009,” *United Nations Human Rights Council*. 19 June 2009. <http://www.reliefweb.int/rw/rwb.nsf/db900sid/MUMA-7T679S?OpenDocument>
- viii Colombia Support Network, “The International Criminal Court has Requested Information from the Uribe Government,” *CSN News*. Monday, August 18, 2009, www.colombiasupport.net/news/2008/08/international-crimina
- ix International Crisis Group, “The Virtuous Twins,” p.14.
- x The ILO Decent Work agenda includes the promotion of fundamental principles and rights at work and international labour standards; employment and income opportunities; social protection and social security; and social dialogue and tripartism.
- xi “International Labour Organization, Freedom of association in practice: Lessons learned, Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work.” Report of the Director-General, 2008. p.1. http://www.ilo.org/wcmsp5/groups/public/---dgreportsdcomm/documents/publication/wcms_096122.pdf (retrieved July 1, 2009)
- xii Mark Rowlinson and Sheila Katz, “Labour Rights in Colombia and the Canada-Colombia Labour Side Agreement,” *Making a Bad Situation Worse: An Analysis of the Text of the Canada-Colombia Free Trade Agreement*. (Ottawa: Canadian Council for International Cooperation, 2009.) p.13.
- xiii Rowlinson and Katz, “Labour Rights in Colombia,” p.10.

- xiv DFAIT, "Canada-Colombia: Fact Sheet Services Sector."
<http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/colombia-colombie/facts-fiches-services.aspx?lang=en> (retrieved August 4, 2009)
- xv DFAIT, "Canada-Colombia Free Trade Agreement, Background."
<http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/andean-andin/can-colombia-colombie.aspx#ben> (retrieved August 2, 2009)