



## **Canadian report on human rights and free trade with Colombia flawed from the get go**

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For a third consecutive year, the Canadian government has failed in its legal obligation to consider the human rights impacts of its free trade deal with Colombia. This year's report makes only passing reference to the human rights situation in Colombia, where ongoing armed conflict that began five decades ago has claimed the lives of at least 220,000 Colombians, mostly civilians. The report says nothing about continuing assaults on lives and lands, particularly in areas coveted by third parties because of their economic potential, that have displaced as many as 5.7 million people, the second largest violence-induced displacement in the world after Syria.

Instead, the government's report focuses narrowly on tariff reductions and trade flows and completely ignores links between investment and human rights. The conclusion from the government: "it is not possible to establish a direct link between the CCOFTA (Canada-Colombia Free Trade Agreement) and the human rights situation in Colombia."

Civil society organizations believe the federal government never intended to seriously consider the human rights effects of the free trade deal, and that the current reporting mechanism has proved to be a hollow, meaningless substitute for the independent, impartial, comprehensive human rights impact assessment we had called for when the deal was being negotiated. Indeed, the government's Annual Reports on Human Rights and Free Trade contravene methodology outlined in the UN Guiding Principles on Human Rights Impact Assessments of Trade and Investment Agreements. These guidelines stipulate that such assessments "should be initially prepared by a body or group of experts that is independent from the Executive which is negotiating, or has negotiated, the trade or investment agreement," and that "the methodology used should not be discriminatory; ... should seek to promote inclusive participation; ... should be conducted with full transparency; and that accountability should be ensured in the way the assessment is carried out."

Canada's three reports to date on human rights and the free trade deal with Colombia lack independence, transparency and fail to involve other observers in a meaningful way.

The government's first report in 2012 outlined some useful methodological steps to be followed in subsequent years, such as clustering the economic sectors affected by the FTA, including extractives, and pairing them with relevant human rights analysis. Yet, no such analysis has been forthcoming to date. The Canadian government's subsequent reports have indicated that foreign investment falls outside the scope of the report, despite the fact that investment protections are a key pillar of the FTA, as evidenced by NAFTA type rights enabling investors to sue the Colombian government in international tribunals.



Narrowing the scope of the report to tariff reductions and trade flows enables the Canadian government to avoid scrutiny around contentious areas of concern.

For example, in many areas earmarked for resource extraction, including regions where Canadian companies are invested, Indigenous and Afro-Colombian peoples face constant threats, attacks and assassinations. In 2009, Colombia's highest court warned that more than a third of Indigenous peoples were threatened with "physical and cultural extermination" amidst armed conflict, forced displacement and the imposition of resource extraction and other megaprojects. Yet the federal government has carefully avoided scrutinizing the footprint of Canadian extractive companies benefitting from the FTA, including 42 TSX-listed companies active mostly in gold exploration and mining, as well as Pacific Rubiales, the largest foreign owned oil company in Colombia.

A second pressing concern is the dangerous situation faced by trade unionists, which continues to worsen. In 2013, 26 trade union activists and leaders were assassinated, 4 more than in 2012. Last year, trade unionists faced more than 200 other attacks, threats and kidnappings. The sector most affected was that of mining and quarries. Despite the trade deal's labour side agreement, the Labour Cooperation Agreement, the Canadian government's report fails to acknowledge this crisis.

The "consultation" with stakeholders in preparation for this year's report mimics that of last year. A call for submissions was quietly posted on the Department of Foreign Affairs, Trade and Development (DFATD)'s website, with an unreasonably short deadline of six business days. Not surprisingly, this yielded few submissions. Lamentably, the consultation was neither announced publicly nor published in Spanish, leaving no opportunity for meaningful participation on the part of Colombian civil society and communities directly impacted by Canadian trade and investment.

The Canadian government's grossly flawed human rights reporting mechanism has now become part of the problem, not the solution. Three empty reports, which gloss over the glaring human rights crisis in Colombia, and fail to evaluate links with Canadian private interests, only underscore the lack of effective mechanisms to hold the Canadian government to account for its human rights responsibilities in negotiating such trade deals. Amidst these troubling realities, there are good reasons to be more than concerned about the Canada-Honduras Free Trade Agreement that the government is pushing towards implementation, amidst dire human rights conditions in Honduras that have much in common with the Colombian crisis.

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