



The Washington Office on Latin America and Oxfam America are hosting a delegation of women leaders from Colombia to discuss:

The US-Colombia FTA and its implications for women in Colombia in the current context of violations of human and labor rights

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**Virgelina Chará**, of Afro-Colombian descent, represents Asomujer y Trabajo, a grassroots organization that works with people internally displaced by violence in Colombia. She was forced to flee her home when her son was disappeared after refusing to join paramilitary forces. Most recently, she has received death threats as a result of her participation in the March 6th demonstration for victims of state and paramilitary crimes.

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## **US-COLOMBIA FTA: MORE DISCRIMINATION AND GREATER POVERTY FOR WOMEN, LESS DEVELOPMENT FOR COLOMBIA**

In Colombia, poverty, free trade and social and political violence are structural obstacles for women to be able to exercise their rights as citizens to participate actively in society and politics. Free trade generates more discrimination, deepens poverty and results in less development for the country. Poverty limits access to the resources necessary to live a dignified life. Violence impairs fundamental rights, victimizes women and limits their participation in society. This reality has disproportionate effects on the lives of women, generating inequities and social exclusion, and is expressed in both the public and private realms.

### **I. Feminization of Poverty**

The link between female-headed households, precarious income levels and the characteristics of jobs held by women is a factor that affects the feminization of poverty.

**Female-headed households:** For each 100 women, 55 live in poverty, and 14 of those living in poverty are heads of household. They must provide for their families economically, as well as provide for their domestic and reproductive needs. This burden further impoverishes them.

**Income:** In urban areas, 45 of every 100 women have no income of their own, while in rural areas the number rises to 60, because men control their resources. Women's contribution to the family economy is made invisible and is not recognized. In a country that had 7.52% economic growth in 2007, this is a high level of inequality.<sup>1</sup> Such economic growth does not generate well-being for the population; rather, it is associated with external factors such as the increase in the price of exports (oil), greater household consumption (with access to credit), and an increase in foreign remittances, all of which do not generate productive or quality employment. Furthermore, the legal minimum salary only covers 45% of the basic needs of the average family.

**Jobs:** The gap between salaries for men and women is 14.28%. This results from the discrimination against women in hiring and cultural factors that place women in jobs with the lowest salary scales, such as domestic workers, street vendors, and unskilled labor including apparel assembly and flower picking. Between 2001 and 2007, the average unemployment rate for women was 17.1%, which was 7 points higher than unemployment for men. And since 2001, 35 of every 100 women have been underemployed or working in the informal sector.

As a result of the most recent reform of labor legislation in Colombia (Law 789 of 2002), women work longer hours for less pay. Earnings from, as well as the quality of, jobs

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<sup>1</sup> Colombia is one of the countries in Latin America with the greatest level of inequality (the Gini co-efficient is 0.52)

were affected by this regressive labor reform, which benefited employers who increased their profits by 138% per year. However, male and female workers have experienced a reduction in their earnings as well as in their labor rights. For example, workers have lost income for overtime work as a result of the expansion until 10 p.m. of what is considered the normal working day, and the amount of severance pay was reduced. However, sectors of the economy such as the financial sector and the agro-export industry have benefited from these labor reforms, as well as from subsidies and tax reductions.

## II. Free Trade

No trade agreement can contribute to overcome poverty and discrimination if it is based on taking advantage of labor legislation that reduces the rights of women workers. As US Congresswoman Linda Sánchez stated: “Women are the ones who pay the highest cost of these agreements.”<sup>2</sup> Furthermore, the FTA violates the country’s sovereignty and sets up a competition between unequal partners, where populations on both sides of the border stand to lose.

**Labor conditions** in Colombia and the experiences of other countries that have entered into FTAs with the United States indicate that the FTA signed by Colombian President Uribe and US President Bush, if ratified by the US Congress, will deepen the precarious nature of women’s employment. The situation of small farmers is one example. **Agriculture** accounts for 23% of employment in Colombia, but many small farmers could lose their livelihoods because they will be unable to compete with US agricultural exports, which benefit from large trade-distorting subsidies that enable dumping in Colombia below the real cost of production. Many Colombian businesses and factories may also find it difficult to compete with US-based companies and may be forced to shut down or merge which would affect the quantity and quality of jobs, cause uncertainty about new job creation and worsen the contract conditions for workers. Because women live under more precarious economic conditions and have greater responsibility for their families, they tend to accept jobs with lower salaries and worse conditions, since they have fewer choices.

The **labor chapter** in the FTA does not include effective mechanisms to prevent and stop abuses of the rights of men and women workers in export industries, and it does not guarantee dignified working conditions, particularly in the case of women. Even a good labor chapter would not be enough to address the many other devastating effects of the agreement in other areas beyond that of labor conditions. In Colombia, the precarious nature of working conditions, which is similar in other countries with FTAs, is exacerbated because of the lack of guarantees for the right to organize unions, as seen through assassinations, death threats, physical attacks and denial of the right to the formal establishment of unions. This means that it is dangerous to exercise the right of freedom of association and to defend labor rights. Between January and April 2008, there have been 24 trade unionists murdered, which is a 71.4% increase over the same period in 2007.<sup>3</sup> In addition, there have been important social costs from the reform of labor legislation, which reduces employer costs and sought to generate employment and

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<sup>2</sup> Campaign to Make Trade Fair: My Rights are Not Negotiable, Forum held in the congress of Colombia: Trade Agreements Also Affect Women. Bogotá, November 2006

<sup>3</sup> Informe Coyuntural Laboral y Sindical, National Labor School, 30 April 2008.

promote foreign investment, and in particular to prepare to enter into the FTA with the United States.

The Colombian government has promoted the idea that the Democratic Security Policy and **Plan Colombia** have been effective strategies to confront the problems of drug trafficking and the state of insecurity generated by the guerrillas, as well as to make the country more attractive for private investment and, thus, for the implementation of the FTA. But although there has been a clear reduction in the number of victims of massacres, which is associated with the demobilization of some of the paramilitary groups, the number of selective killings remains steady. All of the armed actors continue to have responsibility for such deaths, though there has been a 73% annual increase in deaths attributed to agents of the state.<sup>4</sup> Furthermore, Plan Colombia, the primary component of which is military aid that has increased the armed forces by 34%,<sup>5</sup> has not shown concrete results in reducing the illicit cultivation of coca. Instead, there has been a rotation of lands cultivated with coca, and the flow of illegal substances to the United States and Europe has not dropped, while Colombian lands have been left with the adverse effects of fumigations on soil fertility, as well as on the health of local residents.<sup>6</sup> The existing link between the objectives of Plan Colombia and the FTA is that both promote the specialization of Colombian agriculture in tropical crops that take time to generate a profit, require significant investment and large extensions of land, and thereby marginalize thousands of small-scale farmers who produce food for the domestic market, thus threatening the population's food security.

### III. Social and Political Violence against Women

The persistence of the serious situation of human rights and the humanitarian crisis indicates that the democratic security policy has not responded to women's needs for security and protection. Instead, it has generated greater risks. The social and political violence affects women because of their over-representation among internally displaced people, the direct attacks on their lives, sexual violence forced upon them, the loss of the organized social fabric women have built, and the paramilitary control over the neighborhoods and streets where women live.

Forced **displacement** affects women in particular. Three quarters of the nearly four million internally displaced people in Colombia are women and children, who must cope with problems of basic survival, health and nutrition, while carrying the burden of the psychological and social effects of displacement; this increases the number of female-headed households. One particular condition causing displacement is the aerial fumigation to eradicate coca, which destroys the food and livelihoods of the poorest families in some rural areas. This, together with the militarization of the countryside, has led to the take-over of lands that belong to farming communities, Afro-descendants and indigenous peoples for the development of agro-industrial monoculture projects, such as the African palm (used for palm oil).

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<sup>4</sup> Colombian Commission of Jurists 2002-2006: The situation of human rights and humanitarian law. Bogotá, January 2007.

<sup>5</sup> RECALCA, Plan Colombia and the FTA, Bogotá, April 2007

<sup>6</sup> The Rapporteurs on the rights of indigenous peoples (2004 -2005), the right to health (2007) and on toxic waste (2007), the Working Group on mercenaries (2005) and the Committee on Children (2005).

Women's **right to life** is also under threat, as each day a woman dies as a consequence of the social and political violence in the country.<sup>7</sup> From July 2006 to June 2007, the Colombian Commission of Jurists registered at least 127 women killed or disappeared as a result of the social and political violence, or one woman every three days. In the process of searching for disappeared family members or seeking restitution for the take-over of their lands through mechanisms established by the Justice and Peace Law (law 975 of 2005), at least 15 people were assassinated, including four women dedicated to defending women's rights, and over 200 received death threats, according to the National Commission for Reparation and Reconciliation.<sup>8</sup>

**Sexual violence** against women is expressed through the utilization of women's bodies as war booty, as well as through crimes against sexual freedom such as rape, forced pregnancy, and the control by armed groups of neighborhoods where women live, even determining what clothing women can wear and how they must behave.

Social and political violence is also **destroying social processes of women's empowerment** that have required time, as well as human and social resources, to develop. The attacks to stop women from exercising their rights affect in particular indigenous and Afro-Colombian women, as well as women farmers, trade unionists and women who live in poor urban neighborhoods. One example of the criminalization of social protest is the response to the peaceful protests held on March 6<sup>th</sup> in "homage to victims and opposition to the paramilitary." The government openly stated that the protests were promoted by the guerrillas, and soon thereafter, several leaders of the march, many of whom are women, received death threats from paramilitary groups. One of these women, Virgelina Chará, is an active member of the campaign to "Make Trade Fair: My Rights are Not Negotiable" and is a leader of Asomujer y Trabajo, an organization that works with the internally displaced population in several regions of the country. The government statements have helped create an environment that stigmatizes social protest and have encouraged paramilitary groups to strike out at organizations that have been organizing in the streets to demand respect for human rights and for international humanitarian law, and have been calling for a humanitarian agreement and reparations for the victims of the armed conflict.

The so-called **para-politics** scandal has made visible how state institutions have been and are still infiltrated by the paramilitary. There is evidence that this was not exclusively a counterinsurgency project but rather a mafia-like model, an armed expression of the far right, used to preserve and reproduce the corruption and social and political exclusion with the use of violence. This evidence includes: regional elected officials under pressure and with the support of the paramilitary; state entities infiltrated by and put to the service of these groups, stealing public resources (particularly from health care); and Members of Congress loyal to the paramilitary project who have passed legislation benefiting the paramilitary. To date, 30 Members of Congress have been arrested and more than 60 are under investigation<sup>9</sup> for ties to paramilitary forces. These cases have provided ample evidence of collaboration by entities of the state and the

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<sup>7</sup> Group on Women and the Armed Conflict, VI Report on social and political violence against women, youth and girls in Colombia 2002-2006. Bogotá, December 2006.

<sup>8</sup> Group of Women and the Armed Conflict, VII Report on social and political violence against women, youth and girls in Colombia, Bogotá, December 2007.

<sup>9</sup> Colombian newspaper El Tiempo, April 29, 2008 [http://www.eltiempo.com/opinion/columnistas/luisnoochoa/ARTICULO-WEB-NOTA\\_INTERIOR-4123925.html](http://www.eltiempo.com/opinion/columnistas/luisnoochoa/ARTICULO-WEB-NOTA_INTERIOR-4123925.html)

private sector in serious violations of human rights committed by paramilitary groups, such as the case of Chiquita.

The persistence of these types of actions and the impunity in the face of serious crimes committed by these groups has generated a high level of distrust in the current paramilitary demobilization process. National and international public opinion does not trust that paramilitary forces will be demobilized or that Colombian society's objectives of uncovering the truth, administering justice and giving reparations for the victims will be met.<sup>10</sup> The justice and peace law, just taking effect, does not provide sufficient guarantees to get to the truth and ensure justice and reparations. In the freely-given versions of paramilitary leaders, little is put forward with regard to the truth about disappearances, and in terms of reparations, the commitments made have not been honored. The Colombian newspaper *El Tiempo* states that with what few properties have been handed over to date, each victim would only get 69,000 pesos or less than \$40 (130,000 people have applied for reparations, of the 5 million victims that are estimated to exist in the country from 1964 to the present).

Furthermore, women in general, and particularly those who are internally displaced, are not fully recognized as victims of the conflict. In the process of registering victims established by the justice and peace law, the survivors of forced disappearances and attempted assassination are registered as victims of the armed conflict, but only very few of those registered are victims of displacement (about 10% of the total). This low level of registration of displaced people is due to the fact that neither they themselves nor society recognize them as victims, as well as to the few guarantees given in these processes.

#### **IV. Proposals**

As Colombian women, we ask the US Congress to do the following:

- Do not ratify the Free Trade Agreement with Colombia as long as its provisions will not help overcome poverty and discrimination in Colombia, particularly for women.
- Ensure there is an evaluation carried out by experts on the real impacts of Plan Colombia on the lives of women (particularly in Putumayo).
- Request that the State Department include in its human rights reports on Colombia a report on the specific situation of women.
- Authorize and appropriate foreign aid to Colombia with the objective of overcoming impunity, including the provision of resources and technical support to the Human Rights Unit of the Attorney General's office in order to create a team that investigates and sanctions those responsible for human rights violations of women.
- Evaluate and improve the programs of protection for women and men who defend human rights, with particular attention to trade unionists and women's organizations, taking into account the particular needs of women in light of the role they play in their families. Programs are needed that have a gender

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<sup>10</sup> *Four years after signing the peace agreement between the government and the self-defense forces, 50 percent of the country is once again besieged by criminal groups tied with paramilitary forces. The OAS in its last report warned that we are at risk of falling into "a deepening of the influence of paramilitary forces associated with drug trafficking." This is a real concern when going through the 16 provinces where there are emerging structures and two names come up as being those who are behind that expansion: Wilber Varela and Diego Montoya, the two most important drug traffickers in Valle.* See *El Tiempo*, July 15, 2007. These groups are emerging in half of the country.

perspective and that have flexibility. In addition, improvements are needed in program coverage and in attending to trade unionists who have been threatened, as well as in providing support to trade unions and civil society organizations that have been affected.

- Monitor the recommendations of the ILO's permanent representation in Colombia, as well as the 100 cases of murdered trade unionists that have been signaled out for follow through, in order to guarantee access to justice and an end to impunity.
- Do not certify Colombia as respecting human rights until the national government complies with the conditions demanded for dispersing the assistance, particularly the condition of fully dismantling paramilitary forces and ending all relations of the government and its agents with these groups.

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### **Colombian campaign to “Make Trade Fair: My Rights are Not Negotiable”**

Member organizations:

Afrolider, Aprodic, Asomujer & Trabajo, Casa de la Mujer, Cemci, Central Unitaria de Trabajadores CUT, Colectivo Mujer y Calidad de Vida, Comisión Colombiana de Juristas CCJ, Comité Cívico de Fredonia, Confederación de Trabajadores de Colombia CTC, Conferencia Nacional de Organizaciones Afrocolombianas, Corporación Cactus, Corporación Centro Convivamos, Corporación Educativa Combos, Corporación Región, Corporación Sisma Mujer, Corporación Vamos Mujer, CUT –Antioquia-, CUT -Comité Operativo Bolívar-, Escuela Nacional Sindical ENS, Funsarep, Hogar Juvenil, Instituto Latinoamericano de Servicios Legales Alternativos ILSA, Instituto Popular de Capacitación IPC, Mujeres que Crean, Oxfam Internacional OI, Red de Empoderamiento de la Mujer, Red Decide Mujer, Red Internacional de Género y Comercio, Red Nacional de Mujeres Afrocolombianas– Kambirí, Red Viva, Sindicato de trabajadoras de hogares infantiles de Bolívar Sintrahicobol, Sindicato de trabajadores y empleados públicos universitarios de Colombia, Sintraunicol, seccional Cartagena, Tribunal Nacional Mujeres y DESC, Unión de Empleados Bancarios Uneb, Universidad de La Salle, Facultad de Filosofía y Letras



### **Why should Colombia's human rights record enter into debate about a trade agreement?**

Colombia is widely recognized as having one of the worst records on human rights protection in the Americas. Passage of a trade agreement will eliminate any leverage the U.S. government has to pressure the Colombian government to improve respect for human rights and the rule of law. Since the Colombian and U.S. governments signed the trade agreement in November 2006, rates of killings by security forces and rightist paramilitary groups that have been linked to government officials are reported by some sources to have declined. But the numbers are still very high, and progress has not warranted passage of an agreement that would create the highest level of economic integration between the two nations' economies. Attacks against human rights defenders, trade unionists, indigenous leaders and many other groups continue with impunity. In only the first 11 days of March 2008, four trade unionists were killed. That same week human rights groups had their offices ransacked and their equipment stolen. Since the beginning of 2008, a total of 12 trade unionists have been killed. In addition, extrajudicial executions are occurring at an alarming rate, with recent cases reported in the areas of Valle del Cauca, Cauca, Meta, Putumayo and Nariño. Since the beginning of March, numerous national and international human rights organizations have received death threats from a notorious paramilitary group, the Black Eagles.

### **Will the trade agreement improve the plight of Internally Displaced People in Colombia?**

With an estimated 3.8 million internally displaced persons (IDPs), Colombia contains the second largest IDP population in the world, after Sudan. People have been displaced due to the armed conflict and forced off land by powerful economic interests. Afro-Colombians and indigenous populations account for a disproportionate number of the total IDP population, with an estimated 79% of Afro-Colombians who lived on collective territories being forcibly displaced from them. WOLA believes that passage of a trade agreement is likely to accelerate violent land expropriation to benefit agro-export crops such as palm oil, which would benefit from the trade agreement. WOLA also believes that the high levels of violence and impunity that characterize areas where forced displacement has occurred would make any other economic activity in these areas extremely difficult. Before a trade agreement is approved, the Colombian government must take more concrete steps to prevent and protect people from displacement and to protect the rights of those displaced.



### **Will the Colombia trade agreement reduce poverty?**

WOLA believes that any trade agreement with Colombia must make the reduction of poverty and improving the livelihoods of the most vulnerable sectors as important as the trading of goods. In Colombia, 65% of the population lives below the poverty line. In rural areas, that figure reaches 80%. Under the proposed trade agreement, Colombia will cut tariffs on many basic agricultural goods and open its markets to heavily subsidized U.S. agribusiness imports. Similarly, duty-free access to the United States for cut-flowers and other agro-export products will encourage agribusiness plantations to increase production for export. Both agribusiness expansion and imports of agricultural goods will displace rural Colombian workers from their lands, worsening unemployment and poverty levels. This trade agreement will hurt the rural poor and has no mechanism designed to prepare them for competition with cheaper subsidized goods produced by U.S. farmers.

### **Will the trade agreement strengthen local and regional development?**

Foreign direct investments can be a critical tool in stimulating local and national development. However, like other trade agreements before it, the Colombia agreement prioritizes protections for foreign investors over domestic development needs, weakening the government's ability to determine and implement national development strategies. "National Treatment" provisions stipulate that governments treat foreign investors at least as well as domestic ones in government procurement bids. Consequently, the government will be unable to favor established or nascent industries with ties to local communities. Nor will the government be able to impose performance requirements which force foreign investors to create forward and backward linkages within a country's economy, purchase supplies locally, or employ specific populations such as women or Afro-Colombians. WOLA believes that national needs must take priority over foreign investment rights, and the government must retain the policy flexibility necessary to determine the development strategies that its country needs.

### **Will the Colombia trade agreement strengthen democracy?**

The Colombia agreement includes the same controversial Investor-State Dispute Mechanisms included in NAFTA and other trade agreements. As drafted, the dispute mechanism allows foreign corporations to sue for perceived violations of their rights and loss of future profits. Foreign investors can demand compensation when, for example, public-interest laws prevent them from conducting business or when a community democratically decides not to allow a business practice in their area. Since NAFTA's implementation, investors have used this provision to challenge public interest laws and local governance processes. An example of a law that would be threatened is the 1993 Law 70 in Colombia which mandates that government invest in the socio-economic development of Afro-descendants and protect their cultural identity and civil rights in

order to preserve their ancestral territories. Decades of violence and corruption have already severely undermined democracy in Colombia. WOLA believes that any trade agreement must guarantee legitimate democratic practices and safeguard laws and regulations that protect all Colombians.

### **Will failure to pass the trade agreement pose a national security risk?**

At a March 2008 hearing in Congress, Admiral James Stavridis, head of the U.S. Southern Command, said: “As your national security adviser in that region, I will tell you that it is very important that the free trade agreement be passed from a national security perspective.” No one in Latin America doubts U.S. support for Colombia. But WOLA believes that there is not a national security rationale for passing the trade agreement with Colombia and that a strong argument to the contrary can be made. If this agreement follows the course of previous agreements, small agricultural producers will be displaced. Agriculture is the third most important sector in terms of employment. More than 20% of Colombian workers depend on agriculture for their livelihood, with higher figures for Afro-Colombians and indigenous peoples. 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% decrease in employment. (RCALCA resolution, December 12, 2005).

Few question that the trade agreement would lead to displacement for many rural Colombians. What would happen to those displaced people? In February 2006, an editorial in *The Washington Post* 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.” (*The Washington Post*, February 17, 2006, p. A18) In addition, forced displacement can contribute to individuals joining illegal armed groups, both on the left and right. In July 2004, the Colombian Minister of Agriculture addressed displacement and the potential impact of the trade agreement saying that “the FTA would give small farmers little choice but migration to the cities or other countries (especially the U.S.), working in drug cultivation zones, or affiliating with illegal armed groups.” Physical and economic displacement as a result of the trade agreement will cause greater problems for the Colombian government and invite even greater U.S. militarization in the region.

## US-Colombia Free Trade Agreement: A Bad Deal for Development and National Security

Trade can be an engine for economic growth and poverty reduction, but only if trade rules actually benefit poor people and developing countries. The US-Colombia Free Trade Agreement (FTA) fails this test.

Colombia has one of the highest levels of inequality in Latin America, which stands as the continent with the greatest income gap between rich and poor in the world. This inequality and accompanying poverty have fueled Colombia's internal armed conflict for over four decades. To address these problems, Colombia needs a peaceful end to its internal conflict and more inclusive economic growth. The FTA will not contribute to this end and could even exacerbate existing inequality and poverty.

Over 12 of Colombia's 45 million citizens live in rural areas, where poverty and inequality levels are highest, and most depend on agriculture for their livelihood. Agriculture accounts for 22 percent of employment and generates 12 percent of GOP, both by small and medium-scale farmers who produce food for the domestic market, as well as by large-scale producers with export capacity or potential. The FTA would force Colombia to fully open its market to subsidized US agribusiness, while providing substantially no new US market access for Colombia beyond that already granted under the Andean trade preference program in effect since 1991. The result would be a net loss for Colombia's farmers and would be particularly devastating for the poor.

Much of Colombia's domestic food supply is produced by small and medium-scale farmers (53 percent of total cereal consumption is produced domestically<sup>1</sup>). Products such as wheat, barley and beans have historically been grown by small farmers, who are also responsible for about a third of corn, two-fifths of rice, and significant portions of sorghum and soy production. With the FTA, Colombian farmers will be unable to compete with subsidized US exports. Small producers will be the worst off as they live from one planting season to the next and lack access to credit or other assets that might help large-scale farmers to adjust.

An independent study in Colombia<sup>2</sup> projects that as a result of the FTA, the volume of production of corn, wheat, soy, sorghum, beans and rice would fall by 20 percent, on average, while the value of their production could fall by 35 percent, on average, and employment would fall by 23 percent. Barley production could disappear entirely. Also seriously affected would be pork, nearly half of which is produced by small farmers, and chicken meat, most of which is supplied by large producers. To lock in such unfair terms of trade through this FTA just as the world faces a global food crisis would seriously undermine the food security of millions of Colombians and exacerbate existing inequalities. It would also leave many small farmers with little option other than the illicit cultivation of coca or migration to urban areas, where they would join the four million internally displaced citizens, or northward.

These losses to Colombian agriculture would clearly outweigh the limited benefits farmers stand to gain. According to the same study, the FTA would increase sugar and sugar-based ethanol exports to the US, but this will only boost the income of a limited number of exporters and will not translate into increased production or employment because the higher exports to the US will simply displace existing exports to other countries. The Colombian dairy industry would also benefit, although these profits will not likely filter down to milk farmers. And Colombian tobacco producers would also benefit, potentially expanding tobacco production by 15 percent and boosting the value of their exports by 19 percent. The potential for

<sup>1</sup> World Resources Institute [http://earlhtrends.wri.org/pdf/library/countrv\\_profiles/agr\\_cou\\_170.pdf](http://earlhtrends.wri.org/pdf/library/countrv_profiles/agr_cou_170.pdf) <sup>2</sup> Luis Jorge Garay Salamanca, Fernando Barberi Gomez and Ivan Mauricio Cardona Landinez, "*La Negociación Agropecuaria en el TLC: Alcances y Oportunidades.*" Bogota, September 2006.

expansion of Colombian exports of fruits and vegetables would depend on farmers' ability to overcome significant sanitary and phytosanitary barriers, which continue to be a significant obstacle for exports to the US.

In light of the projected net loss to Colombia's agriculture and the fact that the FTA would provide no additional market access to the US beyond what Colombia currently receives through the Andean Trade Preference Act (Public Law 110-191), the only potential benefit for Colombia would be an increase in foreign investment. However, the promise that the FTA will increase foreign investment is an illusion that may not bear out in practice.

The FTA includes rules that deregulate investment in order to provide incentives for US investors in Colombia. But these rules will, on the one hand, limit the government's policy tools to ensure that foreign investment spurs inclusive development and, on the other, may not actually increase investment. The FTA bans performance requirements, such as local content mandates, and could enable US investors to disregard laws and policies that safeguard citizen rights, including the rights of indigenous peoples and Afro-Colombian communities. It also includes an investor-state dispute settlement mechanism that would allow US investors to challenge Colombian laws and regulations that protect the environment or the public interest if such measures could result in loss of anticipated future profit for the investor. US investors could sue the Colombian government in an international tribunal with secret hearings and no recourse for appeal.

Yet studies have shown there is no independent correlation between trade and investment agreements, on the one hand, and increases in foreign investment, on the other. There are other factors at play. Rather than an FTA that would exacerbate existing inequality and poverty, a peaceful solution to Colombia's armed conflict would be the most effective way to attract foreign investment. Colombia has the longest standing and only active internal armed conflict in the Americas, and an on-going level of violence currently unsurpassed by any other country in the hemisphere. These conditions provide neither the physical security nor the political certainty that most investors seek. Simply making existing access to the US market permanent is unlikely to unleash substantial new foreign investment.

Since 2000, the US has provided nearly \$5 billion in military aid to the Colombian government's war effort and to reduce coca cultivation. Yet there is no resolution to the conflict in sight, and the State Department reports that more land was cultivated with coca in 2006 than in 2000. More people were internally displaced by violence in 2007 than the year before, and the total number of those internally displaced as a result of Colombia's conflict is now four million. Extrajudicial killings by the Colombian security forces continue. Paramilitary forces were not entirely demobilized and many have re-armed, continuing their campaign of terror, disappearances and killings. Guerrilla groups also continue to kill, threaten and displace the civilian population, although in lesser numbers than military and paramilitary forces. The vast majority of these crimes remain in impunity, which creates a fertile environment for their perpetrators to effectively use threats and intimidation instead of direct violence to accomplish their aims. Thus, even though the number of civilians killed may wax and wane, the underlying problems remain the same.

The FTA is no fix to the continued environment of intimidation and impunity in Colombia that limits the ability of human rights, labor and community leaders to effectively carry out their work. The problems of violence and impunity need to be effectively addressed before Colombian citizens would be able to take advantage of new trade opportunities to stimulate more inclusive economic growth that would reduce existing poverty and inequality.

The US-Colombia FTA now before Congress will do more harm than good for Colombia's farmers, particularly the poorest. It could undermine food security in the context of a global food crisis, increase illicit coca cultivation, and exacerbate existing conditions of inequality and poverty that have fuelled the country's armed conflict. As a result, the FTA stands to undermine US national security interests.

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## **168 Afro-Colombian Grassroots Groups and Community Councils Reiterate their Opposition to the U.S.-Colombia Free Trade Agreement**

April 17, 2008

Dear Members of Congress,

We, the undersigned U.S. organizations and individuals, are concerned about the grave human rights situation facing Colombians of African descent. We wish to reiterate our opposition to the U.S.-Colombia FTA and to call attention to the negative consequences this Free Trade Agreement will have on Afro-Colombian communities.

In a letter sent to Representative Nancy Pelosi this week, 168 Afro-Colombian grassroots groups and community councils reiterated their opposition to the U.S.-Colombia Free Trade Agreement. The Afro-Colombians believe this agreement is a “grave” threat to their human, territorial and cultural rights. These rights are protected by the Colombian Constitution and the law of the Black Communities (Law 70- 1993). In this letter the Afro-Colombians underscore points which we summarize and explain below:

### **The FTA will have the unintended consequence of validating illegal appropriation of Afro-Colombian titled lands by illegal armed groups.**

Since the implementation of Law 70, land titling of Afro-Colombian territories has coincided with violent displacements by illegal armed groups seeking control of Afro-Colombian lands. Methods such as gruesome massacres, killings, threats and intimidation have resulted in an internal displacement rate of approximately 79% from Afro-Colombian collective territories. Over 5.6 million hectares of Afro-Colombian territory are vulnerable to exploitation due to conflict and internal displacement. Because these lands are bio-diverse and resource rich, national and international companies have sought the rights to use these lands and exploit their resources. It has only been subsequent to internal displacement, in large part, that multinational, U.S. and domestic corporations have been able to access Afro-Colombian land in order to implement large scale economic projects, including the cultivation of monoculture crops. This seizure occurs without the knowledge or consent of internally displaced Afro-Colombians.

### **Effects of changes in Colombian legislation, which severely weaken the achievements of the Afro-Colombian civil rights movement and their territorial rights found in Law 70 of 1993, would be exacerbated if the FTA is passed.**

Since the passage of Law 70, the Colombian government has undertaken measures and passed legislation that have weakened the rights of Afro-Colombians. This legislation includes the Forestry Law which opens Afro-Colombian territory to logging interests and interests of “corporate squatters” over those of the internally displaced. A new change in the mining code further undercuts Afro-Colombian rights to mined resources on their territories. The Rural Development Statute allows land that was illegally obtained by

armed actors to be legalized and titled by land invaders. Recently, Colombia's Constitutional Court ruled that the Forestry Law was unconstitutional because the State failed to consult with Afro-Colombian and Indigenous communities as required by the law. In retaliation, the State took steps to pass another law that would have similar effects on Afro-Colombian territories. The FTA would privilege multinational investor rights over those of the Afro-Colombians. Presently, albeit difficult, Afro-Colombians can challenge rulings and statutes in domestic courts. The FTA would supersede domestic laws, providing no relief to these communities when their rights are violated.

**Present economic policies created by the Colombian government have rolled back many of the civil rights victories achieved by Afro-Colombians. The U.S. Congress must not pass the FTA given the Colombian government's track record of regressive policies towards Afro-Colombians.**

Historically, the Colombian government has shown limited political will to address the socio-economic conditions of Afro-Colombians and their grave humanitarian and human rights situation. Officials of the State have denied that racism exists in Colombia. Although Colombian law states that Afro-Colombians must be consulted in all economic projects that involve their territories, the reality has been that little real consultation takes place. In the case of the FTA, the previous consultation process was not followed. Afro-Colombians are at a great disadvantage when it comes to powerful state mechanisms and companies, some of whom are allegedly backed by both paramilitaries and local politicians. The traditional practices, knowledge and cultural survival of Afro-Colombian people are threatened by the imposition of economic projects in their territories. National and international economic projects that ignore the Afro-Colombian local governance structures (community councils) are detrimental to Afro-Colombian internal economic planning processes, culture and the environment.

**Rather than support an FTA with Colombia, the 168 signers urge Members of the U.S. Congress to:**

- 1) Publicly oppose any consideration of the FTA with Colombia until the Colombian government can demonstrate major changes that guarantee the participation of the Afro-Colombian grassroots and community councils in determining all economic projects that are to be implemented in the collective territories.
- 2) Urge the Colombian government to immediately and unconditionally return the illegally appropriated collective territories of Afro-Colombian communities in Jiguamiandó and Curvaradó, Naya, Mira, Border and Maria la Baja. These collective territories were expropriated by violence, massacres, assassinations and internal displacement.
- 3) Establish periodic U.S. Congressional hearings to evaluate the information the Colombian government presents to the U.S. in terms of steps taken for Afro-Colombian rights. The Afro-Colombian grassroots and community council leaders should be invited to participate at such hearings to present their point of view.

- 4) Establish a U.S. Congressional delegation to visit the collective territories and meet with community councils affected by the internal armed conflict and violence. Such a delegation should be coordinated with the organizations that form part of the Network for Advocacy in Solidarity with Grassroots Afro-Colombian Communities (NASGACC).

We recommend that you take into account the Afro-Colombian grassroots and community councils' point of view when determining your position on the Colombia FTA. Also we ask that you implement the four recommendations they propose.

Sincerely,

Nicole Lee  
Executive Director  
TransAfrica Forum

Gimena Sanchez-Garzoli  
Senior Associate for Colombia  
Washington Office on Latin America (WOLA)

Natalia Cardona  
Senior Associate for Latin America and the Caribbean Peace Building Unit  
American Friends Service Committee (AFSC)

Marino Cordoba, Charo Mina Rojas and Otoniel Paz  
Association for Internally Displaced Afro-Colombians (AFRODES USA)

Carlos Quesada  
Latin America Director  
Global Rights Partners for Justice

Jim Vondracek  
Managing Director  
Chicago Religious Leadership Network on Latin America (CRLN)

Joseph Jordan  
Director and Associate Professor  
University of North Carolina at Chapel Hill

Norma Jackson  
Benedict College

Humberto Garces  
Manuel Zapata Olivella Education Center

John Jairo Garces  
Hope Day Foundation

Monika Rizo  
Afro-Colombian activist, NASGACC

Julio Cesar Montaña  
Afro-Colombian activist, Black Communities Process (PCN)-Illinois

Eunice Escobar  
Afro-Colombian activist, Chicago-Illinois

Gerald Rudolph and Cassandra Fralix  
Carolina Peace Resource Center

Below you will find the list of the Afro-Colombian organizations that signed the letter:

1. **Afroherencias, Santander de Quilichao**
2. **AMUFROCA, Puerto Tejada**
3. **Afrotambo, Tambo, Cauca**
4. **Asociación de Afrocolombianos Desplazados (AFRODES)**
5. **Asociación de Desplazados del Pacifico, Sur-Costa Pacifica Caucana ASODESPASUR,Guapi**
6. **Asociación Agropecuaria El Palenque, Guachené**
7. **Asociación de Afrodescendientes de Barrancabermeja y el Magdalena Medio–AFROBAM-CNOA**
8. **Asociación de Parteras Unidas del Pacifico, ASOPARUPA, Buenaventura**
9. **Asociación de Mujeres Afrocolombianas, AMUAFROC**
10. **Asociación de Mujeres Campesinas, Indígenas y Negras del Cesar – ADMUCIC**
11. **AMUCIB, Buenaventura**
12. **Asociación Municipal de Mujeres –ASOM. Buenos Aires, Cauca**
13. **Asociación de la Mujer Trabajadora ASOMUTRALP, Buenaventura**
14. **Asociación de Mujeres Afrocolombianas AMAFROCOL.**
15. **Asociación de Mujeres, Buenaventura**
16. **Asociación de Mujeres Cabeza de Familia Comuna 3 y 4, Buenaventura**
17. **Asociación Mujeres Jefes de Hogar ASOMUJEH, Buenaventura**
18. **Asociación de Concheras de Francisco Pizarro-Salahonda, Nariño**
19. **Consejo de Mujeres de Buenaventura**
20. **Corporación Caminos de Mujer, Tumaco**
21. **FUNDEMUJER, Fundación para el Desarrollo de laMujer de Buenaventura y la Costa Pacifica, Buenaventura**
22. **Grupo de Mujeres Flor del Campo Vereda La Balsa, Buenos Aires, Cauca**
23. **Grupo de Mujeres Las Orquídeas Vereda Cascajero, Buenos Aires, Cauca**



24. **Grupo de Mujeres Productoras en Acción vereda la Alsacia, Buenos Aires, Cauca**
25. **Grupo de Mujeres RENACER de Honduras, Buenos Aires, Cauca**
26. **Grupo de Mujeres Sonrisa Campesina Vereda El Silencio. Buenos Aires, Cauca**
27. **Mujeres Protagonistas del Desarrollo, MUPRODEB, Buenaventura**
28. **Red Nacional de Mujeres Afrocolombianas, KAMBIRI, Buenaventura**
29. **Asociación de Jóvenes Afrodescendientes Charqueños. Charco, Nariño**
30. **Asociación de Jóvenes Afrodescendientes del Departamento del Cesar, KUMAGENDE**
31. **Asociación de Jóvenes Comunitaria – ASJUCOM**
32. **Asociación para el Desarrollo Juvenil de la Costa Pacifica Juventud 500, Buenaventura**
33. **Asociación de Jóvenes, ASOJUN, Puerto Tejada**
34. **Asociación Cadhubev Benkos Vive, Cali**
35. **Colectivo de Estudiantes Universitarios Afrocolombianos, CEUNA**
36. **Comité Juvenil, Guachené**
37. **Grupo Juvenil KASIMBA. Cali**
38. **Red de Jóvenes Afrocolombianos, Tumaco**
39. **Colectivo Local de Jóvenes, Buenaventura**
40. **Asociación de Negros Unidos del Río Yurumanguí, APOUR**
41. **Asociación de Comunidades Negras Unidas del Río Raposo ACONUR, Buenaventura**
42. **Asociación Campesina Nuevo Porvenir**
43. **Asamblea de los Resistentes, El Charco**
44. **Asociación Nacional de Pescadores Artesanales, ANPAC, Buenaventura**
45. **Asociación de Organizaciones de Comunidades Negras del Cesar “Ku – Suto”**
46. **Asociación de Víctimas Renacer Siglo XXI, Buenos Aires, Cauca**
47. **Asociación Ku-Mahaná, Cali**
48. **Asociación Integral de Gestores Comunitarios, ASOGEDINCO, Suarez, Cauca**
49. **ASOCUREN, Cali**
50. **Benkos Biojón, Puerto Tejada**
51. **Centro de Pastoral Afrocolombiana "CEPAC", Buenaventura**
52. **Asociación de Consejos Comunitarios del Bajo Atrato, ASCOBA**
53. **Asociación de Consejos Comunitarios, Timbiquí**
54. **Red de Consejos Comunitarios del Pacífico Sur, RECOMPAS, Tumaco**
55. **Asociación de Consejos y Organizaciones Étnico Territoriales de las Zonas Centro y Norte de Nariño, ASOCOETNAR**
56. **Federación de Organizaciones y Consejos Comunitarios del San Juan, FOSAN, Chocó**
57. **Foro Interétnico Solidaridad. Chocó**
58. **Consejo Comunitario Mayor Asociación Campesina del Atrato, COCOMACIA**
59. **Consejo Comunitario General del Río San Juan, ACADESAN, Chocó -Valle**

60. Consejo Comunitario para el Desarrollo de Comunidades Negras de la Cordillera Occidental de Nariño y Sur del Cauca, COPDICON
61. Gran Consejo Comunitario del Río Patía Grande, sus Brazos y Ensenada de Tumaco, ACAPA
62. Capitanía de Páez. Belalcazar, Cauca
63. Comunitario Alto Mira y Frontera, Tumaco
64. Consejo Comunitario Bajo Mira y Frontera, Tumaco
65. Consejos Comunitario Cortina Verde Mándela, Tumaco
66. Consejo Comunitario de Ladrilleros, Buenaventura
67. Consejo Comunitario La Toma. Suarez, Cauca
68. Consejo Comunitario Cerro Teta. Buenos Aires, Cauca
69. Consejo Comunitario de Pilamo. Guachene, Cauca
70. Consejo Comunitario La Alsacia, Buenos Aires, Cauca
71. Consejo Comunitario del Alto y Medio Río Dagua, Buenaventura
72. Consejo Comunitario del Río Calima, Buenaventura
73. Consejo Comunitario Córdoba y San Cipriano, Buenaventura
74. Consejo Comunitario del Río Mallorquín, Buenaventura
75. Consejo Comunitario de Puerto España y Mira Mar, Buenaventura
76. Consejo Comunitario del Río Raposo, Buenaventura
77. Consejo Comunitario del Río Yurumanguí, Buenaventura
78. Consejos Comunitario Imbilpi del Carmen, Tumaco
79. Consejo Comunitario La Nupa, Tumaco
80. Consejo Comunitario Mayor del Río Anchicayá, Buenaventura
81. Consejo Comunitario Negros en Acción, Timbiquí
82. Consejo Comunitario Negros Unidos. Timbiquí
83. Consejo Comunitario Parte Alta Sur del Saija, Timbiquí
84. Consejo Comunitario Patía Norte San Bernardo, Timbiquí
85. Consejo Comunitario Recuerdo de Nuestros Ancestros, Tumaco
86. Consejo Comunitario Renacer Negro, Timbiquí
87. Consejo Comunitario Rescate Las Varas, Tumaco
88. Consejo Comunitario Río Caunapi, Tumaco
89. Consejo Comunitario Río Chagui, Tumaco
90. Consejo Comunitario Río Gualajo, Tumaco
91. Consejo Comunitario Río Rosario, Tumaco
92. Consejo Comunitario Tablón Dulce, Tumaco
93. Consejo Comunitario Tablón Salado, Tumaco
94. Consejo Comunitario Veredas Unidas Un Buen Común, Tumaco
95. Junta Central Bajo Mira y Frontera, Tumaco
96. Consejo Comunitario de Unicosta, Santa Bárbara
97. Consejo Comunitario El Progreso, Roberto Payán
98. Consejo Comunitario El Progreso del Campo, La Tola
99. Consejo Comunitario Manos Amigas del Patía Grande, Magui Payán
100. Consejo Comunitario de Agricultores del Patía Grande, Roberto Payán
101. Consejo Comunitario Sanquianga, Olaya Herrera
102. Consejo Comunitario La Amistad, Magui Payán
103. Consejo Comunitario del Río Satinga, Olaya Herrera

104. Consejo Comunitario Manos Unidas del Socorro, Barbacoas
105. Consejo Comunitario Unión de Cuencas de Isagualpi, Roberto Payan
106. Consejo Comunitario Integración de Telembí, Roberto Payan
107. Consejo Comunitario Catangueros. Roberto Payan
108. Consejo Comunitario la Esperanza del Río La Tola, La Tola
109. Consejo Comunitario el Progreso del Río Nerete, La Tola
110. Consejo Comunitario Bajo Río Guelmambí. Barbacoas
111. Consejo Comunitario Alto Río Sequihonda, El Charco
112. Consejo Comunitario Gualmar, Olaya Herrera
113. Consejo Comunitario Odemap Mosquera Sur, Mosquera
114. Consejo Comunitario Prodefensa del río Tapaje, El Charco
115. Consejo Comunitario de Pilamo, Guachené
116. Comunidad Negra del Pilamo, Guachené
117. Colectivo Libertarios Afromagdalénicos -Afrolibertarios del PCN y la CNOA en Barrancabermeja- Magdalena Medio
118. Comité Local, Buenaventura
119. Comité Municipal de Derechos Humanos, Buenos Aires
120. Corporación Ancestros, Cauca
121. Corporación Cultural Quinto Elemento, Medellín
122. Corporación Festival de Tambores y Expresiones Culturales de Palenque. Bolívar
123. Corporación para el Desarrollo de las Comunidades Afrocaribeñas "Jorge Artel"
124. Corporación Carabantu, Medellín
125. Corporación para el Bienestar Integral, CORBIP
126. Corporación para la Infancia del Pacífico FIP
127. Corporación Palenque Siglo XXI, Bogotá
128. Corporación Vive, Buenaventura
129. COOAMBIENTE, Buenaventura
130. Empresa Comunitaria Brisas del Río Agua Blanca-ECOBRA. Buenos Aires, Cauca
131. Ecotambor
132. Federación Integral de Organizaciones Etnico Territoriales Urbanas de la Costa de Nariño "FIOCEPNAR"
133. Fundación Huellas Africanas, Buenaventura
134. Fundación Organizativa Afroeducadores del PCN y la CNOA, Magdalena Medio
135. Fundación Colectiva de Organizaciones Esperanza Negra, "COEN", Buenaventura
136. Fundación Massai, Puerto Tejada
137. Fundación Pacífico Sin Cadenas "PSC", Buenaventura
138. Fundación Pacífico Multicultural Center, "PMC"
139. Fundación para el Desarrollo Social e Integral Unidos por Palenque. Bolívar
140. Fundación para el Desarrollo Integral de la Población Afrocolombiana
141. Fundación Renacientes, Tumaco
142. FUNDESCON, Guachené

143. **FUNDESCODES, Buenaventura**
144. **Gestores y Asesores Ambientales, CAMBIE, Buenaventura**
145. **Grupo de Integración Rural, Buenos Aires**
146. **JOPROMAR, Buenaventura**
147. **Junta de Acción Comunal de la Vereda de Paloblanco. Buenos Aires, Cauca.**
148. **Junta Acción Comunal Vereda Honduras. Buenos Aires, Cauca**
149. **Junta de Accion de la Vereda de Yolombo, Suarez, Cauca**
150. **Kombileza**
151. **Movimiento Cultura Sinecio Mina, Puerto Tejada, Cauca**
152. **Movimiento Palenquero Universitario Afrodescendiente del Cauca-Unicauca**
153. **Movimiento Nacional Cimarrón Regional, Antioquia**
154. **Movimiento Gente Unida, Tumaco**
155. **Organización de Comunidades Negras del Charco, ORGANICHAR, El Charco**
156. **Organización Campesina del Río Satinga, ORISA, Olaya Herrera**
157. **Organización Mina Vieja, Buenaventura**
158. **Organización Negra Campesina para la Protección del Rio Calima, ONCAPROTECA**
159. **Palenque El Congal, Buenaventura**
160. **Palenque Alto Cauca, Valle y Cauca**
161. **Palenque Ku Suto, Costa Caribe**
162. **Palenque Kurrulao, Nariño**
163. **Petrona y Sebastián Cárdenas, Cerrito, Valle**
164. **Proceso de Comunidades Negras en Colombia (PCN)**
165. **Red de Etnoeducadores de Bogotá**
166. **Unión Veredal del Río Sanquianga, UNIVERSAN**
167. **Humberto Villa Vásquez- Líder Comunitario, Miembro Consejo Comunitarios RIO NAPI**
168. **Concejo Municipal de Buenaventura, RolandoCaicedo, Presidente**

*For further information please contact one of the following NASGACC member organizations:*

Rachel Robb, WOLA, rrobb@wola.org, Nora Rasman, TransAfrica Forum, nrasman@transafricaforum.org or

Charo Mina Rojas, AFRODES USA, mina@afrocolombians.com



## RE: US-COLOMBIA “FREE TRADE” AGREEMENT AND INDIGENOUS PEOPLES

April 23, 2008

Dear Member of Congress,

We are writing you to call your attention to the attached letter from the National Indigenous Organization of Colombia (ONIC) about the US- Colombia free trade agreement. The ONIC represents the interests of 102<sup>11</sup> distinct Indigenous Peoples within Colombia and has for decades worked to defend the human, territorial, cultural and basic rights of indigenous communities.

The letter details how the rights of indigenous communities will be seriously and irreparably violated by the FTA. The ONIC notes that while the FTA will benefit large-scale investors, it will also seriously undermine the rights and the very survival of indigenous peoples in Colombia. For example, the economic model that will be imposed by the FTA is likely to lead to increased internal displacement of these already hard hit communities, as well as deteriorate their labor rights and working conditions. ONIC fears that the increased financial interests in resources found in indigenous territories generated by the FTA will negatively affect the economic, social, cultural and human rights of indigenous communities. Currently, indigenous rights are violated by similar projects such as oil and African palm oil projects in the departments of Chocó and Meta.

In particular, we wish to draw your attention to the ONIC’s concern that the agricultural initiatives promoted by the FTA would exacerbate the food security problems that indigenous communities already face. These initiatives are “geared more to establishing mega-plantations and selling us [Colombians] transgenic crops than solving the problems of hunger and misery that Colombians face.”

We urge you to take into account the concerns expressed by the indigenous authorities in this letter, as well as their previous letter of April 18, 2007 when evaluating your position regarding the US-Colombia FTA. Please consider opposing the FTA, it will cause great harm to these communities.

The ONIC can be contacted directly at [onic@onic.org.co](mailto:onic@onic.org.co) If you would like to communicate with any of the organizations on the letter, please do not hesitate to contact Rachel Robb at WOLA, [rrobb@wola.org](mailto:rrobb@wola.org) or (202) 797-2171 ext. 214.

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<sup>11</sup> The Colombian government only recognizes 84 Indigenous Peoples in the country.

**Sincerely,**

**Gimena Sanchez-Garzoli**  
**Senior Associate for Colombia**  
**Washington Office on Latin America (WOLA)**

**Natalia Cardona**  
**Senior Associate for Latin America and the Caribbean Peace Building Unit**  
**American Friends Service Committee**

**Andrew E. Miller**  
**Environmental and Human Rights Campaigner**  
**Amazon Watch**

**Robert Guitteau Jr.**  
**Interim Director**  
**U.S. Office on Colombia**

**Cristina Espinel**  
**Co-Chair**  
**Colombia Human Rights Committee**

**Charo Mina Rojas and Marino Cordoba**  
**Association for Internally Displaced Afro-Colombians (AFRODES USA)**



ORGANIZACIÓN NACIONAL INDIGENA DE COLOMBIA  
**ONIC**  
NIT.860.521.808-1

## **To the Congress of the United States of America**

Honorable Members of Congress:

We, the indigenous peoples of Colombia, grouped in several national and regional organizations that represent 102 peoples, wish to share our points of view on the much-debated U.S.-Colombia Free Trade Agreement. The FTA will certainly mean progress and development for large-scale investors, but at the same time it seriously jeopardizes our rights and our very survival as indigenous peoples.

1. The idea of eliminating all barriers to and controls on trade and capital investment between Colombia and the United States has meant that President Álvaro Uribe has created the institutional scenario for introducing legislation that represents an attack on the people of Colombia generally, and on indigenous peoples and their territories in particular. They grant legal assurances to safeguard the interests of investors, thereby harming the rights of the indigenous peoples as enshrined in the Colombian Constitution and in international agreements and treaties. Examples include the Rural Development Statute and the Forestry Law, which was struck down this year by the Constitutional Court.
2. The FTA proposes to reduce tariffs to zero, free up areas such as pensions, education and health, remove existing barriers, foster the participation of foreign suppliers in the tenders in the public sector, create industrial property rights in patents, trademarks, and utility models, and the right to act to ensure a system of hemispheric protection for technological innovation and artistic creation. All this endangers sovereignty and access to basic services for the entire population, placing already vulnerable and marginalized communities in Colombian society, including the indigenous peoples, at special risk.
3. Colombian territory and more specifically the indigenous territories, with their legal character as unattachable, inalienable, imprescribable, and collectively owned, would become part of the land market. Indigenous peoples would thus lose their traditional authorities that govern in their territories, and their autonomy in administering them and controlling the use of their resources. Moreover, the Colombian State would have its hands tied, since it would be unable to act in those cases in which supranational legislation is involved. These events would be resolved by private tribunals which no doubt would rule in favor of foreign investment. The economic, social, cultural, and human rights of the indigenous peoples would increasingly be detrimentally impacted by the financial interests, the interests of transnational corporations, and economic megaprojects, as is already happening to us with oil exploration and exploitation, African palm

- plantations in the biogeographic Chocó and Meta, the Wind Park in the Guajira, the Urrá I hydroelectric facility, and water supply projects, among others.
4. The FTA seeks to privatize and turn into capital goods the knowledge and wisdom of the properties of plants and animals that have been perpetuated, through millenary traditions, by the indigenous peoples of Colombia. Collective resources, in this case the wisdom of the indigenous peoples, would be subject to claims by foreigners, who will be able to our peoples' knowledge as their own intellectual property.
  5. At this time, and as a result of the war and drug-trafficking, we indigenous peoples confront problems of food insecurity, which would be exacerbated by the agricultural initiatives that the FTA promotes, geared more to establishing strategic mega-plantations and selling us transgenic crops than solving the problems of hunger and misery that we Colombians face.
  6. As indigenous peoples, once again we will be evicted from our own territories, we will have to submit to the privatization of the water, and to the widespread use of transgenic crops; there will be degradation of labor rights and working conditions; living conditions and the health of the peoples will be diminished because the privatization of social services will be ratified and deepened; many medium and small enterprises that still survive will go broke; the democratic rights of Colombian society will be further limited; there will be an increase in critical poverty, inequality, and inequity; our ancestral cultures and ethical values that subsist will be destroyed, and ultimately nation states will be dismantled and turned into incorporated colonies.
  7. Reaffirming our territorial, cultural, political, and governmental autonomy and self-determination, we denounce that at no time have we been consulted on the FTA, as is our right under ILO Convention 169, and the UN Declaration on the Rights of Indigenous Peoples.
  8. On March 6, 2005, the "Citizen and People's Consultation on the FTA" was held in five indigenous municipalities of the department of Cauca – Toribío, Jambaló, Caldono, Silvia, and Inzá – to set an example of the right of the indigenous peoples of Colombia to be informed, consulted, and to participate in those decisions which, like the signing of the treaty, affect the lives of all persons. This consultation yielded the following results: Total indigenous population in Cauca: 172,942. Population registered to vote: 68,448. Votes against the FTA: 50,305. Votes for the FTA: 691. Total votes: 51,330. These results allow one to conclude that more than 98% said "no" to the FTA in the indigenous consultation in Cauca.

In view of all the foregoing, we urgently request the Congress of the United States to halt the process of negotiation of the FTA between Colombia and the United States.

**Organización Nacional Indígena de Colombia - ONIC**  
**(National Indigenous Organization of Colombia)**



**Asociación de Autoridades y Cabildos Indígenas Wayúu del sur de la Guajira (Aaciwasug)**  
**Asociación de Cabildos Eperara Siapidaara de Nariño (Asiesna)**  
**Asociación de cabildos indígenas del trapecio Amazónico (Acitama)**  
**Asociación de Cabildos y Autoridades Tradicionales Indígenas de Arauca (Ascatidar)**  
**Consejo de Caciques Bari y Asociación de la Comunidad Motilón Bari de Colombia (Ascobari)**  
**Asociación Waya Wayúu**  
**Organización Regional Embera Wounaan del Choco (Asorewa)**  
**Autoridades Tradicionales indígenas U'was del departamento de Boyacá (Asouwa)**  
**Autoridad de la zona del alto amazonas (Azcaita)**  
**Asociación Zonal Indígena de Cabildos y Autoridades Tradicionales de Chorrera (Azicatch)**  
**Asociación Zonal Indígena del Trapecio Amazonico (Azoitam)**  
**Cabildo Mayor Alto San Jorge**  
**Cabildo Mayor Mokana**  
**Cabildo Mayor Regional Zenu**  
**Cabildo Mayor Embera Katío del Alto Sinu (Camaenka)**  
**Consejo Regional Indígena del Cauca (Cric)**  
**Consejo Regional Indígena de Caldas (Cridec)**  
**Consejo Regional Indígena de Huila (Crihu)**  
**Consejo Regional Indígena del Medio Amazonas (Crima)**  
**Consejo Regional Indígena del Orteguaza y Medio Caquetá (Criomc)**  
**Consejo Regional Indígena de Risaralda (Crir)**  
**Consejo Regional Indígena del Tolima (Crit)**  
**Consejo Regional Indígena del Vaupés (Criva)**  
**Consejo Regional Indígena del Vichada (Crivi)**  
**Organización Indígena de Antioquia (Oia)**  
**Organización Indígena Kankuama (Oik)**  
**Organización Wayúu Alaulayu**  
**Organización Regional Indígena del Casanare (Oric)**  
**Organización indígena del Quindío (Oriquin)**  
**Organización Regional Indígena del Valle del Cauca (Orivac)**  
**Organización Uitoto de Caquetá, Amazonas y Putumayo (Orucapu)**  
**Organización Wiwa Yugunaiun Bunkuanarrua Tayrona (Owybt)**  
**Organización Zonal Indígena de Putumayo (Ozip)**  
**Painwashi**  
**Pueblo Chimila**  
**Pueblo Muisca**  
**Pueblo Yukpa**  
**Resguardo Mayabangloma**  
**Unidad Indígena del Pueblo Awa (Unipa)**  
**Organización Regional Indígena del Meta (Unuma)**