

Embassy Magazine

First Colombian trade deal human rights report is a disappointment

May 23, 2012

By Brittany Lambert and Raul Burbano

The Canadian government has shirked its responsibility to human rights by failing to table a serious and credible report on the impacts of the Canada-Colombia Free Trade Agreement (CCOFTA), as mandated by law.

The CCOFTA came into force in August 2011 after being stalled in Parliament for nearly three years due to widespread concern that it could exacerbate existing human rights violations in Colombia.

The compromise that allowed the deal to pass was a treaty requiring both governments to report annually on the FTA's human rights impacts. The inclusion of such a provision in a trade deal is a global precedent, one touted by the Harper government as a meaningful way to ensure human rights accountability in trade with Colombia.

Olivier De Schutter, the world-renowned human rights expert who crafted the *UN Guiding Principles on Human Rights Impact Assessments for Trade and Investment Agreements*, was in Ottawa last week. He spoke to a concerned audience about how robust human rights impact assessments can ensure that FTAs do not worsen human rights crises like the one in Colombia.

Unfortunately, the Harper government's first annual report, which was tabled in Parliament last Tuesday, does not reflect De Schutter's guiding principles.

While the report provides a strong substantive overview of the economic relationship between Canada and Colombia, it does not acknowledge the human rights situation in the troubled Latin American country.

Yet, the human rights crisis in Colombia is severe and there are legitimate concerns that an FTA could foment and protect investments that are associated with militarization, violence and forced displacement. The CCOFTA's investment chapter accords investors powerful new rights, with no countervailing human rights obligations.

Dangerous for indigenous peoples, trade unionists

Colombia recently surpassed Sudan as the country with the highest rate of internal displacement in the world. More than 259,000 people were forced to flee their homes in 2011 alone, with the total number of displaced people now estimated to be as high as five million.

Displacement is often fuelled by struggles over land rich in mineral resources. The Colombian Constitutional Court recently concluded that a third of Indigenous nations in Colombia face an imminent threat of extinction as a consequence of forced displacement and other human rights violations.

Colombia is also the most dangerous place in the world for trade union organizers, with seventeen union leaders assassinated since the FTA came into force last August.

The government defends the lack of substance in the report by arguing that the deal had not been in force long enough to conduct a proper analysis of its impacts.

However, according to best practices outlined in De Schutter's UN Guiding Principles, an assessment of potential impacts should be completed *prior* to the conclusion of a free trade agreement. This is precisely what the House Standing Committee on International Trade and numerous civil society organizations called for in the Canada-Colombia deal.

At the very least, the Canadian government could have presented baseline human rights data in areas of potential impact, to offer benchmarks for assessing the impacts of the FTA in future years. The absence of such data is a significant gap and will make future reporting on impacts more challenging.

The plan to produce baseline data next year suggests that the government wants to postpone a frank discussion about the impact of its commerce - particularly in the extractive sector.

The report does make some commitments, including promises to report on key sectors such as mining, palm oil and agriculture, and to consult on the report's methodology.

While these are valuable first steps, consultations with affected populations must also extend into the human rights analysis itself, and the government must demonstrate that it is committed to an inclusive and transparent process -- something it has failed to do so far.

Canada seems to hold a double standard when it comes to human rights. In its trade talks with ideologically distinct competitors such as China, our government insists that human rights must be addressed now. But when it comes to Colombia, it seems, human rights can wait until next year.

Neither this report, nor Harper's Americas Strategy, adequately addresses the root causes of human rights violations in Colombia. The human rights crisis in Colombia is serious enough to warrant discussion now, not in 2013.

Moreover, the CCOFTA's implementation law specifically requires the government's annual reports, including the first one, to assess the FTA's impacts.

Another highly controversial FTA is due for ratification, this time with Honduras – a country tragically now known as the murder capital of the world. The shortcomings of the Canadian government with respect to Colombia underscore the crucial need for prior and independent human rights impact reporting. We, as Canadians, must be vigilant: it's a matter of international human rights responsibility.

Brittany Lambert works for the Canadian Council for International Co-operation's Americas Policy Group, a Canadian civil society group focused on development and social justice issues in the Americas.

Raul Burbano works for Common Frontiers, a working group that proposes an alternative to the social, environmental, and economic effects of economic integration in the Americas.

editor@embassymag.ca