

*Trade Union Declaration on the Free Trade Agreement
between the United States of America and Colombia
Cartagena, Colombia, May 18, 2004*

The Colombian trade union organizations and the AFL-CIO share a vision of the future for the people of the Andean Community based on self-determination, justice, democracy, productive development, equitable income distribution, and the common good.

Based on these crucial aspects, agreements that increase economic integration, trade and investment should benefit all members of society. For this reason, an increase in business competition as part of the struggle to dominate regional and worldwide markets, can take place neither at the expense of the individual and collective rights of workers, nor by weakening the sovereignty of the Andean countries. To the contrary, any economic development plan and the intensification of trade in the region should serve to elevate the living conditions of the people and strengthen self-determination and respect for fundamental worker and environmental rights. This is possible through fairer income distribution between developed and underdeveloped countries and within the national societies—in such a way that it results in real promotion of social development and strengthening of democracy in the countries.

The proposed Free Trade Agreement with the Andean countries is more than a trade agreement because it affects human rights, the ability of the State to promote development, natural resources, democracy, self-determination, and the lives of our people.

Any economic integration agreement between our countries should serve workers and all social sectors in the region, rather than just the large corporations. For this to occur, any agreement between our countries must contain the following critical elements, among others:

a) Fundamental Labor Rights under the International Labor Organization (ILO).

Presently there are problems with protection of fundamental worker rights in both Colombia and the United States. In Colombia freedom of association and the right to collective bargaining, in the terms that the ILO instruments stipulate, are constantly violated. In spite of the commitments made by the countries that obligate them to respect the ILO Declaration of Fundamental Principles and Rights at Work, freedom of association is denied to large numbers of workers in both countries. In Colombia and in the United States employers can act with impunity and dismiss workers who attempt to exercise their legal right to form or join unions, and they can delay and obstruct the process of collective bargaining. Most egregious, however, is that Colombian trade union activists who exercise their basic labor rights are frequently targeted for threats, acts of violence and even assassinations. When such acts occur, they are almost never investigated, nor are the perpetrators brought to justice. These abuses of basic rights occur in spite of the fact that the existence of effective institutions that permit the democratic and equitable resolution of conflicts has been proven to contribute to greater productivity, stability and sustainable growth.

Therefore, an agreement on economic integration should require the participating countries to commit to guarantee effective application of the constitutional norms and national laws, and comply with the basic labor rights contained in the ILO Declaration of Fundamental Principles and Rights at Work, and the ratified ILO conventions. These obligations should be directly incorporated into the main text of any free trade agreement. By doing so, the agreement would motivate and encourage effective compliance with these standards. In addition, it is necessary to include sanction mechanisms for violations of the standards in order to guarantee that the fundamental labor rights are respected.

To consolidate these basic rights there are important precedents such as the declarations by the Central American presidents in the framework of the Central American Integration System (known as SICA by its Spanish acronym) as described in the Treaty on Central American Social Integration, the Guatemala Protocol, the II San Salvador Declaration at Cerro Verde, and the Declaration of the Central American Presidents on Social Security, all of which make statements on the promotion of fair pay, employment promotion, anti-discrimination, labor market mobility, professional training and social security. In addition, the trade union movement has also stated in the Antigua Guatemala Resolution of 2002 that no integration agreement should damage the rights of indigenous and tribal peoples, and should not have a negative impact on environmental protections and gender equality.

b) Compensatory Measures:

Economic integration agreements should incorporate compensatory measures to balance the productive and labor disparities between countries. The objective should be to stimulate the generation of sufficient dignified productive employment, as well as create and guarantee employment to workers. The measures should serve to improve the application of labor laws through cooperation, technical assistance and financial assistance. This policy should be designed based on technical studies of the impact of integration on the different economic sectors.

c) Investment:

The Colombian trade union organizations recognize the importance and the necessity of capital investment for the development of the external market and most importantly the internal market, for the generation of new industries, to broaden services, and to create new jobs in the national economy. Such investment should never lead to transnational companies taking over enterprises that the State has created to produce and deliver services to the population. Economic integration agreements should not grant privileges to transnational companies that are superior to the national laws, including the ability to litigate against national public interest laws in secret tribunals that function outside the justice systems of the respective countries, such as those established in the North American Free Trade Agreement (NAFTA). Our governments should protect their own ability to regulate investors so that they collaborate with economic development through insertion in the chain of production, tax payment and contributions to national objectives in technological, social and environmental development.

d) Public Services:

Public services have been among the most affected economic sectors by the trend toward inserting them in the market. No economic integration agreement should restrict the right of a government to produce and invest in quality public services for all of its people. Nor should the governments be prohibited from applying government acquisition policies to advance legitimate social goals. No trade agreement should restrict the right of governments to regulate private services in a legitimate manner to protect the public interest, for example to prevent unjustified increases in rates. The results of the liberalization policies demonstrate an acute increase in unequal income distribution that has accelerated with public sector reforms. The tendency of these liberalizing governments and privatizing monopolies has impeded the construction of greater social equality.

e) Agriculture:

Economic integration agreements must consider and protect the rights of small and medium producers and landless rural workers. These agreements must respect the traditional rights of indigenous people to live and produce collectively using their lands and in general must permit the development of domestic production and preserve self-determination and self-sufficiency of the food supply. The Andean region must not be condemned to be almost exclusively a producer of tropical products for which there is a surplus in international markets or that are not necessary in the food supply of any country and therefore are not part of an important trading system. Health and phyto-sanitary standards must be developed through public consultation with the intention of guaranteeing a high level of quality and safety without excluding small and medium producers by imposing standards that unfairly favor very large producers or chemically intensive agricultural production. Countries participating in the agreement must have the right to agricultural self-determination, understood as the ability to provide the food supply for their own people through domestic production.

f) Migration:

Labor migration is produced by various factors, including the inequalities generated by liberalization policies and the search for a better quality of life. Migrant workers contribute in a positive way to the social and economic development of countries. The vulnerable economies of Colombia and the Andean region are characterized by being exporters of inexpensive manual labor in their own region and toward other countries. In some cases migrants must undergo enormous difficulties and dangers to enter other more lucrative labor markets (the United States and others). Any economic integration agreement must consider clauses that stimulate the generation of dignified, sufficient and productive jobs to discourage competition through low salaries and deplorable working conditions. Considering the fact that immigrant workers and their families contribute to the economy of the country that receives them, and make contributions in their communities and workplaces, they should receive the benefit of permanent legal status. For that reason, the AFL-CIO supports the adoption of a new legalization program for immigrant workers in the United States. Immigrant workers must receive all the rights they are entitled to in their workplace and enjoy full protection of the law. The Colombian labor organizations and the AFL-CIO reject discriminatory practices toward undocumented immigrant workers who are repressed when they exercise their labor rights in the workplace. Moreover, we

reject any guest worker program in the United States whose application would create an easily exploited class of workers and contribute to the reduction of basic rights of those who work temporarily in that country. Finally, there will be no solution to the problem of migration until there is an effective effort to create real and equitable development—with more and better jobs—in Latin American countries.

g) Debt:

The Latin American countries dedicate more than thirty per cent of their exports to the payment of external and internal debt. This makes the possibility of an advanced level of development totally unviable. For this reason, an economic integration agreement between our countries must include measures to reduce debt burden on the Andean countries, create mechanisms for international arbitration to reduce the debt and permit governments to impose controls on the flow of capital to prevent or reduce situations of financial crisis. A trade agreement must recognize that international creditors have as much responsibility for indebtedness as do debtors and they should play a more effective role in resolving the crisis. Developed countries also have a responsibility to contribute to development through fuller technical and financial assistance.

h) Transparency, Public Awareness, Participation:

The contents of the entire process of a true integration agreement should be thoroughly publicized and be accompanied by real and effective participation of social actors, as much in the negotiation as in its approval and subsequently in its evaluation and ensuing developments. For example, following recommendations of the ICFTU-ORIT, global union federations, the Hemispheric Social Alliance, and the Resolution of Antigua Guatemala, our governments must: release the draft text at regular intervals, grant participation to the public in the legislative handling of the agreement, and call for referenda or public consultation about the agreements. In the framework of SICA, the Protocol of Tegucigalpa defined a comprehensive instrument for participation of civil society in the economic integration process.

Therefore:

The trade union organizations of Colombia and the AFL-CIO are united in calling on our governments to implement an alternative model of social and economic integration in our region—one different from the free trade agreement that they are beginning to negotiate under pressure, without consultation and following criteria of liberalization. Our governments should not race carelessly to advance treaties like this Free Trade Agreement in order to further the same model of free trade that increases the power of large businesses and the free flow of capital and products while impoverishing and exploiting workers and communities as well as weakening the democratic structures of our nations. We believe that a more humane and fair integration is possible and desirable, with a system dedicated to eliminating the great socio-economic inequalities at both a national and international level. It should include elements mentioned above, among others: strong and effective mechanisms to protect labor and social rights; compensatory policies to correct the inequalities produced by structural adjustments; mechanisms to ensure transparency and participation; clear anti-corruption policies; fair rules about investment, services, agriculture, and the environment; more humane regulation of

migration; and policies to reduce the burden of debt. In addition, no agreement can go beyond that defined by the WTO or grant privileges with respect to intellectual property to multinational corporations over the rights to health and scientific and technological development. Nor should the public services and fundamental rights of the people be converted into mere commodities. No agreement should encourage the displacement of domestic producers and providers of government acquisitions and services by large multinational companies.

Our organizations will work together, facilitating broad social and productive alliances to advance a different vision of integration for the region that is based on strengthening our internal markets, self-determination, productive development, and the welfare of the people. We will struggle against any trade agreement—like the free trade agreement for which negotiations are beginning—that does not achieve this vision of sustainable, equitable, democratic development for the Andean Community of Nations

Signed in Cartagena, Colombia
May 18, 2004

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