



EU- CAN Network

Brussels, February 22, 2010

The Rt Hon Karel de Gucht
European Commissioner for External Trade
European Commission
Rue de la Loi 200
B-1049 Brussels

RE: Recommendations regarding the FTA negotiations between the EU- Colombia and Peru in Brussels

Dear Commissioner De Gucht

On February 22-26 the negotiators from the EU, Peru and Colombia will meet in Brussels to advance in the negotiations of a Free Trade Agreement (FTA). After the recommendations of the European Commission in the last Communication to the Council and to the European Parliament assuring that the next EU-Latin America Presidential Summit must take into consideration the impact of the crisis, and particularly your intervention as appointed Trade Commissioner with regards "to ensure that trade policy works in a way that helps rather than hinders legitimate social and environmental concerns, both in the EU and abroad", the undersigned civil society organizations want to highlight our main concerns and proposals.

We would like to highlight in the first place that the EU has established as central objectives of the negotiation, the promotion of Andean regional integration, sustainable development and the full respect of human rights and democracy. We would like to call attention to the current strategy of the EU Spanish Presidency aiming to pressure the conclusion of a FTA negotiation without an adequate socio-labour standard and without an extensive and exhaustive political dialogue in the terms referred to in your last allocution at the European Parliament: "in any circumstances, we will only initial an agreement with Colombia after a thorough political discussion on this subject." Moreover, **"even before the initialling, there will be a political discussion and I will personally look very thoroughly into the matter"**.

It is important to stress the fact that in the current frame of FTA negotiations between the EU and Colombia and Peru, the Democratic Clause does not offer concrete mechanisms for the suspension (total or partial) and/or termination of the Agreement in case of non compliance of the essential principles of human rights respect. Moreover, with regards to the labour standards, the Sustainable Development chapter that the EU has proposed is weaker than the current GSP+ system. For this reason, we address the following question: What possibility is there for the FTA to exercise more pressure in respect of labour rights than the GSP+ system?

Concretely, and with a view towards the following rounds of negotiations, we recommend to the EU:

- The need of an extensive political dialogue at the European Parliament addressing the human rights issue before any possibility of initialization and/or signature of the FTA. In

this perspective, we fully endorse your affirmation that “the aim of our commercial policy is also to project our values with respect to human rights, with respect to the protection of the environment, with respect to climate change, with respect to the rights of workers, and they are, and they will be, an integral part of my approach with respect to trade policy”.

- The immediate publication, *before its initialization*, of the fully negotiated text, as an essential element for an informed participation of civil society and consultative bodies of the EU. The diffusion of the negotiated texts is of fundamental importance for an exhaustive political dialogue.
- In particular, we would appreciate the publication of the democratic clause text and the sustainable development chapter of the FTA Agreement.
- We also recommend the suspension of the negotiations until an investigation on human rights in Colombia is carried out, under the provisions of the current GSP+ system
- To introduce in the negotiating process transparent consultative mechanisms with regional and bi-regional character. In the current state of the negotiations there is a lack of a monitoring mechanism for all the agreement based on a Mixed Consultative Committee. In this sense, we recommend to pay due attention to the existence of monitoring spaces of civil society with a more open participation and including the human rights conventions of the United Nations.
- To recognize and to implement the recommendations of the Spanish MEP mission to Colombia, particularly, urging the Colombian Government to recognize publicly the existence of an internal armed conflict, to comply with its obligation of observing and defending the rule of law, of respecting, protecting and fulfilling human rights and to guarantee to all victims fair and just reparation.
- Make public the final reactions of the European Commission to the Trade Sustainability Impact Assessment (TSIA). This study, in spite of its serious omissions, underlines the need of appropriate normative frameworks to harness the economic benefits of trade liberalisation. The study also highlights some negative consequences as a result of the expansion of agro fuels.
- The accession clause for the other Andean countries impedes a significant differentiated treatment, giving to Colombia and Peru the right to veto on any change that other Andean country would like to negotiate in case of access to the agreement, increasing in this manner the internal tensions in the Andean Community of Nations. We therefore demand to make public the current Memorandum of Understanding proposed by the EU to the Ecuadorian government.
- Take up again the region-to-region negotiation format, which is the most adequate way to integrate the countries in spite of their differences, respecting the different ideological creeds and development models. The process of integration should express the complementary weight of the three pillars of Political Dialogue, Cooperation and Trade. The FTA with the Andean countries should take into consideration the asymmetries among the different countries, offering sufficient flexibility and space for the promotion of public policies, adequate safeguards and access of the population to medicines.

In closing, we express our hope that our concerns and proposals are taken into consideration by the European Commission. With a view to the process of political dialogue, initialization and ratification of the FTA, we will continue monitoring the negotiations, and we will continue our work of awareness raising towards the political parties and representatives of the European Parliament. We also take advantage of this opportunity to congratulate your new function and to propose a meeting in the near future to personally express our considerations.

Kind regards,

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