



European Economic and Social Committee

REX/355
**The role of civil society in
the EU-Colombia and EU-
Peru trade agreements**

Brussels, 11 July 2012

OPINION

of the

European Economic and Social Committee

on

The role of civil society in the EU-Colombia and EU-Peru trade agreements

Rapporteur: **Giuseppe Iuliano**

On 17 January 2012, the European Economic and Social Committee, acting under Rule 29(2) of its Rules of Procedure, decided to draw up an own-initiative opinion on

The role of civil society in the EU-Colombia and EU-Peru trade agreements.

The Section for External Relations, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 28 June 2012.

At its 482nd plenary session of 11 and 12 July 2012 (meeting of 11 July), the European Economic and Social Committee adopted the following opinion by 139 votes to four with eight abstentions.

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1. **Conclusions and recommendations**

1.1 As it has not been possible to complete the negotiations for an association agreement with all the countries which make up the Andean region, at the request of Colombia and Peru the EU has decided to go ahead with the construction of new trade relations with these two countries. The negotiations were concluded in May 2010 and the Trade Agreement was initialled by the three parties on 24 March 2011 and officially signed on 13 April 2011. The Agreement is currently before the European Parliament which will have to decide whether to approve it or reject it, without the option of introducing amendments. At this stage, the European Economic and Social Committee (EESC) will be expressing its opinion and putting forward a series of guidelines for all the actors involved, to be taken into account in the event the Agreement is approved and ratified¹.

1.2 The European Economic and Social Committee considers that a trade agreement between the EU and Colombia and Peru could be a useful instrument both for Europe and for all the Andean countries involved. Ecuador and Bolivia might be willing to return to the negotiations. The Trade Agreement could help foster growth, competitiveness and decent work, as trade is an important mechanism for supporting development and relieving poverty. However, its economic, social and environmental repercussions must be carefully evaluated, in a transparent, comprehensive way in the interests of all the parties. And here civil society can and must play a key role.

¹ The Agreement is to be ratified by the 27 parliaments of the Union and the parliaments of Colombia and Peru.

- 1.3 In the process of negotiating this trade agreement it became clear that there was insufficient dialogue with the parties' organised civil society. In order to fill this gap and involve civil society in an institutionalised way, the EESC, having held discussions during its recent mission to Peru and Colombia with institutional representatives of organised civil society from both countries, proposes the establishment of a **joint consultative committee (JCC)** made up of representatives of European, Peruvian and Colombian civil society, with a consultative role in areas affecting human rights, sustainable development and the assessment of the sectoral impact of the Trade Agreement. The JCC would draw up a list of areas to monitor², and could be consulted on these areas by the signatory parties or could issue opinions, recommendations or studies on its own initiative. The JCC would hold an annual meeting with the body representing the parties to the Agreement, unless otherwise decided by common consent. The JCC would be compatible with the session with civil society organisations and the public at large provided for in Article 282 of the Agreement. It would be able to negotiate with the parties the possibility of establishing indicators on the sectoral impact of the implementation of the Agreement. The mechanisms already approved in previous EU trade agreements with other countries and regions of the world could be used as an example for launching a consultative forum with these characteristics.
- 1.4 The EESC considers reinforced cooperation between the European Parliament and the parliaments of Colombia and Peru to be important and welcomes the resolution adopted by the European Parliament, which could result in the implementation of parliamentary mechanisms for the simultaneous monitoring of the agreements entered into, in particular with regard to the human rights situation, the ILO's decent work agenda on working conditions and trade unions, gender equality, legal immigration with guarantees, the agreements on environmental protection and the possible implementation of recourse to the dispute settlement commission.
- 1.5 The EESC considers that a consultative body of this kind would make it possible to involve civil society in the Trade Agreement, institutionalise consultation, influence its development, tackle the challenges it entails, ensure fluid, direct communication with those responsible for the implementation of the Agreement and formulate specific recommendations on the positive or negative consequences of its application.
- 1.6 In May 2012 an EESC delegation visited Colombia and Peru. The mission can be considered a success in terms of the number and level of the discussions held with the parties and the useful information collected, which resulted in the views of civil society from both countries on the Trade Agreement being reflected in the opinion and in the formulation of a proposal for the establishment of a civil society joint consultative committee to monitor the Agreement. The opinion analyses the main problems existing in Colombia and Peru, which will need to be monitored by the civil society organisations.

² As laid down, for example, in the action plan on labour rights included in the agreement between Colombia and the United States and in GSP+.

2. General comments

- 2.1 The EU maintains growing economic and trading relations with the Andean region, and in particular with Colombia and Peru. It is now the Andean countries' second trading partner, after the USA. Trade between the EU and the Andean countries shows significant growth over the past decade, with bilateral flows increasing from EUR 9.1 bn in 2000 to EUR 15.8 bn in 2007, with an annual average growth rate of 8.25%³. In 2010 bilateral trade in goods between the EU, Colombia and Peru accounted for around EUR 16 bn.
- 2.2 The parties to the Trade Agreement have developed links which go beyond the economic arena and embrace areas such as political dialogue, culture, education, science etc. The EU has monitored democratic transition processes and contributed to the defence of fundamental rights, making commitments to solidarity, which the EESC welcomes and supports.
- 2.3 The present Agreement was preceded by the *Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Andean Community and its Member Countries of the other part*, concluded in 2003, and the respective rights and obligations assumed by the parties as members of the World Trade Organization⁴.
- 2.4 The Agreement will open up the respective national markets of the parties to goods and products with significantly reduced levels of customs duty. The industrial sectors of Colombia and Peru will see many of their products benefit from greater flexibility regarding entry than has been available under the more restrictive GSP+ rules⁵. Among other sectors, changes were negotiated in petrochemicals, plastics, textiles and clothing, fisheries products, bananas, sugar and coffee. It will also be important to monitor the impact of application of the Trade Agreement on the agricultural sectors of the parties, in relation to issues such as designations of origin, safeguard clauses and sectoral stabilisation mechanisms, which will need to be monitored and evaluated. The Committee welcomes the references to the importance of trade for sustainable development and the promotion of fair and equitable trade⁶.
- 2.5 The informal economy plays a significant role in both Peru and Colombia, with one of the most serious effects of this being the high rates of informal work in the Andean countries, prompting the Committee to express concern about labour standards in both Colombia and Peru. The situation of young people and women is particularly difficult, as they are faced with worse unemployment or more unfavourable employment conditions. Impact assessments must include a gender perspective and pay attention to the working conditions of young

³ Sustainability Impact Assessment of trade, drawn up at the request of the European Commission by Development Solutions, the Centre for Economic Policy Research and the University of Manchester, 2009.

⁴ Also the objectives of the EU-Colombia Protocol on Human Rights (2009), ratified at the sixth regular meeting of the Mechanism of Human Rights Dialogue, held in Bogotá on 30 January 2012.

⁵ Generalised System of Preferences Plus.

⁶ Articles 271 and 324 of the Trade Agreement.

people, as these groups face specific challenges⁷. The EESC again draws attention to the need to adopt and implement specific and effective action for the progressive elimination of child labour, which is a worrying phenomenon affecting both countries.

- 2.6 The situation of human rights, including labour and trade union rights, in their countries is a cause for serious concern for the people of Colombia and Peru and for European civil society. The EESC is pleased to note that Article 1 of the Trade Agreement clearly states that violations of democratic principles and fundamental human rights can lead to the temporary or final suspension of the Agreement. The Committee also welcomes the commitments made by the parties under the fundamental Conventions of the ILO in Article 269(3) of the Agreement⁸ and calls for these commitments to be fully respected during the application of the Agreement.
- 2.7 The EESC has on numerous occasions set out its vision of how it would like to see the negotiations for trade agreements develop. In its view bilateral agreements must be compatible with multilateralism⁹. The EESC considers that bilateral negotiations should not lead the EU to relax its social, labour and environmental demands. These dimensions must be borne particularly in mind, as must the economic dimension, and mechanisms must be sought to harmonise them when implementing the agreements.
- 2.8 The Committee furthermore considers that experience shows that an active role for civil society during the implementation of the agreements makes it possible to identify important potential partners in the countries concerned, establish relations beneficial to all parties and facilitate the resolution of any disputes. The Committee has consistently called for agreements negotiated by the EU, or in the process of negotiation, to contain a social dimension, and has upheld this position in previous opinions¹⁰.
- 2.9 In previous opinions the EESC has given a positive assessment of the EU's decision to establish **Sustainability Impact Assessments (SIA)**, making it possible to present proposals and establish corrective measures which maximise the positive effects and minimise any negative effects of a trade agreement. The EESC once again calls for SIAs to be carried out with the full participation of civil society to ensure that agreements entered into are honoured and risks minimised, thus enhancing the opportunities for the opening up of trade¹¹.

⁷ REX/248, *New trade agreements negotiations - The EESC position*, 2008, rapporteur Mr Peel, co-rapporteur Ms Pichenot.

⁸ "Each Party commits to the promotion and effective implementation in its laws and practice and in its whole territory of internationally recognised core labour standards as contained in the fundamental Conventions of the International Labour Organization" Article 269(3) of the Trade Agreement.

⁹ REX/248, CESE 773/2008.

¹⁰ "The EESC deems it essential that the AA include a social dimension, consistent with an AA that goes beyond commercial aspects and is ultimately intended to increase social cohesion.", REX/315, rapporteur: Mr Zufiur, 2011.

¹¹ REX/313, CESE 818/2011, *Sustainability impact assessments (SIA) and EU trade policy*, May 2011, rapporteur: Ms Pichenot.

- 2.10 The EESC cannot but point out that the negotiation of the Agreement with Colombia and Peru has been the subject of criticism and queries by the parties' social organisations and the trade union movements¹². The EESC in particular shares the concern about the lack of dialogue with civil society during the negotiation process. It therefore welcomes the adoption of a resolution by the European Parliament underlining the importance of establishing clear monitoring and follow-up mechanisms involving representatives of civil society during the implementation of the Trade Agreement¹³.
- 2.11 From the point of view of civil society, the Committee considers that trade agreements should facilitate changes which, inter alia, promote the development of corporate social responsibility, require European companies to be bound by the labour practices of their countries of origin, create and safeguard high-quality jobs, promote the development of collective bargaining, make it possible to monitor closely the exploitation of natural resources, help to reduce the informal economy and informal work, to eliminate violations of human rights and to combat poverty and social inequality and make it possible to improve living conditions, particularly for the disadvantaged.
- 2.12 The EESC considers that the Trade Agreement contains articles - such as Article 1 on human rights, Article 282 on dialogue with civil society and Article 286 on impact assessments - which facilitate the institutionalised, representative and autonomous participation on a small scale of civil society organisations from both parties¹⁴ through the establishment of a joint consultative committee as a forum open to the whole of Peruvian, Colombian and European civil society.
- 2.13 The EESC hopes that this Trade Agreement will help the signatories to tackle the most urgent socio-economic problems such as poverty, social inequality and violence, and will help to improve the living conditions of the people, particularly the most disadvantaged; to this end the Committee considers it essential that civil society in the three parties be able to participate actively in the implementation of the Agreement and in the assessment of its impact.
- 2.14 In May 2012 an EESC delegation visited Colombia and Peru. The mission can be considered a success in terms of the number and level of the discussions held with the parties and the useful information collected, which resulted in the views of civil society from both countries on the Trade Agreement being reflected in the opinion and in the formulation of a proposal for the establishment of a civil society joint consultative committee to monitor the Agreement. The mission was an opportunity to gauge the current state of social, labour and economic problems in both countries and the lack of confidence of the civil society

12 Letter to the European Parliament from the European Trade Union Confederation (ETUC), the International Trade Union Confederation (ITUC), the Trade Union Confederation of the Americas and the Council of Global Unions of 22 February 2012. Position of the Colombian CGT on the EU-Colombia trade agreement, February 2012.

13 Resolution of the European Parliament on the EU-Colombia Peru Trade Agreement, adopted on 13 June 2012.

14 The EESC for the EU side.

organisations (with the sole exception of the employers' organisations, which support the Agreement in both countries) in the capacity of both their own governments and the Trade Agreement to help resolve them. The mission highlighted the distance between the vision of the governments, which claim to have carried out broad consultations and information campaigns, and the civil society organisations' perception of these¹⁵.

- 2.15 The opinion highlights some of the main problems of the Agreement's two signatory countries, which will need to be monitored by the CSOs of the parties. In the case of Colombia, emphasis is placed on the human rights issue, with both positive and negative aspects, violations of trade union rights, current implementation of the Victims and Land Restitution Law and the problem of impunity. In the case of Peru, the analysis focuses on the social and labour situation, especially in relation to mining, child labour, emigration to Europe and the rights of indigenous peoples.
- 2.16 The EESC calls on the parties involved to establish, in consultation with civil society, ideally through the JCC, a transparent and binding action plan complementary to the Trade Agreement on human, environmental and labour rights. Such an action plan should set out clear, time-bound and result-based targets in each of the above areas. In this connection the EESC supports the proposals set out in point 15 of the European Parliament's resolution of 13 June 2012.

3. COLOMBIA

3.1 Human rights: highlights and lowlights

- 3.1.1 A new government took power in August 2010. It is headed by President Juan Manuel Santos, who has adopted a different tone on issues related to human rights. The Vice-President is Angelino Garzón, ex-secretary-general of the *Central Unitaria de Trabajadores* trade union and former labour minister who, in keeping with his background, is promoting a policy of strengthening national social dialogue. President Santos' position on human rights is different from that of the government of his predecessor, Álvaro Uribe. Rather than using hard rhetoric which put defenders of human rights in real danger, the government has softened its tone and made concessions to the promotion of dialogue. For the first time it has recognised the existence of an internal armed conflict and seems ready to work towards a definitive solution to the problem.

¹⁵ The mission programme and the report are attached in Appendix B.

- 3.1.2 Colombia is suffering the consequences of a serious internal conflict which has plagued the country for more than 60 years. An armed conflict in which various actors are both a source of, and participants in the violence. Despite the efforts of the government, acknowledged by Amnesty International, the situation remains highly complex¹⁶.
- 3.1.3 In Colombia the continent's longest-standing guerrilla group, the *Fuerzas Armadas Revolucionarias de Colombia* (FARC), remains active. Both the FARC and the *Ejército de Liberación Nacional* (ELN) continue to recruit boys and girls as soldiers and to use them in the armed conflict, and have laid anti-personnel mines in many areas, receiving funding through their relationship with drug traffickers. After the Democratic Republic of Congo, Colombia is the country with the largest number of child soldiers¹⁷.
- 3.1.4 Between 1.5 and 3 million persons have been displaced from their usual places of residence and work. In February 2012 the FARC announced that it would suspend the practice of kidnapping and it freed ten military hostages. However, they are still holding an unspecified number of civilians¹⁸.
- 3.1.5 For many years, particularly since the 1970s, thousands of peasant farmers, workers, trade unionists, schoolteachers, human rights activists, leaders of local, municipal and rural social organisations, among others, have lost their lives. According to the *Escuela Nacional Sindical* (national trade union school), an NGO recognised for its work in defence of human and trade union rights, the total number of trade unionists murdered since 1986 exceeds 2 900. Drug trafficking remains a frequent illegal activity, with a national-level network and international connections. Attempts to eradicate the problem by military means have frequently only served to accelerate the spiral of violence. Numerous members of the security forces have been accused by national and international human rights organisations of murdering individuals they claimed were members of the guerrilla movement, the so-called "false positives"¹⁹.
- 3.1.6 Women continue to suffer from inequality and discrimination in Colombian society. Gender inequality exists in the home, with high levels of violence against women. In the economic sphere there is a high rate of unemployment, a growing number of women working in the informal economy (57%) and persistent gender-based wage disparities. In the political arena there is a low level of representation of women in decision-making roles.

16 Statement by Amnesty International submitted to the 19th session of the UN Human Rights Council, Geneva, 2012.

17 2012 Report of the *Tribunal internacional sobre la infancia afectada por la guerra y la pobreza* (International tribunal on children affected by war and poverty), <http://www.tribunalinternacionalinfancia.org>.

18 On 28 April 2012, in breach of their promise, they abducted the French journalist Romeo Langlois, who was released a few weeks later.

19 Under Colombian law these killings are considered to constitute the murder of protected persons.

- 3.1.7 According to reports by the country's main trade union federations (CUT, CTC, CGT), the social dialogue, which suffered serious damage during previous governments, has still not shown sufficient signs of positive change. The federations maintain that the lack of social dialogue has contributed to the fall in the rate of trade union membership from 14 to 4%. The situation of trade union rights in Colombia has been closely monitored by the ILO²⁰ in recent years, and the ILO has carried out numerous fact-finding missions to the country and maintains a permanent unit in the country to monitor violations of human, labour and trade union rights. In 2011, 29 trade union leaders and activists were murdered. In many cases, those responsible are "demobilised" paramilitaries. Ten more were the objects of unsuccessful attempts on their lives. Daniel Aguirre, secretary-general of the *Sindicato Nacional de Corteros de Caña* (Colombian sugar cane cutters' union), was murdered on 27 April 2012, bringing the number of trade unionists murdered so far this year to seven.
- 3.1.8 One positive development is the increase in staff at the national public prosecutor's office assigned to clearing up these crimes. Also, at the initiative of the public prosecutor's office, the National Congress approved a reform of Article 200 of the Penal Code, increasing the prison sentences and fines provided for impeding or disturbing trade union meetings or the exercise of labour rights or for conducting reprisals in response to legal strikes, meetings or free association²¹. In January 2012 the national public prosecutor's office and the *Escuela Nacional Sindical* (national trade union school) concluded an agreement to exchange information and work towards a unified methodology for defining, identifying and documenting crimes against members of trade union organisations.
- 3.1.9 However, although the climate of violence in the country has moderated, terrorist acts continue to be committed. On the same day that the free trade treaty with the United States entered into force, 15 May 2012, an attempt was made on the life of ex-minister Fernando Londoño Hoyos, in which his two escorts were killed and 49 people injured.
- 3.1.10 **The Victims and Land Restitution Law**, adopted in 2011, recognises the existence of an armed conflict and of the victims' rights. It makes provision for reparations for survivors of human rights violations, including those perpetrated by agents of the State. Its application to date has been irregular and incomplete but for the victims it represents an important change, as previously their rights had not been recognised at all. During the EESC's mission, civil society organisations complained that individuals and communities to whom land had been returned were receiving threats. The EESC delegation was informed by the Ministry of Agriculture that judges were being trained to deal with the return of land allocated on the basis of fraudulent legal claims, which had legalised the ownership of land bought for ultra-low prices from peasants forced off the land, the land being used in many cases for the illegal cultivation of drugs. Protection was also being offered to families who had returned to

²⁰ Source: successive reports by the Conference Committee on the Application of Standards, International Labour Conferences, ILO.

²¹ Report received from the Embassy of Colombia in Brussels on the activities of the national public prosecutor's office, March 2012.

land previously left uncultivated under pressure from guerrilla groups, who were seeking in this way to control the territory.

- 3.1.11 **The problem of impunity, an endemic problem in Colombia:** certain progress has been made and key investigations have been undertaken into human rights, including the "parapolítica" scandal, which revealed illegal links between legislators and paramilitary groups. More than 120 former members of parliament were investigated and around 40 were convicted²². On the other hand, in February 2012 the re-election of the national public prosecutor²³, who had investigated the main cases of corruption and prosecuted paramilitaries, drug traffickers and guerrillas, demonstrating a strong commitment to putting an end to impunity, was declared invalid. The investigations revealed links which had existed between the DAS (Administrative Security Department) and paramilitaries and its direct responsibility for many cases of threats to, and murders of human rights activists, judges, journalists, trade unionists and lawyers²⁴. In October 2011 the government announced the abolition of the DAS and the establishment of a new intelligence agency.
- 3.1.12 The government has proposed a controversial reform of Article 221 of the Constitution, which would assign the initial investigation of possible human rights abuses committed by members of the security forces to the military courts. The reform would establish the principle that all offences committed by members of the armed forces during operations and/or procedures would be "related to the service" and would consequently be subject, at least in the first instance, to military jurisdiction. On various occasions the Inter-American Commission on Human Rights and the United Nations have highlighted the military courts' lack of impartiality and independence, which detracts from the credibility of their decisions²⁵. The Colombian security forces have repeatedly been accused of extrajudicial executions and the Office of the UN's High Commissioner for Human Rights in Colombia estimates that more than 3 000 persons were murdered by agents of the State between 2004 and 2008. Since then there has been a considerable reduction in the number of cases, but the practice has not completely disappeared²⁶. Various national and international organisations have called on President Santos to withdraw the proposed amendment²⁷.

22 In February 2011 former senator Mario Uribe, ex-president of the Congress and cousin of President Álvaro Uribe, was found guilty of having links with the paramilitaries.

23 Viviane Morales had her election annulled for alleged procedural irregularities in her appointment.

24 In September 2011 Jorge Noguera Cotes, who headed the DAS from 2002 to 2005, was found guilty of having placed the intelligence agency at the disposal of paramilitary groups, and of the 2004 murder of a university professor.

25 Report of the Inter-American Commission on Human Rights on Colombia.

26 Human Rights Watch 2012.

27 Letter to President Santos, Human Rights Watch, 9 February 2012.

3.1.13 In contrast to previous opinions, it emerged from discussions with employers that the business sector felt that the Agreement would promote the legal economy, regular labour conditions, human rights and the environment, and would help reduce levels of violence.

4. PERU

4.1 Over the last decade poverty has been reduced, but according to data from the World Bank²⁸, 15% of the population still lives on less than two dollars a day. Major differences persist between urban and rural regions. As a consequence, growth has so far resulted in a very uneven distribution of incomes. Average incomes (and thus private consumption) have grown but not enough, in 2010 amounting to USD 404.

4.2 **Labour and trade union situation:** in 2009 nearly 73% of employed workers had no contracts, 7% had permanent contracts and 20% temporary contracts²⁹. In 2011 the ILO highlighted the growth in informal work and under-employment, the fall in the real minimum wage and very high levels of child labour (42%). Peru is experiencing a boom in agricultural exports, which has, however, so far not benefited workers in the sector. In 2008, before the international crisis erupted, only just over 200 000 workers had contracts. During the first half of 2011 the recovery began to gather strength. The level of employment reached its historic maximum. However, in this sector working days can exceed the legal maximum, and pay is below the normal minimum wage³⁰; overtime pay is low and temporary contracts are the norm³¹.

4.3 The EESC considers the commitments to comply with the ILO fundamental conventions and the decent work agenda to be a positive step, but renews its call for Peruvian and European civil society to be involved in monitoring their application. One key condition in relation to the concept of decent work is the **social dialogue** dimension; the participation of employers' and trade union organisations in the framework of collective bargaining, which has an important role to play in complementing legislation in order to improve working conditions. The EESC also recommends that there be a formal exchange of experience of social dialogue.

4.4 **Child labour** is a long-standing concern for Peruvian civil society. It is particularly prevalent in the mining industry, where girls are also employed. The figures can only be regarded as approximate, as the official statistics do not generally fully reflect the scale of the phenomenon, but according to data from IPEC-ILO³², in two out of three mining families minors under 18 are working in the extraction, processing or materials transport sub-sectors.

28 World Development Indicators, World Bank, 2011.

29 Source: Ministry of Labour, Peru.

30 The daily wage is between USD 8.84 and 10, and the minimum living wage is USD 259.61/month.

31 A clear example of the inappropriate use of temporary contracts is the palm oil sector.

32 International Programme on the Elimination of Child Labour of the ILO, www.ilo.org.

Girls, although they do not generally work in the lower levels of mines, are increasingly involved in activities within the mines, e.g. in communications between the mine and the outside world. The ILO argues that the eradication of child labour in mines will help to promote technological change, improve social protection and broaden educational opportunities for the minors involved. The involvement of civil society is essential if progress is to be achieved. The EU has entered into specific commitments on the abolition of child labour with its trading partners and EU companies operating in other continents. Questions of corporate social responsibility and labour and human rights do not stop at Europe's borders. During the implementation of the Trade Agreement these commitments will have to be renewed and their impact on the current situation of child labour evaluated.

- 4.5 **Immigration to the EU:** according to Peru's *Instituto Nacional de Estadística e Informática* (National Institute of Statistics and Informatics)³³, during the period 1990-2009 the number of Peruvians residing outside the country amounted to 2 038 107. After Spain (with around 200 000 Peruvian residents), Italy is one of the countries which has received the most Peruvian immigrants in recent years³⁴. For the EESC, legal immigration with guarantees is something positive and enriching. The monitoring mechanism involving civil society to be established by the Trade Agreement will need to observe and monitor the human rights of migrants and the prevention of illegal trafficking.
- 4.6 **Rights of indigenous peoples:** the EESC notes the entry into force of the Law on Prior Consultation, adopted in 2011³⁵. The law, which recognises the rights of indigenous peoples, could contribute to social inclusion and ensure that the benefits of democracy are finally shared by indigenous peoples. It is the fruit of the labours of many social players, but in particular the indigenous peoples themselves, who have consistently called for legislation to ensure that the right to consultation is effectively applied. The full application of the law will be proof of Peru's compliance with its commitments under ILO Convention 169.

33 *Perú: Estadísticas de la Emigración Internacional de Peruanos e Inmigración de Extranjeros, 1990-2009* ("Peru: Statistics on the emigration of Peruvians and immigration of foreign nationals, 1990-2009"), Lima: 2010.

34 Since 2011 the EU has been financing the *Perú Migrante* project.

35 Law No. 29785, Law on the Right of Prior Consultation for Indigenous Peoples, recognised in Convention 169 of the ILO.

- 4.7 The government of Ollanta Humala took office in 2011, and faces significant challenges and expectations. The signature of the Trade Agreement with the EU can help to tackle these challenges and turn expectations into certainty of positive change, as long as it is understood that simply signing the agreement will not in itself produce the desired changes. This opinion reflects the EESC's intention to contribute to improved relations between the EU and Peru in the future, with the participation of Peruvian civil society in the monitoring and impact assessment mechanisms adopted. The EESC has stressed, and it now reiterates, the importance of these civil society participation structures being representative and independent of the executive.

Brussels, 11 July 2012.

The President
of the
European Economic and Social Committee

Staffan Nilsson

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APPENDIX 1

1. COLOMBIA

The economic situation

2. The economy of Colombia is the fourth largest in Latin America according to the IMF, and the fifth according to the World Bank. The country's economy has grown at an annual average rate of 5.5% since 2002. Colombian **GDP** grew by between 5.6 and 6% in 2011, compared with 4.3% in 2010. According to reports drawn up by the Banco de la República³⁶ **growth of GDP per capita** accelerated in the last ten years, from 0.62% between 1991 and 2000 to 2.8% between 2001 and 2010. However, inequality and uneven distribution of wealth mean that 30% of the population is below the poverty line³⁷. Investment and exports have also grown, helped by high commodity prices and inflows of foreign capital. Colombia has been adept in maintaining relative financial stability and a sustainable level of public debt.
3. However, although favourable terms of trade and an abundance of foreign capital generate growth, this is not necessarily self-sustaining. Macroeconomic stability appears to be a necessary but not sufficient condition for sustained high rates of growth. In order to achieve this, growth will have to be accompanied by improved financial regulation, guaranteed labour rights³⁸, improved capacity for ensuring compliance with regulations (laws and contracts) and more resources for efficient investment (for example, by improving access to credit for SMEs and disadvantaged sectors).
4. It should be borne in mind that, in accordance with Article 21 of the Treaty on European Union of 2010, the Union's action on the international scene is guided, *inter alia*, by the following principles: *fostering the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty; encouraging the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade; helping develop international measures to preserve and improve the quality of the environment and promoting an international system based on stronger multilateral cooperation and good global governance.* It is also required to contribute to the general objective of advancing *democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms.*

³⁶ *Crecimiento económico Colombiano* ("Colombian Economic Growth"), José Darío Uribe, managing director, Banco de la República, Cartagena de Indias, August 2011.

³⁷ In 2011 the unemployment rate was 10.8%, compared with 11.8% in 2010; there were 2 425 000 unemployed, compared with 2 562 000 the previous year. In 2011 there were 20 017 000 persons in employment, compared with 19 215 000 in 2010. According to the Banco de la República, inflation in 2012 will be between 2 and 4%. Banco de la República.

³⁸ For example, eliminating distortions in the labour market: insecure, informal and unregulated work, improving the situation of women, especially homemakers, eliminating child labour and the exploitation of children in armed conflicts, *inter alia*.

5. Since 2006 the EU has been Colombia's second trade partner. In 2009 exports to the EU accounted for 14.5% of total Colombian exports, whilst imports from the EU made up 15.8% of the total. The EU's exports to Colombia are mainly manufactured products, machinery, transport equipment and chemicals. In 2008 the first two items made up 49.4% of exports. In general, EU exports are high value-added goods. In that same year mineral fuels, lubricants and related goods made up 47.2% of imports from Colombia. Under GSP+ some 22.6% of Colombian products entering the EU are subject to low levels of customs duty or are zero rated.

2. PERU

An improving economy not yet reflected in sufficient social improvements

2.1 Since the end of Alberto Fujimori's government and especially since 2001, Peru has undergone particularly dynamic growth. In 2010 GDP grew by 8.7%. In 2012 and 2013 Peru is expected to grow for the 13th and 14th years in succession. This sustained growth, more than the growth rate itself, is the most striking feature of the Peruvian economy today. Peru will have a fiscal surplus in 2012, for the fifth time in seven years. The fiscal deficit in 2011 was 1.7% of GDP.

2.2 In January 2012, Peru and Colombia signed various agreements to combat drug trafficking, money laundering, smuggling, illegal mining and trafficking in native species. The two countries share a 1 200-kilometer border.

2.3 The growing tourism sector has made a significant contribution to growth, but the mining sector (approximately 60% of exports) is the main contributor to the economy. Mining accounted for approximately 7% of GDP in 2008 and continues to grow at a steady rate³⁹. However, since November 2011, authorities and civil society organisations in the northern region of Cajamarca have been questioning the environmental impact of the Minas Conga gold and copper mining project of Newmont Mining and its Peruvian partner Minera Buenaventura, and opposing its realisation.

2.4 In Peru most jobs are in the services sector. A large segment of the urban population working in this sector is employed by SMEs, in restaurants or various businesses related to tourism, as well as in transport and commerce. A major part of the services sector is staffed by rural migrants. Between 2000 and 2010 the unemployment rate fell from 10% to 7%.

2.5 2012 began with rising inflation, which averaged 4.2% over the 12 months to January.

2.6 The fight against poverty dominated the presidential election debates between Ollanta Humala, the final victor, and Keiko Fujimori, daughter of the ex-president. In 2009

³⁹ The Report: Peru 2012, Oxford Business Group.

Peru devoted only around half the Latin American average to social spending, about 8% of GDP, compared with 25% in Brazil and Argentina.

- 2.7 EU-Peru trade relations In 2009 EU-Peru trade amounted to USD 6.4 bn, representing around 13% of Peru's total trade. Although mining products (39% copper) still represent around 49% of total exports to the EU (58% in 2008), more value-added Peruvian products are entering the European market. In 2009 more than 50% of total exports to the EU were value-added products. In 2009 imports from the EU amounted to USD 2.5 bn. Machinery accounted for 39% of the total, followed by industrial raw materials (mainly chemicals and paper) (30%) and consumer goods (pharmaceuticals, cosmetics and foodstuffs) (10%), and finally construction materials (steel bars and tubes), at 7% of the total⁴⁰.

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⁴⁰ Peruvian exports go mainly to Germany (25%), Spain (18%), Italy (15%) and the Netherlands (10%). Imports from the EU come from Germany (30%), Italy (16%), Spain (13%) and France (8%).

APPENDIX 2



**European Economic and Social Committee
Directorate B – Consultative Work
External Relations Section**

Brussels, 27 June 2012
BP 143-12

Report

Subject: EESC visit to Peru and Colombia

**Copies to: Mr Boyle, President of the External Relations Section
REX/355 study group members
Members of the Latin America Follow-up Committee
Mr Bence**

1. PURPOSE OF THE VISIT

The European Parliament is due to vote on the EU-Colombia and EU-Peru Multiparty Trade Agreement in September. In the run-up to this, the EESC is drawing up an own-initiative opinion on the subject, which will offer recommendation to the EU institutions on the follow-up to the Agreement by civil society organisations on both sides.

On 7 and 8 May 2012 the EESC went on a fact-finding visit to Lima, and on 10 to 12 May to Bogotá. Its main aims were to:

- a) meet with a broad spectrum of Colombian and Peruvian civil society organisations (employers, trade unions, farmers, consumers, NGOs and other economic and social organisations) in order to gather their views on the consequences of the Agreement, especially as concerns sustainable development and human rights;
- b) find out more about the functioning and activities of Colombian and Peruvian civil society organisations, their structuring, and their involvement in national decision-making processes;
- c) find out more about how Colombian and Peruvian civil society organisations have been consulted by their political authorities on the impact of the Agreement;

- d) explore their willingness to support the setting-up of a joint body between the EESC and Colombian and Peruvian civil society organisations (all three sectors) that could work regularly as a consultative (non-binding) civil society body within the future Multiparty Agreement.

2. POLITICAL REPRESENTATIVES AND ORGANISATIONS INTERVIEWED

I. LIMA, PERU, 7 AND 8 MAY 2102

The meetings were preceded by an introductory meeting with Ms Marianne van Steen, head of the political, economic, trade and press affairs section of the EU delegation in Lima. Ms Van Steen described the positive direction taken by the Peruvian economy, thanks to a broad trade liberalisation policy: Peru has signed 16 free trade agreements with third countries. The three main partners are the USA, the EU and China. Peru also aims to diversify its export products, which hitherto have focused on foodstuffs, fishmeal and minerals.

Inequalities remain very pronounced, although the poverty rate has fallen from 54.7% in 2003 to 45% in 2011.

A. Peruvian government and political parties

Carlos Posada, Deputy Foreign Trade Minister

In the presence of the Head of Delegation, Mr Allden

- The Multiparty Agreement is the widest trade agreement signed by Peru, and the EU is its main trading partner.
- Civil society, and particularly the private sector, has been present throughout the negotiating process, and information about the process has been circulated among universities and colleges. The negotiations have been conducted with great transparency, with ongoing and open consultations.
- 70% of civil society organisations were opposed to the agreement with the USA, but it is felt that positions have now softened.
- The free trade agreements have increased exports and formal employment.
- The Multiparty Agreement provides extremely flexible mechanisms for follow-up by civil society. There has already been experience of open consultations in the free trade agreement with the USA, and a law on prior consultation has been adopted.
- There is no obstacle to the setting-up of a joint consultative committee (JCC) under the Agreement.

Manuel Pulgar Vidal, Environment Minister

- Is working with CEPAL to conduct an environmental impact assessment for Peru in accordance with OECD rules.

- Labour issues are steadily improving in Peru, for example regarding the legal recognition of the many employees who were previously wrongly classified as self-employed. Slave labour and child labour remain a problem in the illegal mining sector.
- The ministry has mechanisms for consulting civil society organisations, also at the pre-legislative stage.
- Positive attitude to setting up a JCC, but must avoid overlapping with the participation mechanisms already provided in the Multiparty Agreement.
- Alternatively, neutral mechanisms could be sought (e.g. in the free trade agreement with the USA, consultations are conducted through the OAS) or sectoral consultation mechanisms could be established.
- Is not fully informed about the initiative to set up a Peruvian ESC.

José Andrés Villena Petrosino, Employment Minister

- Is unfamiliar with the content of the decree setting up a Peruvian Economic and Social Council.
- Is in agreement with the setting-up of a JCC as a parallel mechanism to the Agreement.

Marisol Espinoza, Vice-president of Peru

- Recognises the difficulty of ensuring the participation of isolated, rural and indigenous communities.
- Is concerned about employment rights. The minimum wage is being increased, endeavouring to meet ILO recommendations.
- Stresses the difficulty of implementing the free trade agreements within the country, given the situation regarding poverty, migration, displaced communities, limited rural resources, nutrition, disappearance of craft activities, the fight against drug trafficking, and the climate of violence in communities which have become used to the presence of guerrilla groups.
- Specifies that there is not yet an ESC in Peru, but that they wish to set one up, not least as a counterpart of the EESC.

José Beraun Aranibar, Deputy Minister for Foreign Affairs

- The government is giving attention to social inclusion, human rights, social development, environmental and worker-protection problems.
- Peru hopes to develop a strategic partnership with the EU in these fields.
- It is expected that the Multiparty Agreement will boost investment and create added value in the processing of raw materials and the development of services, and thus create jobs.
- Peru is a signatory of the ILO's eight basic conventions, and has just adopted a law on the prior consultation of indigenous communities; the national agreement is a consultative mechanism which has been in operation for the last four legislative terms; Peru has sectoral dialogue forums.
- In agreement with the setting-up of a JCC to monitor the progress of the Agreement.

Luciana León, APRA party, President of the Peruvian Congress's Foreign Trade Committee

- The Peruvian government has had a very complicated relationship with civil society, marked by terrorism, relations with the victims, and so on. There is no civil society presence or participation in issues such as the environment, and social movements are unable to coalesce as organisations or political parties: their only form of expression is through protests. The APRA is aware of being on the outside of these disputes.
- The government and parties have been unable to explain the possible impact of a free trade agreement to people.
- The APRA has no stance on the possible impact of the Multiparty Agreement (other political parties also lack one). It recognises the need for the party to reflect on the structuring of civil society and its view of the Agreement.

B. Peruvian civil society organisations

Business sector

ADEX; Global Compact Network Peru; CONFIEP; Lima Chamber of Commerce

- Peru has made significant economic, cultural and social advances in recent years, partly thanks to the free trade agreements, including a reduction in poverty.
- No sectors of the economy have suffered as a result of the free trade agreements, although the treaty with the USA has not been used to best effect.
- The justice system in Peru is inefficient, and it takes a long time to settle commercial disputes.
- There are mechanisms for safeguarding investment in the context of the National Agreement and the National Labour Council.
- Undeclared work is very common, creating unfair competition for the country's exporting companies which are obliged to operate within the law.
- Consumers are not generally opposed to the opening-up of trade.
- There were no consultations during the negotiation of the Multiparty Agreement: at most, the so-called "side room" method⁴¹, which is considered insufficient. However, one must also acknowledge the lack of capacity (shortage of experts) to assist the government in the negotiations.
- Very low tax revenue: very few meet their tax obligations and the state lacks the political will to widen the tax base, which currently stands at 15%.
- Inability of the state to tackle all the social needs and combat inequality; entrepreneurs themselves sometimes carry out education and anti-poverty schemes, social economy projects and rural entrepreneurship in small communities.
- Sharp difference in development between the coastal areas and the mountains, the latter being much less developed and inaccessible.
- Lack of information about the existence of an Economic and Social Council in Peru.
- Agree to form part of a joint consultative committee to monitor the Multiparty Agreement.

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A method for informing national civil society organisations, whereby the negotiators periodically go to an adjoining room, during the negotiations, to give an update to the organisations who are present there.

NGOs and third sector:

ANC, RedGe, Anti-poverty platform, EIA-Global, ASPEC, Confenacoop

- NGOs: Oppose the Multiparty Agreement, which offers even less social protection than the free trade agreement with the USA; it puts two very asymmetrical economies on the same level; agricultural exports are subject to labour rights which are discriminatory and weaker than the general scheme, and cover 2000 businesses and around 20 trade unions (this says a lot about the absence of labour rights).
- The free trade agreement affects access to medicinal products, because of its provisions on intellectual property protection.
- The free trade agreement must not be allowed to facilitate illegal trade in protected species, which are plundered in areas where violence and abuse of human rights are rife; the same applies to exports to the USA of illegally felled timber.
- NGOs were not involved in the negotiations; the "side room" system was disappointing and participation in it was self-funded; the language used by the negotiators was incomprehensible, and the information passed on was incomplete and not checked.
- Consumers: were not involved the negotiation of the Multiparty Agreement. Consumer protection in Peru is extremely poor; the official body, INDECOPI, is small and ineffective. The free trade agreement should improve consumer protection.
- Social economy: this sector is discriminated against within the economy. The concepts of solidarity and mutual assistance in economic relations are not recognised. The sector does not receive aid from the state, nor bank loans, nor is it the subject of any public policies; its workers, who are considered self-employed, receive no legal protection. The free trade agreement will benefit large companies, not cooperatives.

Trade unions:

CGT, CUT, CTP, CAT, PLADES institute

- Peru's experience of free trade agreements has been negative so far: 75% of the Peruvian economy is based on SMEs, which lack support from the state and are unable to compete. The free trade agreements affect sectors such as textiles, footwear and medicinal products, which are being hit by cheaper imports.
- Peru's main economic sectors are mining, fisheries, clothing and agricultural exports; but their workers (e.g. in the textile industry) are eternal temporary workers, and do not have collective bargaining rights; Peru's labour legislation is still the system laid down by Fujimori.
- It is regrettable that the initial association agreement, which raised expectations because of the mechanisms it proposed for political dialogue, social inclusion and cooperation, was replaced by a purely trade-related agreement which does not promote labour issues.
- The free trade agreement should help to combat undeclared labour and encourage small and micro-enterprises, and should not just take a pure, free-market approach. For instance, mining accounts for less than 2% of GDP but two-thirds of exports, with 80% of employment subcontracted or insecure; the wealth generated remains in the hands of the multinationals which own the mines.

- It is worrying that this Multiparty Agreement could serve as a model for other agreements concluded by the EU.
- Peru does have participation forums, with the National Agreement and the National Labour Council. However, they are ineffective, partly because there is not a culture of respect for agreements.
- The trade unions fully endorse the setting-up of a JCC that can put forward proposals and provide joint monitoring of the Agreement.
- They reject the ESC proposed by Humala (defined by one participant as "trying to fool workers and citizens"), and support the setting-up of an ESC along European lines, to include the four Peruvian trade-union federations, the business sector, and civil society organisations in general.

C. International Labour Organisation:

- Only 3 million workers out of a total of 15 million are registered; most are in agro-industry or agricultural export businesses.
- Social security provision is generally poor, as the legislation is not binding for everyone (e.g. it excludes the self-employed) and because these countries lack a social-welfare culture. The legislation is being improved with a view to universal health insurance. A third of the working population has health cover.
- There have been no major changes in labour law in either Peru or Colombia.
- In Peru, labour inspections come under the remit of the regional authorities; this causes conflict and creates an uneven playing field. In Colombia, labour inspections come under the recently created Ministry of Labour.
- There are 3.2 million production units in Peru, and 65% of these are unregistered. Half of them are found in Lima. A recent special law for micro and small enterprises (MSEs) now obliges the Peruvian state to procure 80% of its supplies from MSEs, but there are no state mechanisms for MSE-large company tie-ups.
- The cooperative movement is very strong in Colombia but is weak in Peru because Fujimori stopped it. Cooperatives are now re-emerging in the cocoa and coffee sectors, alongside savings and credit cooperatives. However, the sector is still weak, plays no part in national politics, and is not involved in public purchasing. In Colombia there are moves to outlaw "associated work" cooperatives⁴².
- Weak trade-union movement, low unionisation, labour highly fragmented in Peru. ILO Convention 154 on collective bargaining has not been ratified.
- Concern about the growth of FDI, which is focused above all on the mining industry and does not encourage decent working conditions. The free trade agreement does not provide monitoring mechanisms or indicators for this. Under the current system of statistics, it is not possible to distinguish between the impact of the free trade agreement and the normal economic development of the country.

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These are cooperatives set up by entrepreneurs as a means of subcontracting and outsourcing, allowing them to take on workers under terms of employment that are less favourable than those of other workers. Cooperatives and the trade unions condemn this as unlawful.

II. BOGOTÁ, COLOMBIA, 9 TO 12 MAY 2012

The meetings were preceded by an introductory meeting with Ms Miriam García and Mr Carlo Natale, members of the EU delegation. They informed us that the free trade agreement between Colombia and the USA would enter into force on 15 May. Commodities account for 90% of Colombia's exports. The trade agreement with the USA includes labour provisions. It has no human rights clause; there is a chapter on sustainable development, although practical application of it is nigh on impossible.

As regards Colombian civil society organisations' position on the Multiparty Agreement, Ms Garcia and Mr Natale believe that NGOs are poorly informed about the economic impact, while the trade unions fear it will lead to job losses.

D. Colombian Government:

Angelino Garzón, Vice-president of Colombia:

Meeting also attended by Ms Van Gool, Head of the EU delegation

- The decision on the Multiparty Agreement is now up to the European Parliament. Failure to approve it would send a very bad message to Colombia and greatly harm the image of the EU in Latin America.
- Colombia has a sustained growth plan: it is aiming at 6% growth in 2012, and for this it has a policy of opening up trade, while protecting human rights, labour rights and business rights (legal certainty, free enterprise and investment protection).
- Social policies to combat poverty and violence need to be strengthened.
- A mechanism must be found for furthering these aims, jointly with the EESC, without amending the Agreement.
- Agrees with the setting-up of a JCC, but doubts whether the trade unions and other business and social sectors will want to take part. Understands the need to avoid a government presence on the JCC. Points out that it is up to the Foreign Affairs and Foreign Trade Ministry to commit Colombia to its establishment.
- Outlines the aims of the social dialogue forum which he personally had convened for 11 and 12 May, as a signal of the state's commitment to strengthening dialogue with civil society organisations and fostering reconciliation of civil society.

Mónica Lanzetta, Deputy Foreign Affairs Minister, and Gabriel Duque, Deputy Trade, Industry and Tourism Minister:

- Interest in establishing lawful businesses which create jobs and enter the global economy.
- Importance of the human rights clause and the sustainable development chapter of the Multiparty Agreement.
- Civil society was consulted (especially the business sector) and informed before and after each negotiating round; however, some groups are opposed for ideological reasons.

- After a discussion to clarify the proposal, both deputy ministers endorse the setting-up of a JCC, which they consider can be covered by a broad interpretation of the provisions of Article 282 of the Agreement⁴³.

Rafael Pardo Rueda, Tourism Minister:

- A recently created ministry. Has contributed to the Victims and Land Restitution Law, and the laws to promote youth employment and provide protection in old age for people who have no social security cover.
- Colombia has two free trade agreements which contain labour provisions: with Canada (2011) and the USA (2012).
- Basic problems which Colombia has to solve: improve the rule of law (some 2500 trade-unionists murdered since the 1980s), strengthen judicial action (specialist training for public prosecutors, creation of specialist tribunals), programmes to protect trade unionists (around 1300 are currently covered by the programme), labour mediation and elimination of abuses in this field (e.g. outlawing of "associated work" cooperatives which engage in labour mediation), systematic labour inspections in palm-oil factories, flower-growing businesses, ports and the construction sector.

Juanita Arango, Ministry of Agriculture:

- There has been no rural development policy in Colombia during the last 25 years. The ministry currently has three main policies: a) the land restitution law, which endeavours to compensate the victims of armed conflict by identifying the legitimate owners of requisitioned land; the operation should cover two million people and four million hectares; b) training of magistrates on the return of land allocated on the basis of fraudulent legal claims: these allowed oligarchs to buy land at very low prices after the forced removal of local people who owned the land, for the illegal cultivation of drugs; c) measures to protect poor families moving back to land which had been forcibly seized by guerrilla groups, who thus sought to gain control of the area.
- Hopes that the free trade agreement will provide an incentive for change, for example by encouraging more effective, extensive livestock farming and upgrading the dairy sector, which currently lacks quality standards and mainly involves small family businesses.

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"1. Subject to Article 280 paragraph 3, the Subcommittee on Trade and Sustainable Development shall convene once a year, unless otherwise agreed by the Parties, a session with civil society organisations and the public at large, in order to carry out a dialogue on matters related to the implementation of this Title. The Parties shall agree on the procedure for such sessions with civil society no later than one year following the entry into force of this Agreement.

2. In order to promote a balanced representation of relevant interests, the Parties shall allow all stakeholders in the areas set out in Article 281, the opportunity to participate in the sessions. The summaries of these sessions shall be publicly available."

E. Colombian civil society organisations:

Trade unions:

CUT, CTC

- Colombia is the third-worst country in the world when it comes to inequalities, despite its wealth of natural resources.
- Although they are not anti-trade, the free trade agreements impose restrictions, e.g. on intellectual property, and introduce competition between unequal economies.
- The free trade agreements penalise workers; the ILO visit to Colombia in 2011 noted serious labour problems; the multinationals find ways of circumventing labour rights.
- The human rights and trade-union rights situation in Colombia has not changed: unionisation stands at 4%, and only 1% of workers are covered by collective agreements; murders are still happening, not only in remote areas but also in cities; trade unionists suffer harassment from employers; there is not a sufficient public policy of protecting human rights; the number of women working informally is increasing (57%), as is domestic violence and discrimination.
- The law allows the murder of trade unionists to go unpunished if the perpetrator says that the victim was killed for being a guerrilla, not a trade unionist; until now, the masterminds behind these killings have never been convicted, only the hired killers.
- The unions will put the proposal to set up a JCC to their executive bodies.

Héctor Fajardo and Beethoven Herrera, advisers on trade-union issues:

- Agree to promote the setting-up of a JCC among Colombia's trade-union federations; informal contacts suggest that the federations are in favour of the idea, provided the proposal comes from the EESC, and especially if the European Parliament also supports it.
- If the JCC plan goes ahead, it would be a good idea to hold a seminar with all the federations to explain the plan to them in detail.

Business sector:

ANALDEX, ANDI, DIAGEO

- The free trade agreement will promote the legal economy, formal work, human rights and the environment, and will help to reduce violence levels; the free trade agreement with the USA has already fostered more labour inspections and strengthened the judiciary, and led to the setting-up of a Labour Ministry in Colombia.
- The free trade agreements are good for business: in the year 2000, per capita GDP stood at USD 2000; in 2011 it was four times that. Both FDI and imports have increased, as the Colombian market offers legal certainty for investments.
- The export sector is becoming more official, while SMEs and micro-enterprises endeavour to get round their tax obligations.
- Express interest in corporate social responsibility programmes.
- Take part in the Labour Cooperation Committee alongside three trade-union federations and the government.

- The umbrella organisation for Colombia's business sector is the National Business Council. Endorse the setting-up of a JCC.

NGOs and third sector:

Colombian Commission of Jurists; Colombian Confederation of Cooperatives; CONFECAMPO

- The CCJ has opposed the free trade agreements with the USA and the EU because they were badly negotiated as regards human rights.
- Poverty remains widespread in Colombia and the killings continue.
- The present government, unlike its predecessor which sought to discredit any opponents, is cordial and decent and has promoted the Victims Law. Nevertheless:
- military tribunals are being strengthened by giving them jurisdiction over humanitarian law questions;
- a judicial framework for peace has been created which allows amnesties and pardons and grants immunity to guerrilla and paramilitary leaders;
- in Colombia, detention without judicial authorisation is allowed for up to 72 hours, which can give rise to torture and forcible disappearance.
- As a result, criminals go unpunished, and levels of socio-political violence and social exclusion are extremely high.
- Small farmers' sector: serious rural poverty problems. The sector will be hurt by the free trade agreement with the USA, as it is not in a position to compete. It needs access to credit: 80% of farm credit goes to large producers. It is hoped that with the Multiparty Agreement, export supply will extend to products from small farmers, which are not the same as those of Colombia's main agricultural exporters (flowers, coffee, palm oil, bananas)
- Cooperative sector: there are 7500 cooperatives in Colombia, with 5.3 million members (35% of the population). The sectors covered are finance, insurance, funerals and agriculture. They complain about the "associated work" cooperatives which engage in illicit labour mediation, providing jobs with very poor employment conditions.
- All participants agree to the setting-up of a JCC under the Agreement.

Transparency for Colombia:

Colombian branch of *Transparency International*

- Explain that they are carrying out an ambitious programme on development, the peace process and human rights, involving the government and the public and private sectors.
- Are not opposed to the agreements. But they are concerned: that civil society has not been sufficiently consulted; about the impact on human and labour rights; and that many of the problems of the past, in terms of transparency and attacks on human rights, remain unresolved.
- Major progress has been made, and things are improving, but not as much as is claimed.
- Colombia's employers have introduced CSR policies, etc. but "we are still in the initial stages".
- As regards freedom of the press: journalists are still being killed, and there is still censorship and self-censorship, but attacks have become much less frequent and they no longer come from the state. So far, there has been no freedom of information act, which makes journalists' work more difficult, but a draft bill for this is in the pipeline.

- Opening of dialogue forums between the state and civil society, and de-stigmatisation of civil society; but no public funding for civil society organisations. Work is underway on a law on citizen participation, which is the result of wide consultation of civil society organisations. However, all these advances are more matters of form than of substance.
- There are still a number of illegal operators around the country, and they are increasingly interlinked: drug traffickers and armed gangs, with political parties and local and national authorities implicated in dealings with them. Corruption has undermined situations where there had been strong and modern institutions in Cali and Bogotá. There is also private sector involvement in the public services, which leads to unlawful and corrupt practices.
- It is important that the setting-up of a JCC should include an accountability requirement.

3. CONCLUSIONS

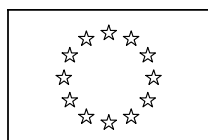
- A useful visit in terms of the number and status of the people interviewed and the information obtained, which will enable the EESC opinion to reflect both Peruvian and Colombian civil society's views on the Multiparty Agreement and draw up a constructive proposal for setting up a joint consultative committee for civil society to monitor the Agreement.
- The visit revealed the social, labour and economic problems currently faced by the two countries, and civil society organisations' lack of faith in the ability of either their respective governments or the Agreement to help resolve them.
- Civil society organisations in both Peru and Colombia express widespread dissatisfaction at being very inadequately consulted and informed about the Multiparty Agreement during its negotiation. There is a stark contrast between the governments' view of things (claiming to have held broad consultations and information campaigns), and civil society's perception of them.
- Civil society organisations in both countries feel that the respective free trade agreements with the USA are preferable to the Multiparty Agreement in terms of labour and social provisions.
- The visit enabled the EESC to gather information and reactions to the setting-up of a Peruvian ESC as indicated in the Decree of 16 September 2011⁴⁴. The EESC's view is that this body is really a government instrument for contact with civil society representatives rather than a fully fledged ESC, given that it includes a large number of government ministers, its members are co-opted and lack the autonomy and representativeness of national civil society organisations. This dissatisfaction is shared by Peruvian trade unions and NGOs, which are critical of its "top-down" creation and do not consider that it represents Peruvian civil society.
- All the people consulted favour the setting-up of a JCC. The Colombian trade unions are the most wary, and want a proposal to come from the EESC.
- The government authorities in both countries consider that a JCC can be created under the Agreement (Article 282), provided that the public authorities are ready to make a substantive interpretation of it.

Beatriz Porres
REX Secretariat

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See Note 144-12.

PROGRAMA DE LA VISITA



UNIÓN EUROPEA
DELEGACION EN EL PERÚ

Programa
Visita de Delegación del Comité Económico y Social
Europeo
Lima 06/05 – 09/05

Domingo 06/05/2012

	Llegada a Lima Hotel Radisson Decapolis Miraflores Av. 28 de Julio 151, Miraflores, Directo: (+511) 6251217 Traslado aeropuerto-hotel-aeropuerto también el mismo hotel.	CONFIRMADO
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Lunes 07/05/2012

07:45	Traslado a la Delegación. Av. Comandante Espinar 719, Miraflores	
08:00 – 08:30	Briefing con Sr Hans Alldén Jefe de la Delegación de la UE en Perú Lugar: Delegación UE – sala 1, Av. Comandante Espinar 719, Miraflores Asisten: HA + MVS	CONFIRMADO
08:30 – 10:15	Reunión con representantes de gremios empresariales /empleadores (1) Lugar: Delegación UE	CONFIRMADA
11:00 – 12:00	Reunión con Sr. Carlos Posada, ViceMinistro de Comercio Exterior y Jefe Negociador del TLC Lugar: Ministerio de Comercio Exterior, Calle Uno Oeste N° 50, Urb. Córpac, San Isidro	CONFIRMADA <i>Tlf. 2243369</i>
12:30 – 13:30	Almuerzo libre	
14:00 – 15:00	Reunión con Ministro de Trabajo y Promoción del Empleo José Villena Lugar: Ministerio de Trabajo y Promoción del Empleo (Av. Salaverry 655 - Jesús María)	Por confirmar <i>Tlf. 630 6002 anexo 5031</i>

15:30 – 16:30	Reunión con Sra. Carmen Moreno, Directora para los países andinos de la Oficina Regional de la OIT para América Latina y el Caribe Lugar: Organización Internacional del Trabajo (Las Flores 275 San Isidro)	CONFIRMADA Tlf: 615 0352
17:00 – 18:00	Reunión con Ministro de Ambiente, Sr. Manuel Pulgar-Vidal Lugar: Ministerio de Ambiente, Av. Javier Prado Oeste 1440, San Isidro	Por confirmar Tlf. 611 6023
18:30 – 19:30	Reunión con expertos en temas laborales y sindicales Javier Mujica, Julio Gamero, ILA y PLADES (4) Lugar: Hotel Radisson Av. 28 de julio 151, Miraflores	CONFIRMADA
20:00 – 22:00	Recepción en honor de la delegación del CESE ofrecida por HA Lugar: Hotel Radisson Av. 28 de julio 151, Miraflores	CONFIRMADA

Martes 08/05/2012

09:00 – 09:30	Reunión protocolar con Vice Presidenta de la República Señora Marisol Espinoza Lugar: Jr. Azangaro, Lima	Por confirmar Tlf. 4272123
10:00 – 11:00	Reunión con el Sr. Embajador José Beraund, Vice Ministro de Relaciones Exteriores Lugar: Jr. Ucayali 363, Palacio Torre Tagle, Lima	CONFIRMADA Tlf. 2042518
12:30 – 13:30	Reunión con Congresista Luciana León – Presidenta de la Comisión de Comercio Exterior y Turismo Lugar: Sala de Embajadores del Palacio Legislativo.	CONFIRMADA Tlf. 311 7618 311 7792
13:30 – 14:50	Almuerzo libre	
15:00 – 17:00	Reunión con representantes de sociedad civil (3) Lugar: Delegación UE	CONFIRMADA
17:00 – 18:00	Reunión con representantes de gremios de trabajadores (2) Lugar: Delegación UE	CONFIRMADA
19:00	Evento por el Día de Europa Lugar: Alianza Francesa Miraflores, Av. Arequipa	CONFIRMADO

Miércoles 09/05/2012

	Salida a Bogotá	Por confirmar
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**DELEGATION OF THE EUROPEAN UNION
IN COLOMBIA**

Version 5

**EUROPEAN ECONOMIC AND SOCIAL COMMITTEE
VISIT OF THE EESC GROUP TO COLOMBIA
BOGOTÁ, 10 – 12 MAY 2012**

Delegation:

- Mr BOYLE Sandy, UK, Employees Group, Scottish Trade Union, Head of delegation, President of external Relations Section.
- Mr SILVA Francisco, PT, Member of National Confederation of Agricultural Cooperatives – CONFAGRI-, President of the Latin America Follow-up Committee of EESC.
- Mr IULIANO Giuseppe, IT, Member of Employees Group- CISL-, rapporteur of the EESC opinion.
- Mr ZUFIAUR José María, ES, Member of Employees Group- CISL-.
- Mr ESPUNY MOYANO José María, Member of Comité de Dirección de la Federación de Industrias de Alimentación y Bebidas de España (FIAB)-.
- Mr STOEV Georgi, BG, Member of Employers Group, Bulgarian Chamber of Commerce and Industry.
- Mr JOOST Meelis, EE, Member of Various Interests Group, The Estonian Chamber of Disabled People.
- Ms PORRES Beatriz, ES, Head of the External Relations Unit.
- Interpreters EN, ES.

Wednesday, 9 May 2012

PERU/ BOGOTÁ

- 17h00** **Arrival to Bogotá of the EESC Delegation (Flight LA2582)**
Welcome by EU Delegation: **Mr Carlo NATALE** and **Ms Miriam GARCIA** on behalf of **Ambassador Van Gool**.
Venue: VIP Room, El Dorado Airport
- Transfer to Hacienda Royal Hotel:** Transport supplied by Delegation
- 19h00** **Briefing with EU Delegation Staff (Mr Carlo NATALE, Deputy, and Ms Miriam GARCIA FERRER, Trade Counsellor, on behalf of Ambassador Van Gool)**
Venue: Hotel Hacienda Royal.
- Accommodation at Hacienda Royal Bogotá Hotel**
Contact: Mónica Jaramillo Rodríguez
Tel: 6578757 Ext 80508 / Cel: 3203066929
COP 335.000 (including breakfast, Business Centre, Wi-fi)
Venue: Calle 114 No. 6-02, Bogotá, Colombia

- 16h45 Meeting with Asociación Nacional de Exportadores, ANALDEX (Miriam García)**
- 18h00** Contact Analdex: Mónica Sierra, Tel: 5700600, Ext. 12
Contact Asocolflores: Olga Lucía Guevara, Tel: 2579311
Venue: EU Delegation
- 18h15 Transfer to Hacienda Royal Hotel**
- 18h30 Meeting with Mr Luis Eduardo Garzón, Green Party (Ambassador Van Gool)
TO BE CONFIRMED**
- 19h30** Contact: Connie González, Tel: 6067888
Venue: Hacienda Royal Hotel. Milano Room

Evening free for dinner

Friday, 11 May 2012

BOGOTÁ

- 07h30 Breakfast with Juanita Arango, from the Ministry of Agriculture (Miriam Gracia)**
- 08h30** Venue: Hacienda Royal Hotel - Restaurant
- 08h30 Departure from the Hotel**
- 09h15 Participation on the FORO /DIALOGO SOCIAL**
- 14h00** Contact: Carmen Sañudo, Secretaria Privada. Tel: 4442123
Venue: Biblioteca Luis Angel Arango, Calle 11 No. 4-14
- 14h30 Meeting with Mr Juan Manuel Corzo, President of the Parliament**
- 16h00** Contact: Galé Mallol, galemallol@gmail.com.co
Venue: Parliament, Carrera 7 No. 8-68
- 16h00 Departure to the EU Delegation**
- 17h00 Meeting with various organisations and NGOs**
- 19h00** Venue: EU Delegation

Participants from various organisations (Asier Santillán):

Mr Ariel Armel, President of Confederación Colombiana de Consumidores

Contact: Nelly Huertas, Tel: 2811117

Mr Carlos Simancas, President of CONFECAMPO

Contact: Daisy Díaz, Tel: 3408673

Dra. Clemencia DuPont Cruz, President of Confederación Nacional de Cooperativas, CONFECOOP

Contact: Fernando Portilla, Secretario General Tel: 6170803

Participants from NGOs:

Mr Mauricio Cadavid, President of Confederación Colombiana de ONG and Director of Federación Antioqueña de ONG

Contact: Carmen Leal, Tel: 4-2514214

Mr Walden Borja, DIAL

Contact: Edilma, 2852459 / 2850679

<p>We have invited MOVICE, CPDH, CCAJAR and CCJ, as requested, and are waiting for confirmations.</p>
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- 19h00** **Transfer to the Hacienda Royal Hotel**
- 19h15** **Meeting with Transparencia por Colombia**
20h00 Contact: Paula Páez, Tel: 2350900, Ext. 104
Venue: Hacienda Royal Hotel, Milano Room
- 20h30** **Dinner offered by Vice-president A. Garzón**
Venue: Residencia de la Vicepresidencia de la República

Saturday, 12 May 2012

BOGOTÁ

- 08:30** **Meeting with Transparencia por Colombia**
Venue: Hacienda Royal Hotel, Milano Room
- 13.00** **Departure to El Dorado Airport**

DELEGACIÓN DEL CESE

- D. Sandy Boyle (Reino Unido – Sector sindical) – Presidente de la Sección de Relaciones Exteriores - Jefe de la Delegación del CESE
 - D. Francisco Silva (Portugal – Sector cooperativas agrícolas) – Presidente del Comité de Seguimiento para América Latina
 - D Giuseppe Iuliano (Italia – Sector sindical) – ponente del CESE para el dictamen sobre el Acuerdo Multipartes UE-Colombia y UE-Perú
 - D. José María Zufiaur (España – Sector sindical) – consejero del CESE
 - D. José María Espuny (España – Sector empresarial) – consejero del CESE
 - D. Georgi Stoev (Bulgaria – Sector empresarial) – consejero del CESE
 - D. Meelis Joost (Estonia – Sector de defensa de los minusválidos) – consejero del CESE
 - D^a Beatriz Porres (España – Jefe de la Secretaría de Relaciones Exteriores del CESE)
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