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Talking Points: Colombia's Horrific Labor Abuses Are Among a Long List of Reasons to Oppose the Colombia FTA

1. Colombian government ties to right-wing paramilitaries and union murders exposed

- Colombia remains the most dangerous country in the world in which to be a trade unionist. In fact, the number of murdered unionists in the last three years – 52 in 2008, 47 in 2009, and 51 in 2010 – has exceeded the 39 killed in 2007, the year the FTA was signed. The 2008-2010 was the period when the Colombian government was under maximum scrutiny. Indeed, in every year, more unionists are murdered in Colombia than in the rest of the world combined. According to Colombia's National Labor School, the leading source on the topic, nearly 2,860 trade unionists have been killed since 1986.¹ Only six percent of these cases have resulted in any convictions. This is roughly a 94 percent impunity ratio.²
- During the presidency of Álvaro Uribe alone (August 7, 2002 – August 7, 2010), nearly 570 unionists were murdered – one third of these were highly visible union leaders. Juan Manuel Santos, Uribe's former defense minister, became president in August 2010, and at least 19 additional unionist murders have occurred since that time.
- President Barack Obama confronted GOP candidate Senator John McCain (R-Ariz.) in the last presidential debate over these outrages. McCain said, "Senator Obama, who has never traveled south of our border, opposes the Colombia Free Trade Agreement... Free trade with Colombia is something that's a no-brainer. But maybe you ought to travel down there and visit them and maybe you could understand it a lot better." Obama responded, "Actually, I understand it pretty well. The history in Colombia right now is that labor leaders have been targeted for assassination on a fairly consistent basis and there have not been prosecutions... we have to stand for human rights and we have to make sure that violence isn't being perpetrated against workers who are just trying to organize for their rights."³
- The Colombian government has not been a neutral or benevolent actor in the country's human rights nightmare. President Santos has promised that things will change. But he presided over the Colombian military during the Uribe administration's severe human rights abuses. And Santos and Uribe have long been linked to paramilitaries. According to *the New York Times*, "Speaking at a closed court hearing in Medellín, Salvatore Mancuso, the former paramilitary warlord, said Defense Minister Juan Manuel Santos had met with paramilitary leaders in the mid-1990s to discuss efforts to destabilize the president at the time, Ernesto Samper, according to judicial officials." Mancuso also claimed to have dealings with

Francisco Santos, Juan Manuel's cousin and Uribe's vice-president.⁴ Former President Samper has confirmed Mancuso's story.⁵

- Santos was a major Uribe supporter, co-founding Uribe's political party *Partido de la U* in 2004.⁶ Uribe for his part was referred to in a 1991 U.S. Defense Intelligence Agency report as a drug trafficker and a "close personal friend" of drug baron Pablo Escobar.⁷ The intelligence chief serving when Santos was defense minister, Jorge Noguera, is in prison awaiting trial for handing over lists to paramilitaries of union leaders and other left-wing figures that were singled out for assassination.⁸
- The Colombian government's connection to human rights atrocities has been the subject of repeated scandals. In what is known as the "parapolitics" scandal, the Colombian Supreme Court identified paramilitary ties to 78 current and former members of the Colombian Congress. Thirty-eight lawmakers have been detained so far, with 26 of these from the Uribe-Santos governing coalition. Forty additional legislators are under investigation. Of the total indicted or under investigation, 50 (or nearly two thirds) were from the Uribe-Santos coalition.⁹ These include Nancy Gutierrez, a leader in Uribe's political party who served in a position equivalent to that of House Speaker until 2010.¹⁰ To relate this to the U.S. context, it would be as if the president, Senate majority leader, and House speaker were all simultaneously convicted or under investigation for ties to terrorist groups.
- The Colombian government often claims to have "demobilized" right-wing paramilitaries. But Colombian officials have documented a shift of former paramilitaries into new gangs with different names, whose ranks number up to 5,000 people. These groups continue to murder civilians and engage in drug trafficking.¹¹ For instance, on March 6, 2008 human rights groups held a peaceful rally in Bogota against paramilitary violence. In the lead-up to the march, Uribe's principal advisor (and Colombian drug kingpin Pablo Escobar's cousin) José Obdulio Gaviria responded by repeatedly and publicly labeling these protestors as Revolutionary Armed Forces of Colombia (FARC) supporters, including in a national radio broadcast. In March 2008, a paramilitary gang called the Black Eagles sent out death threats that named 28 of the human rights defenders collectively denounced by Gaviria. Four trade unionists associated with the march were assassinated, as were many other civil society leaders, and many others have been threatened, beaten and harassed.¹² In 2010, human rights defenders recorded an increase in narco-paramilitary activity compared with past years. Narco-paramilitary presence was recorded in 360 municipalities in 2010, compared with 278 in 2009 and 266 in 2008. Their membership increased from 6,500 in 2007 to 7,100 in 2010. When the membership numbers are combined with support networks, up to 14,500 individuals are involved in narco-paramilitary activity.¹³
- Human rights groups have also documented an increasing trend of extrajudicial killings of civilians by the Colombian military, who then plant FARC paraphernalia on the victims' bodies to pass them off as guerrillas. According to the *Los Angeles Times*, "A macabre facet of a general increase in 'extrajudicial killings' by the military, 'false positives' are a result of intense pressure to show progress in Colombia's U.S.-funded war against leftist insurgents... The killings have increased in recent years amid an emphasis on rebel death tolls as the leading indicator of military success, the human rights groups say. Even Colombian officials

acknowledge that soldiers and their commanders have been given cash and promotions for upping their units' body counts."¹⁴

- Under the Uribe and Santos governments, violent displacement of Colombian civilians from their land, communities and homes has remained unacceptably, horribly high. Nearly 2.4 million Colombians have been displaced under their watch.¹⁵ More than 200,000 indigenous citizens are now being displaced annually. When asked about this fact, the U.S. ambassador to Colombia, William Brownfield responded: "I do not challenge your figure. I have heard from enough sources — including government of Colombia sources — that the number of internally displaced people in Colombia is, in fact, continuing to rise."¹⁶
- Colombia is currently considering a bill to compensate victims of displacement. But human rights groups have criticized the bill for limiting the timeframe under which the displacement had to occur (1991 and January 2010) that will leave out many displaced families, and also eliminate the ability of families being displaced currently from seeking reparations. The initiative also does not envision compensation for non-land losses, offer protection for families returned to their land, or offer a development and jobs strategy for them.¹⁷
- On March 17, 2011, six House Democrats submitted a list of 27 benchmarks to the Obama administration designed to eliminate violence against unionists and human rights defenders before a vote on the Colombia "Free Trade Agreement" (FTA) could occur.¹⁸ On April 6, 2011, the Obama administration announced a so-called "Action Plan" that failed to address any of these benchmarks completely, and failed to require an end to violence against trade unionists before the FTA is introduced to Congress, voted on or implemented.¹⁹ The Action Plan was quickly rejected by all key stakeholders. The six congressional Democrats criticized the plan for failing to require actual results on the ground, and said that the plan does not meet their list of concerns.²⁰ House Ways & Means Committee Ranking Member Sander Levin (D-Mich.) said "more work needs to be done."²¹ And AFL-CIO President Richard Trumka said that the federation was "deeply disappointed that the Obama administration has signaled that will move forward to submit the proposed U.S.-Colombia Trade Agreement to a vote in the near future. In our view, the situation in Colombia remains unacceptably violent for trade unionists, as well as for human rights defenders and other vulnerable populations... We have no doubt that if 51 CEOs had been murdered in Colombia last year, this deal would be on a very slow track indeed."²²

2. Lose-lose investment rules promote offshoring of U.S. jobs and hurt Colombia's development

- The Colombia Free Trade Agreement's (FTA) investment rules replicate the extreme investor privileges and investor-state private enforcement found in NAFTA and CAFTA. The FTA allows any foreign investor operating in Colombia (including from China, Europe and beyond) to directly sue the U.S. government in World Bank and UN tribunals over government actions that investors believe undermine their expected future profits.²³ This "investor-state" privatized dispute-settlement system empowers foreign investors to demand our taxpayer dollars in compensation for the cost of complying with environmental, health, land-use and other laws designed to balance private interests and public rights. Under similar

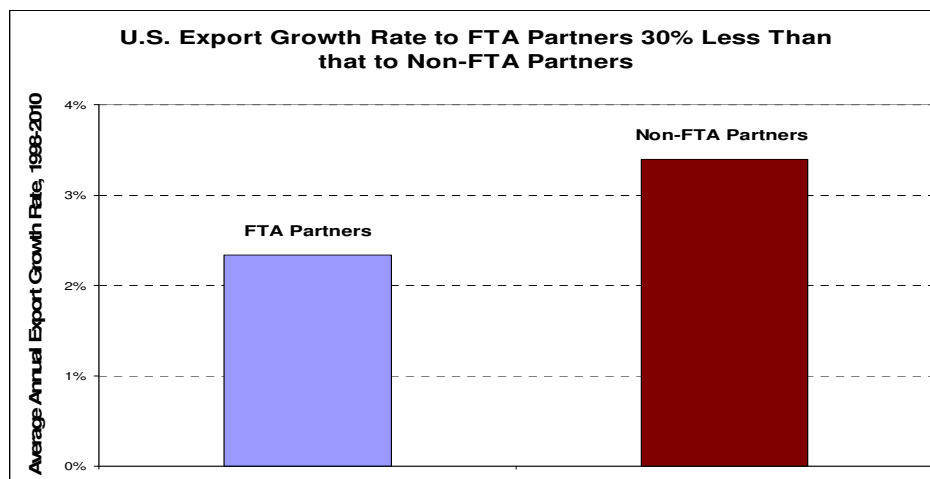
NAFTA and CAFTA rules, over \$350 million has already been paid to foreign investors in cases attacking zoning rules for a toxic waste dump, forestry conservation rules, a ban on a toxic gasoline addition, toxic waste regulations and more.²⁴ This includes attacks on natural resource policies, environmental protection and health and safety measures, and more. In fact, of the \$9.1 billion in pending claims, all relate to environmental, public health and transportation policy – not traditional trade issues. The Colombia FTA’s investor rules extend even further than NAFTA’s to allow foreign investors to skirt U.S. courts and bring their disputes over federal construction contracts and natural resource concessions on federal lands to foreign tribunals.²⁵

- The FTA’s foreign investor privileges also directly incentivize offshoring from the United States by removing most of the risks otherwise associated with relocating production to low-wage developing nations. A U.S. firm protected under these extraordinary privileges is spared the risk of having to rely on domestic courts and is guaranteed freedom from numerous common regulatory policies and costs a developing country would likely otherwise apply to foreign investors. The FTA investment rules promote a “low road” business strategy by subsidizing companies that pay race-to-the-bottom wages and engage in work-condition arbitrage by effectively providing a government guarantee against many normal business risks.
- U.S. and Colombian environmentalists are extremely concerned about how these rules can be used to attack critical environmental policies here and in Colombia.²⁶ The Colombian government has prioritized a relentless push for more oil exploration, including in Colombia’s biodiverse Amazonian region.²⁷ A decade-long campaign against Occidental Petroleum, led by the U’wa indigenous tribe and environmental allies worldwide, resulted in the U.S. firm leaving a destructive project.²⁸ If the FTA rules had been in place, this victory might have been thwarted: Occidental would have had new investor privileges, including the right to demand compensation, even if the company were responsible for major environmental and health damage.
- The investment chapter would also prevent Colombia, including future governments who may seek different policies than the Uribe and Santos administrations, from deciding what foreign investors it allows in. The FTA create a “right” of establishment – which means U.S.-based oil, gas, mining or timber companies would obtain new rights to establish operations or acquire local firms, while preventing the government from screening foreign investment or setting conditions on foreign investment to ensure it contributes to Colombia’s development needs. The FTA forbids the Colombian government from regulating foreign investment related to U.S. firms once it enters the country. For instance, the FTA bans the use of all “performance requirements.”²⁹ These are policy tools that have been used by all currently developed countries to ensure foreign investment builds the local economy. Such measures include requiring foreign companies to train local workers, or source inputs locally.³⁰ From a foreign investor’s perspective, these are the costs that the FTA removes, but from a development perspective, these “costs” help ensure foreign investment leads to development. For instance, the Colombian government has successfully used selective capital controls in the past to shield the country from financial contagion in the region.³¹ But the FTA’s investment provisions prohibit the Colombian government from regulating capital flows,

thereby exposing a fragile developing country economy to undue financial risks.³² Under such conditions, as seen with NAFTA, foreign investment fails to support the domestic economy by creating jobs that provide decent and sustainable employment conditions and wages.³³

3. FTAs do not increase net U.S. exports

- Corporate proponents of the Colombia FTA use one major economic talking point: they say U.S. exports to nations with which we have FTAs are booming ahead of exports with non-FTA nations. What they do not mention is:
 - The United States has a \$155 billion trade deficit with our FTA partner countries, as imports from these countries continue to outpace U.S. exports to these countries.³⁴
 - The average annual U.S. export growth rate to our 17 FTA partners has been 30 percent slower than *that to non-FTA nations, amounting to a \$64 billion export penalty.*³⁵



Source: Analysis of U.S. International Trade Commission numbers.

- In fact, U.S. trade negotiators know that U.S. FTAs lead to growth in bilateral *trade deficits*. In an October 2006 speech to a Korean audience, then-Deputy USTR Karan Bhatia said that it was a myth that “The U.S. will get the bulk of the benefits of the FTA. If history is any judge, it may well not turn out to be true that the U.S. will get the bulk of the benefits, if measured by increased exports... *the history of our FTAs is that bilateral trade surpluses of our trading partners go up*” [italics added].³⁶

4. FTA agriculture rules would displace hundreds of thousands of Colombian *campesino* farmers

- The Colombia FTA would dismantle mechanisms for the protection of agricultural products vital for food security and the livelihoods of small Colombian farmers who produce for their domestic markets, leaving them with few options for preserving their livelihoods. The Colombian Ministry of Agriculture and Rural Affairs conducted a study of the effects of liberalization on nine primary agricultural products and found that full liberalization would lead to a 35 percent decrease in employment.³⁷ The FTA requires Colombia to zero out its

tariffs on agricultural goods,³⁸ but does not discipline U.S. subsidies on agricultural goods.³⁹ As a result, the FTAs will lead to dumping of subsidized U.S. farm goods in Colombia, where a large percentage of the population relies on agriculture for their livelihoods.⁴⁰ NAFTA's similar rules resulted in 2.4 million peasants losing their rural livelihoods, according to Mexican government and civil society numbers.⁴¹

- Colombia was not permitted to exclude any agricultural products from tariff elimination – not even basic food staples such as corn, beans, or rice.⁴² In contrast, the United States excluded 47 tariff lines for sugar, sugar substitutes and products with high sugar content.⁴³ The United States was also granted a special mechanism for sugar compensation, allowing greater policy flexibility to avoid imports causing damage to U.S. domestic producers.⁴⁴ Such policy flexibility is not at all available to Colombia. In addition, although longer tariff elimination periods were granted for some of their products, duty-free quotas beginning immediately will offset advantages that such delays in tariff reductions might provide to cushion impacts on their farmers.⁴⁵

- In Colombia, more than half the population lives in poverty, and more than three-quarters of the rural population are poor.⁴⁶ Little credit, few employment alternatives, poor climate conditions and services – compounded by extreme geographic isolation – further compound the problems facing displaced farmers.⁴⁷ Colombian farmers are in a vulnerable position, and could face pressure to turn to the cultivation of coca in a region that provides more than 99 per cent of world supply (Colombia alone accounts for half of global coca cultivation),⁴⁸ thereby undermining U.S. drug policy and billions of taxpayer dollars invested to reduce the supply of cocaine.⁴⁹

More than 200,000 indigenous citizens are displaced annually in Colombia. When asked about this fact, the U.S. ambassador to Colombia, William Brownfield responded: "I do not challenge your figure. I have heard from enough sources – including government of Colombia sources – that the number of internally displaced people in Colombia is, in fact, continuing to rise."

5. Systematic attack on Afro-Colombians and their civil and land rights⁵⁰

- African descendants comprise 26 percent of Colombia's population.⁵¹ As with other African descendants, Afro-Colombians face racial discrimination that results in economic hardships far worse than experienced by the average Colombian. However, in Colombia, a vibrant 1980s civil rights movement won full recognition of Afro-Colombian cultural rights, and collective ownership and community control of territories and natural resources. A new 1991 Colombian Constitution and the landmark Law 70 (*Ley 70*) explicitly enshrine these rights and recognize official democratic Afro-Colombian governance structures, similar to those of American Indian tribes.⁵² These governance structures include locally elected community councils and a High Consultative Council comprised of a representative from each community council.⁵³
- The Colombian government has worked consistently to undermine Afro-Colombians' hard-won civil rights and control of their territories. Systematic violence against Afro-Colombians and assassinations of their leaders continue unabated to this day. According to the Afro-

Colombian Solidarity Network – a coalition of NGOs – “On February 28, 2011, the Inter-ecclesial Commission for Justice and Peace (Justicia y Paz) reported that battalion 80 soldiers burned and destroyed the homes of 119 Afro-Colombians in the Lower Calima river area. The justification given by the military for burning down these homes that have belonged to these communities for the past 70 years is that they are now the property of the economic development project- Industrial Port of Sweet Water S.A. (Puerto Industrial Agua Dulce S.A.). Since 2005 this community has suffered four similar incidents with at least 47 homes destroyed that have led to residents’ displacement from the area.”⁵⁴

- Because the Colombian law is on the side of Afro-Colombian territorial rights, wealthy interests have employed illegal means to physically remove Afro-Colombians and others from their lands, with over 200,000 people forcibly expelled from their lands in 2006 alone.⁵⁵ Joint operations between the Colombian military and illegal terrorist paramilitary organizations like the “Operation Genesis” in the Afro-Colombian Chocó region have targeted Afro-Colombian leaders with assassinations, while the Colombian military has aerielly bombed Afro-Colombian territories claiming they are fighting revolutionary guerrillas.⁵⁶
- These forced displacements are now occurring in port communities, such as Buenaventura, and other regions supporters of the FTA seek to develop.⁵⁷ Colombia is second only to Sudan for the number of internally displaced people (IDP).⁵⁸ Forced displacements are an ongoing problem under the Uribe administration – according to the Colombian Advisory Office for Human Rights and Displacement (CODHES), from 1985 through 2008, the Colombian IDP population totals nearly over 5.2 million people, but roughly half of these displacements have occurred since 2002 under Uribe and Santos.⁵⁹ Afro-descendant persons account for at least 30 percent of Colombian IDPs.⁶⁰ No Afro-Colombian lands have been returned to community control. Under Colombian law, if the land is not occupied – and with the land occupied by the military or “guarded” by paramilitaries this is not possible – it reverts to government control.⁶¹
- Accompanying these physical attacks has been a legal assault aimed at formalizing the theft of Afro-Colombian land. The Uribe government passed Forestry and Rural Development Laws and has amended the Mining Law to extinguish Afro-Colombian rights and empower oil palm, logging and other firms that have used the services of paramilitaries to occupy Afro-Colombian territories.⁶² Afro-Colombian communities have vehemently opposed these laws as unconstitutional. The Colombian Supreme Court ruled against the Forestry Law, which would have removed Afro-Colombian control of the forests on their land.⁶³
- The Colombia FTA is opposed by Afro-Colombian communities in part because it would lock in the paramilitary-financiers’ control of Afro-Colombian land.⁶⁴ Specifically, the FTA’s expansive foreign investor rights would empower multinational corporations investing in these projects with protections that would make restoration of Afro-Colombian lands extremely difficult, even when Afro-Colombian communities win in Colombian courts.
- At the end of 2007, angered by the strong opposition of the majority of Afro-Colombian communities to the U.S.-Colombia FTA, Uribe created a new Commission in Colombia that

directly challenges Afro-Colombian's legal governance structure. Cynically dubbed the *Commission for the Advancement of Afro-Colombian People*, it still exists⁶⁵ and undermines Afro-Colombian communities' ability to advance development strategies chosen by Afro-Colombian communities that comport with their needs and that help even the economic playing field. The Commission was stacked with Uribe supporters and individuals known to support the FTA.⁶⁶ It is designed to feign "consultation" with Afro-Colombian communities and issue a determination that the FTA is good for them despite the community's contrary conclusions. The official Afro-Colombian governance structure and grassroots organizations oppose this new Commission that they view as a sophisticated ploy to undermine Afro-Colombian rights and as a part of a broader strategy to elevate unrepresentative and illegitimate pro-FTA individuals against the stated interest of Afro-Colombian communities themselves.⁶⁷ Despite this, President George W. Bush, other U.S.-Uribe allies and Uribe-hired, big dollar lobbying firms hired by the Uribe government tried to tout the Commission and recent appointment of one Afro-Colombian to Uribe's cabinet and the naming of one Afro-Colombian military commander as evidence that Afro-Colombian concerns are addressed as they pushed to pass the FTA.⁶⁸

- Congress can help Afro-Colombians by demanding that President Santos respect the Colombian Constitution and terminate the Commission that undermines Afro-Colombian civil rights. Congress should pass a bill previously sponsored by Rep. Donald Payne (D-N.J.) (House Res. 618 in the 110th Congress) on the plight of Afro-Colombians.

6. U.S. national security threatened

- What would become of the tens of thousands of Afro-Colombians and other Colombian subsistence farmers pushed from their lands by the FTA's agriculture and foreign investor rights? Given the rural displacement and further impoverishment the Colombia FTA is projected to cause, the Colombian Ministry of Agriculture concluded that the FTA would give small farmers little choice but "*migration to the cities or other countries (especially the United States), working in drug cultivation zones, or affiliating with illegal armed groups.*"⁶⁹
- Certainly the U.S. Congress is not interested in increasing violence and insecurity in the region. Beyond its moral implications, such an outcome is not in the national security interests of the United States. Ironically, some have argued that the FTA – which the Colombian government itself projects will displace and impoverish hundreds of thousands – should *be passed* to counter the broader populist backlash against neoliberalism in Latin America. But as Nobel Prize-winning economist Joseph Stiglitz noted, the upheaval that such agreements will have on rural livelihoods is a self-defeating course that will mean "there will be more violence and the U.S. will have to spend more on coca eradication."⁷⁰
- The *Washington Post* editorial board warned that the "rural dislocation that would follow from ending all protection for Colombian farmers could undermine the government's efforts to pacify the countryside. If farmers can't grow rice, they are more likely to grow coca."⁷¹ Despite this, the Bush administration rejected demands from Colombia to carve out basic staple crops from the FTA's removal of tariffs, and the Uribe government conceded to the

Bush administration's position. None of these rules have changed under the Obama or Santos administrations.

ENDNOTES

- ¹ Escuela Nacional Sindical, "Listado de víctimas de violación del derecho a la vida, a la libertad y a la integridad física de sindicalistas en Colombia Año 2010"; "Impunity and the Violation of the Human Rights of Trade Unionists in Colombia 2009-2010 and 2002-2010," October 2010, at 62. 16 murders occurred in 2010 after Santos took over, and a congressional letter from Rep. Jim McGovern (D-Mass.), George Miller (D-Calif.) and others indicates that there have been at least three unionist murders this year. See letter to President Obama dated March 17, 2011.
- ² U.S. Labor Education in the Americas Project Fact Sheet, based on ENS data, "Violence Against Colombian Trade Unionists: Fact v. Myth, March 2010.
- ³ Oct. 15, 2008 Presidential Debate. Transcript available at: <http://latimesblogs.latimes.com/washington/2008/10/debate-transcri.html>
- ⁴ Simon Romero, "Death-Squad Scandal Circles Closer to Colombia's President," *New York Times*, May 16, 2007. Available at: <http://www.nytimes.com/2007/05/16/world/americas/16colombia.html>
- ⁵ Fernando Muñoz, "Colombian hopeful touts successes against rebels," *EFE Ingles*, May 25, 2010.
- ⁶ Fernando Muñoz, "Colombian hopeful touts successes against rebels," *EFE Ingles*, May 25, 2010.
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- ⁸ Simon Romero, "Union Killings Peril Trade Pact With Colombia," *New York Times*, April 14, 2008; "Uribe ordered illegal wiretaps, former Colombian spy says," *EFE*, Dec. 17, 2010.
- ⁹ Information on detained and investigated lawmakers taken from "Parapolítica en el Congreso," INDEPAZ, Sept. 12, 2009. Available at: http://www.indepaz.org.co/index.php?option=com_content&view=article&id=332:nuevo-cuadro-de-parapolitica&catid=59:paras&Itemid=74 Uribista designations for lawmakers taken from party typologies at "Uribe's reelection: Can the EU Help Colombia Develop a More Balanced Peace Strategy?" International Crisis Group, June 2006, at 7. "The core pro-Uribista parties include the U Party, Colombia Democrática, Cambio Radical, Partido Conservador, and Alas-Equipo Colombia. Convergencia Ciudadana received less support from Uribe due to its questionable leadership and Por el País que Soñamos was helped only marginally because it was a late addition to the camp and relied on Enrique Peñalosa's leadership." Additional information culled from Colombia's Registraduría Nacional del Estado Civil, "Boletín de Prensa, No. 010," July 14, 2006.
- ¹⁰ Juan Forero, "Cousin of Colombian president arrested in death squad probe," *Washington Post*, April 23, 2008; Sibylla Brodzinsky, "Ties may bind Colombian president to death squads," *Miami Herald*, April 25, 2008; "Colombian president says officials probing his role in massacre," *AFP*, April 23, 2008; Chris Kraul, "Colombia scandal ensnares close ally of President Uribe," *Los Angeles Times*, April 23, 2008.
- ¹¹ Juan Forero, "New chapter in drug trade," *Washington Post*, Sept. 5, 2007; Chris Kraul, "New Colombian drug gangs wreak havoc," *Los Angeles Times*, May 4, 2008.
- ¹² Letter from 63 House members to President Álvaro Uribe, dated April 16, 2008; Letter from 24 human rights leaders to President Uribe, dated March 26, 2008. According to testimony from Virgelina Chará of Asomujer y Trabajo on May 6, 2008 in Washington, D.C., 16 individuals who were targeted by the Black Eagles letter were killed. According to the Oxfam staff that coordinated Chará's testimony, this may include individuals who worked for organizations targeted by the Black Eagles, rather than individuals targeted in the letter per se. Gaviria's background is detailed in G. Guillen, "Un juicio que despierta a los viejos temores de Colombia," *El Nuevo Herald* (Fla.), July 3, 2006.
- ¹³ INDEPAZ, "V Informe sobre narcoparamilitares en 2010," March 15, 2011, at 3. Available at: http://www.indepaz.org.co/attachments/586_V%20Informe%202010%20INDEPAZ%2015-03-2011.pdf
- ¹⁴ Chris Kraul, "Extrajudicial slayings on the rise in Colombia," *Los Angeles Times*, March 21, 2008.
- ¹⁵ According to CODHES and Colombian government numbers, there are 3.6 million to 5.2 million displaced in Colombia. 1.2-1.4 million Colombians were displaced from the beginning of the Uribe's term through 2006. "Almost 4 million Colombians displaced by violence between 1985 and 2007," Norwegian Refugee Council and Internal Displacement Monitoring Center Report, at 126-127. Available at: <http://www.unhcr.org/refworld/pd/472ef2f42.pdf>. According to a more recent update, 966,642 additional Colombians were displaced in 2007-09, according to CODHES count. The sum for CODHES would thus be 2.4 million for the sum of Uribe's term, by CODHES figures. Available at <http://www.internal-displacement.org/idmc/website/countries.nsf/%28httpEnvelopes%29/A7E1B7BD7528B329C12575E500525165?OpenDocument#sources>. Accessed April 1, 2011.
- ¹⁶ Jay Hefflin, "U.S. Ambassador to Colombia Predicts Passage of Trade Deal by August," *CongressNow*, March 25, 2008.
- ¹⁷ INDEPAZ, "Closer to Home: A Critical Analysis of Colombia's Proposed Land Law," February 2011, at 2-4. Available at: http://www.indepaz.org.co/attachments/585_closer-to-home-2011-02.pdf
- ¹⁸ Letter from Reps. James McGovern (D-Mass.), George Miller (D-Calif.), Rosa DeLauro (D-Conn.), Michael Michaud (D-Maine), Jan Schakowsky (D-Ill.) and Linda Sánchez (D-Calif.) to President Obama, dated March 17, 2011.
- ¹⁹ "Leveling the Playing Field: Labor Protections and the U.S.-Colombia Trade Promotion Agreement," Obama Administration Memo, April 6, 2011. Available at: http://www.whitehouse.gov/sites/default/files/rss_viewer/LaborProtectionsandtheColombiaTradeAgreement.pdf
- ²⁰ Statement by Reps. James McGovern (D-Mass.), George Miller (D-Calif.), Rosa DeLauro (D-Conn.), Michael Michaud (D-Maine), Jan Schakowsky (D-Ill.) and Linda Sánchez (D-Calif.), April 6, 2011.
- ²¹ Statement by Rep. Sander Levin (D-Mich.), April 6, 2011.
- ²² Statement by AFL-CIO President Richard Trumka, April 6, 2011.
- ²³ United States-Colombia Trade Promotion Agreement, Chapter 10, Section B: Investor-State Dispute Settlement.
- ²⁴ Mary Bottari and Lori Wallach, "NAFTA's Threat to Sovereignty and Democracy: The Record of NAFTA Chapter 11 Investor-State Cases, 1994-2005," Public Citizen, February 2005; Scott Sinclair, "NAFTA Chapter 11 Investor-State Disputes," Canadian Center for Policy Alternatives Brief, January 2008.
- ²⁵ United States-Colombia Trade Promotion Agreement, Chapter 10, Article 28. (See definition of "investment agreement.")
- ²⁶ Letter from Sierra Club and Friends of the Earth to Congress, March 12, 2008; Nubia Amparo Cárdenas, "TLC, Efecto en el Ambiente y la Salud," *EcoPortal*, Sept. 7, 2004.
- ²⁷ Terrence Murray, "Uribe victory in Colombia provides rare good news for oil companies in region," *Oil Daily*, May 31, 2006; "Colombia autoriza exploraciones de crudo en localidades indígenas," *El Universal*, Dec. 16, 2006.
- ²⁸ "Occidental Petroleum Abandons Oil Development on U'wa Land," Environmental News Service, May 3, 2002. In 2000, a Colombian court had also ordered Occidental to halt construction on the exploration bloc that the government had granted them, because it was near U'wa land. Under the FTA, this action (which was lifted shortly after in any event) would be grounds for an investor-state claim.
- ²⁹ United States-Colombia Trade Promotion Agreement, Chapter 10, Articles 10.3, 10.4, and 10.9 refer to the right of establishment as it relates to national treatment, most-favored nation treatment, and performance requirements respectively.

- ³⁰ Nagesh Kumar, "Performance Requirements as Tools of Development Policy: Lessons from Developed and Developing Countries," in Kevin Gallagher (editor), *Putting Development First*, (London: Zed Books, 2005).
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- ³² United States-Colombia Trade Promotion Agreement, Chapter 10, Articles 10.8.
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