

OPEN LETTER

TO THE US CONGRESS FROM COLOMBIAN UNIONS AND WORKING LEADERS

Dear Senator/Congressman:

Today, the Free Trade Agreement subscribed between the Government of Colombia and the Government of the United States is being considered by both countries' congress. There have been some arguments opposing this agreement, especially from the trade unions. The above signatories, organizations and unions representatives from important sectors of the Colombian production and services, some of us affiliated with the unions' federations and confederations, respectful of others opinions, we have decided to make public our opinion in favor of the FTA, because we believe it's our duty with Colombian laborers and the country.

FTA: BENEFITS FOR ALL

Some sectors from the labor and business communities have said that the FTA harms the employment of each country in favor of the other's. Such theory could only be truth in one-way, of false in both ways. We think that the FTA creates a win-win situation for all parties: employers, workers and the economies.

The two countries have a long record of commercial relations. Coffee exports for a century were the pillar of the Colombian development, and the US was its main buyer. US was also the main provider of machinery and equipment for our industrialization process. When coffee exports declined, were replaced with other goods, and today trade between the two countries represents up to 40% of all Colombian trade operations. More than one half of those exports to the US have had preferential treatment under the ATPDEA.

The recently signed FTA is based in a fact that supports our beneficial theory: our economies are rather complementary than competitive. For example, in the agricultural sector, our exports of coffee, bananas and other goods don't compete with products from the US. At the same time, imports from the US such as grains and cereals fill out our deficit for such products. This also happens in the industry, where we produce light machinery and raw materials lacking in the US; and US exports machinery and equipment we don't manufactured here. For those specific cases sensitive for both sides, the FTA provides for a slow elimination of tariffs and other protections. Thus the FTA would expand trade between the two countries, with benefits for the companies and generating jobs.

THE FTA LABOR CHAPTER

It's been said that our labor laws are not in compliance with the ILO standards and that the FTA will increase such fault. Those comments are baseless. First, rather than getting a part from the ILO standards, our labor legislation is getting close to it. An example of such trend are the measures adopted to eliminate child labor in Colombia, and banning workers cooperatives from engaging in labor intermediation. (Decree 4588/2006). Additionally, to make the labor jurisdiction more expedite, the Congress is debating a bill to implement the oral system and some other improvements. Needless to say, the labor justice in Colombia is an independent branch within the Judicial System.

Regarding the FTA's negative effect, a simple review of the Chapter 17 would lead us to a very different conclusion. Both parties reassure their obligations as ILO members, and their commitment to honor all signed Conventions, and to respect internationally recognized labor rights and principles. They are respectful of their own Constitutions and the right of each other to adopt or modify their labor laws, always in compliance with the internationally recognized labor rights. To make things clearer about their commitment on preventing the parties from undermine labor rights following economic interests, the chapter establishes: *The Parties recognize that it is inappropriate to encourage trade or investment by weakening or reducing the protections afforded in domestic labor laws.*

We should expect clear benefits to workers with the approval of the FTA, since a close monitoring would be in place not only nationally both internationally, regarding the observance of labor rights.

HUMAN RIGHTS AND PROTECTION OF UNION MEMBERS

The human rights issue has been raised during the negotiations of the FTA. Labor organizations in both countries have been making inaccurate statements regarding this issue, saying that government and employers are responsible for the acts of violence targeting unions, and the restrictions on their rights, either by action or by inaction.

Homicides and other forms of violence against union members are mostly carried out by illegal armed groups (guerrillas or paramilitaries). The government offers the best protection available to all threatened union leaders. Besides, although there is still much work to do, those crimes are being drastically reduced due to a decided action against all kinds of illegal groups, and the on-going demobilization process.

Under the support of the ILO, the union leaders, the employers and the government have agreed to work together to address all difficulties affecting labor groups, especially violence and impunity. To that goal, an ILO permanent representative office has been established in Colombia. Its first task is to take 100 relevant cases of homicides of union members to help clarify them and to punish the people responsible for them. The judicial authorities and the Office of the Attorney General have begun this process. It doesn't make sense to accept those commitments, and at the same time to criticize and try to discredit the mechanisms agreed upon or the parties' good will; like some are doing so.

Colombia faces several economical, social and political difficulties. We are aware of that and we are not trying to deny it. But the government, and most of the workers and employers are making serious efforts to overcome these difficulties. The country is working to consolidate and strengthen its institutions, and its democratic regime, to defeating violence, following a growth path and confronting social inequities. To keep this path means a great deal of sacrifices. It's true that the FTA is not a magical solution. But it's a historic opportunity that the country cannot afford to let it pass by. It's on all of us to make the best of it.

Bogotá DC, May 2007

With all due respect, dear Senator/Congressman:

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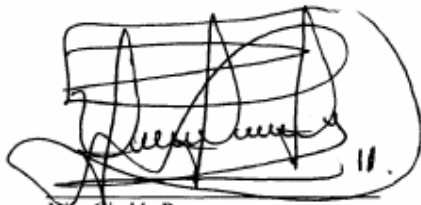
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