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Commentary

U.S.-Colombia Trade Agreement Takes another Step

By Stephen Johnson and Phillip McLean

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It may have taken a while, but the Obama administration finally did the right thing. On April 6, it announced an agreement with Colombia on labor reforms needed for the White House to send the U.S.-Colombia Free Trade Agreement to Congress for approval. The statement finally puts weight behind administration promises to strengthen partnerships in Latin America and maintain competitiveness close to home.

In few relationships has the word “partnership” been as meaningful as that between Colombia and the United States—on ending decades of rural violence, controlling drug trafficking, and turning around a near-failing state. Now, more than a decade after the start of Plan Colombia, Bogotá is offering security assistance to other countries and expanding its commercial links to the rest of the world. It is only fitting that the two countries solidify their relations with durable economic ties.

Not surprisingly, the White House announcement is partly directed at labor advocates and human rights monitors that have campaigned against signing a free trade agreement (FTA) with Colombia. While U.S. labor unions generally object to dropping trade barriers on the principle that they permit cheaper merchandise to enter the United States and crowd out union-made goods, both groups cite Colombia’s history of rural conflict and violence against trade unionists going back to the 1980s.

Actually, the U.S.-Colombia bilateral trade agreement favors U.S. producers, as some 80 percent of U.S. exports will enter Colombia duty free immediately upon implementation. The remaining tariffs would be phased out over 10 years. Colombia would reduce or eliminate duties as high as 240 percent on U.S. farm commodities. From 1991 until February of this year, Colombia, along with three other Andean countries, enjoyed preferential access to U.S. markets under Andean trade preferences. The U.S.-Colombia FTA would broaden that access and make it

reciprocal.

Violence against labor activists and trade union members dates to the 1980s and 1990s, during which violence spiked to unprecedented levels, beginning with drug trafficking and followed by the erosion of state power at the hands of paramilitary and guerrilla groups. During this time, murder rates as high as 70 per 100,000 were typical. Since 2001, they have been cut to 35 per 100,000 in 2009. The homicide rate for trade unionists also dropped, from 23 per 100,000 to 5 per 100,000 in the same time period.

Furthermore, Colombia's agreement with Obama administration requirements will not change what the country has long said it would do to strengthen workers' rights. Two years ago, then-Vice President Francisco Santos came to Washington with guarantees similar to today's agreement: adherence to International Labor Organization (ILO) standards, enhanced protection of individual labor organizers, and measures to prevent employers from using cooperatives and other ruses to get around negotiating with unions and abiding by contracts. It is worth noting that Colombia subscribed to ILO standards a decade ago.

What the White House added is a timetable for implementation. It advances the effective date of a law restricting the use of cooperatives as an antilabor tool. It specifies June 15 as a deadline to reform the Criminal Code to penalize actions or threats that could adversely affect fundamental workers' rights. The pact directs the Colombian National Police to assign 95 full-time "judicial police investigators" no later than December 2011 to address the backlog of prosecutions against perpetrators of crimes against union members—although this responsibility may fall more to the attorney general's office than to police investigators.

Most countries would balk at being lectured by the United States in such a detailed way, but Colombia wants the free trade agreement and thus seems willing to swallow the tone of the U.S. statement and move on to the next hurdle—approval by both houses in the U.S. Congress. While a positive step, the April 6 announcement does not say when President Obama will send the FTA to Congress, or how strong a case he will make for this or other pending agreements with Panama and South Korea. If it doesn't pass this year, it is unlikely the president would submit it before U.S. elections in 2012.

As this is one of several steps for the U.S.-Colombia FTA signed on November 22, 2006, to become law, submission for approval soon could be a sign that the United States means what it says when it comes to partnerships. If delayed, however, talk of strengthening bonds will seem like empty rhetoric.

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Best regards,

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