

The EU-Colombia-Peru Multiparty Agreement

Development – Environment and Human Rights

INTA hearing – 29 February 2012

Within the process of debate in the European Parliament on the Multiparty Agreement between the EU - Colombia and Peru, the International Office on Human Rights - Action on Colombia (OIDHACO), a coordination group that brings together over 30 European organisations, would like to offer the following elements with regards to the situation in Colombia:

Poverty and inequality

Colombia is the 3rd most unequal country in the worldⁱ with 37.2% (50.3% in rural areas) of the population in poverty and 16% in extreme poverty (27.6% of the population lives on less than \$ 2 per day)ⁱⁱ. This is despite the fact that between 2005 and 2008 foreign direct investment increased threefoldⁱⁱⁱ.

In Colombia and Peru import duties for European products are higher than those of the EU. So the agreement requires a tremendous effort from these countries in terms of reduction of tariffs. As a result, governments will see a major decline in tax revenues that otherwise could be spent on social expenditure^{iv}.

The agreement also encourages the privatisation of services, which can lead, among other things, to the privatisation of water. Previous experiences have demonstrated that water privatisation has almost systematically led to increased prices, and therefore a reduction in individuals' access to water^v.

Another problem that could occur under the Agreement is related to medicine. As highlighted by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, ***“As has been evident, TRIPS and FTAs have had an adverse impact on prices and availability of medicines, making it difficult for countries to comply with their obligations to respect, protect, and fulfil the right to health”^{vi}***.

Therefore it is feared that the agreement will further deepen inequality and poverty.

Labour rights and violence against trade unions

Colombia continues to be the most dangerous country in the world for trade unionists: 49 unionists were murdered in 2010 (from a total of 90 trade unionists murdered worldwide), and 29 in 2011. **Since early 2012, at least 5 trade unionists have been murdered^{vii}.** Impunity for violence against trade unionists is widespread: Colombia has obtained convictions in less than 10 percent of more than 2,900 murders of trade unionists reported by the National Trade Union School (*Escuela Nacional Sindical – ENS*) since 1986^{viii}. While the number of unionists killed in 2011 was lower than in previous years, trade unionists continue to be victims of numerous attacks and death threats at an alarming rate.

As a result, the number of trade union members in Colombia is very low: only 4% of Colombian workers, about 600,000 people, are now members. Some 400,000 workers have left unions over the last 8 years^{ix}. **This helps create an environment conducive to violations of labour rights.**

The Labour Action Plan signed on April 7, 2011 between the U.S. and Colombian governments as part of the ratification of the Colombia-US FTA provides for measures to protect labour rights, including the prohibition of "**associated worker's cooperatives**" (*Cooperativas de Trabajo Asociado* - CTA) and other models affecting labour rights such as the use of temporary agencies to circumvent labour rights, however **these practices continue under different names**^x. According to the ENS, the lack of sanctions for the use of intermediaries other than the CTA "has enabled entrepreneurs in various sectors to replace the CTA with so-called Simplified Corporations (*Sociedades Anónimas Simplificadas* - SAS), with union contracts and with temporary work agencies"^{xi}. These models allow companies to outsource workers via third parties, thereby bypassing labour laws for hiring and the provision of services, and denying workers the right to collective bargaining^{xii}.

In this context, it is worrying that the Agreement, contrary to the current GSP Plus system, did not require the ratification and implementation of core ILO labour standards. Thus, **there is a risk that European companies could benefit directly or indirectly from human rights violations**. One consequence is that even if the Agreement promotes employment in some sectors, it will not help to improve conditions for workers, as noted in the impact study for the mining sector^{xiii}. This adds to the negative impacts that the agreement could have over employment for some sectors, particularly small farmers, as is the case for the dairy sector mentioned later in this report.

Two recent examples of violations of labour rights

Workers at Pacific Rubiales, Colombia's largest private oil company, called a strike on three separate occasions from July 2011 to demand better working conditions. In November, Pacific Rubiales used the Colombian army and police to physically remove thousands of workers. When workers were finally allowed to return, they were forced to cross several checkpoints on roads leading to the oil field. Pacific Rubiales private security only allowed workers in who were affiliated to the Union of Industry Workers from the National Energy and Public Utilities Sectors (*Unión de Trabajadores de la Industria Energética Nacional y de Servicios Públicos Domiciliarios* - UTEN), a union created by the company in response to the protests. By the end of 2011, workers estimated that of the 5,000 original members of the Oil Industry Workers' Union (*Unión Sindical Obrera* - USO) in July, only around 800 remained. Meanwhile, membership of UTEN has increased to 2,000^{xiv}.

On June 23, 2011 the company CEPCOLSA, the Colombian subsidiary of Spanish multinational oil sector company, CEPSA, suspended the contract with the contracting company JM. SA, responsible for the construction of civil works, electrics, mechanics and the construction of pipelines for the Caracara block in Puerto Gaitan, department of Meta. This occurred after on June 20, over 1,100 employees working for the Montajes JM Company declared themselves in Permanent Assembly to demand respect for their rights which were being violated. As reported by the Oil Industry Worker's Union (*Unión Sindical Obrera* - USO), the suspension of contracts "*is a common practice in the sector when service workers demand their rights contractors from contracting companies*"^{xv}

The violations affecting the workers include, among others, violation of the maximum working hours (up to 18 hours a day and 40 days without a break), the non-payment of wages to workers on a trial period, and non-payment of social security. The CEPCOLSA Company refused to participate in the negotiations installed on June 29, which included union representatives, the contractor and the national government.

Environment

The Agreement will lead to an increase in the exportation of raw materials (particularly sugar and fruits – mainly bananas), especially for the production of agrofuels (sugar cane and oil palm), and the development of the mining industry. As noted by the Impact assessment on trade sustainability between the EU and Andean Countries, commissioned by the EU, this **could lead to an increase in pressure on the**

environment, lands and water, to greater deforestation, and to an increase in pollution (particularly water) due to these different activities^{xvi}.

Deforestation has already reached alarming levels. The Colombian government recently warned that deforestation is advancing at an annual average rate of 238,000 hectares (data between 2005 and 2010), while according to experts "*there are no less than 470 hectares of forest cleared each year, a rate of destruction that could devastate the country's total forest cover in less than 146 years*"^{xvii}.

At present the EU depends by 50% on imported raw materials for its energy needs, a figure that could reach 65% by 2030^{xviii}. Colombia has favourable climatic conditions for the production of raw materials such as sugar cane and oil palm and the government is promoting the production of these materials, which has been increasing significantly over recent years^{xix}.

Although this is the first time a Title relating to trade and sustainable development has been included in this kind of agreement, this does not contemplate international human rights standards, and **it explicitly excludes the application of a mechanism for the settlement of disputes** thereby weakening its coercive power; and it establishes that regulations included in the title may not be used as a covert restriction on trade or investment. The title therefore has a very limited impact.

El Quimbo: serious potential impacts on the environment and social rights, and violent repression of protests

On Tuesday February 14, 2012, local fishermen, organisations and individuals who were carrying out a permanent protest against the construction of the El Quimbo hydroelectric dam in the department of Huila, southern Colombia, were violently evicted by the Riot Squad (Escuadrón Móvil Anti Disturbios – ESMAD), in a joint operation by the police and the army^{xx}. Three people were seriously injured, including Mr. Luís Carlos Trujillo, who lost an eye.

The construction of the hydroelectric dam, which began in 2011 and is due to be completed in 2014, is of serious concern, given that the project will occupy an area of 8,500 hectares^{xxi}, and will imply the flooding of 7,400 hectares, along 53 kilometres^{xxii} and the eviction of "456 families, composed of 1,755 people, whose plots of land lie directly in the project area. Of this number of inhabitants, 349 carry out small agricultural projects in the areas where the dam will be located"^{xxiii}. The dam will also cause deforestation and make access to water difficult for the inhabitants of the area^{xxiv}.

The project is being implemented by the Colombian company Emgesa, subsidiary of the transnational companies Endesa (Spain) and Enel (Italy)^{xxv}.

Right to food

As stated by the current UN Special Rapporteur on the right to food, "***While the EU announces its intention to contribute to feeding the world, its biofuels policy has the potential of making it more difficult for communities in developing countries to feed themselves, as their right to food competes with those of consumers in rich countries***"^{xxvi}. In this context, **by stimulating the expansion of agrofuels and direct European investment in the sector through the Agreements, the EU runs the risk of compromising its responsibility in human rights violations and of participating in them.**

On the other hand, **trade liberalisation could have a negative impact for small farmers.** One study states that 15.2% of harvested lands and 7.2% of small farming production could be at risk due to heavily subsidized imports from the European Union^{xxvii}. **The impact of this would be particularly serious for the dairy sector,** because of high EU subsidies to their own producers. The Colombian Federation of Cattle Ranchers (*Federación Colombiana de Ganaderos - FEDEGAN*) has warned the Colombian government that, with the signing of the Agreement, some 400,000 small producers run the risk of becoming bankrupt as the market is flooded with European milk^{xxviii}. This continues to be valid despite the fact that an agreement has been signed making liberalization gradual, over 15 years^{xxix}.

Colombia is one of the countries with the highest population of internally displaced persons in the world, with between 3.3 and 5.5 million displaced people, including 89,750 newly displaced people during the first six months of 2011^{xxx}. Between 2007 and March 2010, 1,499 displaced people were murdered^{xxxi}. **The magnitude of the crisis of dispossession of land in Colombia has reached between 6.8 and 10 million hectares**^{xxxii}. The illegal armed actors in the internal conflict - guerrillas and paramilitaries - have taken over land areas by establishing their political and economic influence, which has contributed considerably to land concentration, in turn facilitating mining activities and the implementation of megaprojects. There are strong links between monoculture plantations and land theft via paramilitary activities, particularly so in the lands where oil palm is cultivated, destined for the production of agrofuels, mentioned in the impact study^{xxxiii}. For example, in the lands of Afro-Colombian people, *"in Curvaradó, a municipality in the department of Chocó, in the East of the country, due to actions carried out by paramilitary groups the communities have lost 29,000 hectares, of which 7,000 are planted with African palm"*^{xxxiv}.

As recalled by the UN Committee on Economic, Social and Cultural Rights, during its examination of Colombia, **"the policy encouraging agro-exporting goods, such as agro-fuels, may deprive peasants from cultivating their lands"**.

Although the Government has announced that under the new **Law on Victims and Land Restitution in Colombia** (Law 1448 of June 10, 2011) it will recognize the legal ownership of land to victims of forced displacement who reclaim the restitution of their lands, the law **contains many limitations, and if it is not implemented impartially and independently, it could**, as highlighted by the Office of the UN High Commissioner for Human Rights (UNHCHR) in its report of January 31, 2012, instead **"have a re-victimizing effect" and "run the risk of legalizing illegal land appropriation, rather than providing justice for victims"**^{xxxv}. The lack of protection for people leading processes for the restitution of stolen lands is also of serious concern: **in 2011 alone, 28 people linked to land restitution processes were murdered**.

Worryingly, by increasing pressure on land, the Agreement could lead to even more displacement. The impact study warns that: *"people living in the eastern regions of Vaupes, Guainía, Vichada, Meta, Arauca, Casanare and Guaviare, where sugar cane production will increase, would be particularly forced into displacement"*^{xxxvi}.

There are serious fears that the violent theft in Colombia of millions of hectares of land via human rights violations could be legalised through international investment. This could lead to a situation in which European economic interests profit from human rights violations from the past, present or future due to the use of these lands and other property and goods usurped via human rights violations, as a way to open the door to agribusiness and other projects which will profit from the new EU export opportunities^{xxxvii}.

Indigenous Peoples and Afro-Colombians^{xxxviii}

Between January and October 2011, 109 indigenous people were murdered^{xxxix} **and at least 35 Indigenous Peoples are at risk of extinction**. Indigenous Peoples are the victims of attacks by all the different armed actors in the internal conflict, who exert pressure over their lands. While Indigenous Peoples make up 3.4% of the Colombian population, they nevertheless make up at least 10% of the displaced population. The Inter American Commission on Human Rights (IACHR) has expressed its concerns over this situation on numerous occasions, in particular in cases of murders of indigenous leaders who had been granted precautionary protection measures by the IACHR^{xl}. They also suffer from poverty and the violation of their economic, social and cultural rights. According to the ONIC, 75% of indigenous children suffer from malnutrition.

Gay McDougall, Independent Expert on Minority Issues, in her January 25, 2011 report of her visit to Colombia, highlights **the extreme poverty in which Afro-Colombians live**, with 80% of the population without their basic needs fulfilled and with infant and maternal mortality rates that double the national figures, as well as **the permanent infractions of international humanitarian law committed by all actors in the armed conflict and the actions of paramilitary groups who continue to try and displace communities and take over their lands**. The Expert also draws attention to the disproportionate levels of violence against the Afro-Colombian population, reflected in the numerous murders of leaders and women, and in the figures of more than a million Afro-Colombians who have been displaced from their lands, more than 12% of the total Afro-Colombian population. The situation of poverty affects Afro-Colombian communities located in territories of immense mineral, agricultural and forest wealth, and those who live in areas where infrastructure megaprojects are being implemented.

The pressure exerted by companies who aim to implement economic megaprojects in the lands of Indigenous Peoples and Afro-Colombians, increases the vulnerability of these communities. **The Trade Agreement between the EU and Colombia contributes to the promotion of agribusiness and the mining industry, causing even greater pressure and serious impacts on Indigenous and Afro-Colombian lands and Peoples, who have had their right to Prior Consultation violated.**

General human rights situation

Colombia continues to face a dramatic human rights and humanitarian situation with serious and systematic violations of human rights and international humanitarian law (IHL). In its armed expression, the conflict encompasses complex interests that pit guerrillas (FARC and ELN), against paramilitary and military forces of the state. **Despite their supposed demobilisation, paramilitaries or “new illegal armed groups” continue to operate, using the same methods as before**, and with continued links to “demobilised” paramilitaries, the reason for which the EU expressed its concern via a Presidential declaration on May 19, 2008^{xli}. As recognised by UNHCHR in its January 2012 report, *“53 per cent of the members of these groups who have been captured or killed to date were demobilized paramilitaries” and “The number of massacres and victims attributed to such groups continues to rise”*. Moreover, UNHCHR *“continues to be concerned about indications that these groups benefit from the collusion of some local authorities and members of security forces”*^{xlii}

Between 2002 and 2007 more than 1,122 extrajudicial executions were committed^{xliii}. The latest report by the Office of the UN High Commissioner for Human Rights (UNHCHR) (January 31, 2012) on the human rights situation in Colombia highlights the fact that **“Despite the existence of a legal framework that is rights-based and provides for protection against enforced disappearance, the magnitude of the phenomenon and the level of impunity are disturbing”**^{xliiv}. According to UNHCHR, *“By October (2011), the National Registry of Disappeared Persons cumulatively recorded 62,745 disappeared persons”*. It also highlights that *“extrajudicial executions have not been totally eradicated”*^{xliv}.

In the vast majority, these crimes remain unpunished. Impunity has been reinforced by the “demobilization” of illegal armed groups which in reality represents a “de facto” amnesty for the more than 30,000 demobilized combatants^{xlvi}. Reforms currently being adopted for the implementation of transitional justice (part of a “legal framework for peace”) and attempts to increase military jurisdiction could entrench impunity to an even greater extent, by among other things including an amnesty for members of the state security forces, including in cases of war crimes and crimes against humanity. This could lead to the perpetuation of these crimes. The reforms also violate international standards for the rights to victims to truth, justice and reparation. Recent declarations by President Santos in reaction to a legal ruling which ordered the State to ask forgiveness for forced disappearances do not indicate an improvement in this regard^{xlvii}.

The Agreement includes a clause on human rights yet it is very generic and includes no implementation mechanism or sanctions, in the case that human rights are not respected. It should also be pointed out that previous experiences related to trade Agreements ratified by the EU with third countries, have shown that such clauses have hardly ever been implemented, including in cases of serious and systematic violations, and that they have only been applied in extreme situations.

Moreover, those individuals who struggle to defend human rights in Colombia continue to be the target of numerous attacks, threats and acts of harassment. **In the year 2010, 32 human rights defenders were murdered and in the first half of 2011 a 126% increase was reported in attacks against defenders**, and a further 29 were murdered in the first six months of 2011. Those who struggle for the protection of the environment and those who lead land restitution processes are particular targets of these attacks.

CONCLUSIONS

There is a serious risk that the Multiparty Agreement between the EU and Colombia/Peru contributes to the worsening of human rights violations mentioned in this document. As highlighted in the *Impact assessment on trade sustainability between the EU and Andean Countries*, commissioned by the European Union and published in August 2009, the Agreement will bring among other things, a series of serious negative impacts for the rights of rural populations, workers' rights in the energy sector, women (the feminization of poverty), Indigenous Peoples and Afro-Colombians. Equally, it highlights the negative impacts on biodiversity, deforestation and a possible decrease in social spending, caused by the treaty, in a country which already suffers from extreme inequality and high rates of poverty.

The ratification of the Agreement with Colombia would give out a signal of approval for the policies of the Colombian government, and ignore the serious violations of human rights and international humanitarian law committed in the country. It would also be contrary to the commitments of the European Parliament itself to human rights, in particular those expressed in the *Resolution on the external dimension of social policy, promoting labour and social standards and European corporate social responsibility* of June 8, 2011 in which the Parliament "*Stresses the importance of coherent action on social protection inside and outside the Union*" (§10) and "*Advocates that the Union refrains from trade agreements with countries which do not respect human rights and core labour standards*" (§13).

Therefore, in the face of the lack of guarantees for the fulfilment of human rights in Colombia, continued impunity, the persistence of the armed conflict and the serious situation of poverty and social inequality, as well as the lack of mechanisms in the Agreement to guarantee real protection for labour rights, environmental rights, sustainable development and human rights in general, ODHACO considers that the European Parliament should not ratify the Agreement with Colombia while there are not significant changes with regards to these issues.

- ⁱ According to the World Bank GINI index, covering the period 2006-2010, <http://data.worldbank.org/indicator/SI.POV.GINI>
- ⁱⁱ World Bank Data, <http://data.worldbank.org/topic/poverty>
- ⁱⁱⁱ ABColombia y Peru Support Group, EU Trade agreement with Colombia and Peru, November 2010 http://www.abcolombia.org.uk/downloads/8FE_EU_trade_agreement_with_Colombia_and_Peru.pdf
- ^{iv} TNI and others, Time for Europe to put values and human rights above commercial advantage Policy Brief: Why EU-Colombia/Peru Free Trade Agreements should not be ratified, March 2011, <http://www.tni.org/sites/www.tni.org/files/download/EU-Colombia-Peru-FTA%20Policy%20Brief.pdf>
- ^v ODHACO, ALOP, Grupo Sur, CIFCA – “Water for life or for trade?” Marzo 2012
- ^{vi} Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover. A/HRC/11/12. March 31, 2009, United Nations.
- ^{vii} Sinaltrainal, Nueva Avalancha De Homicidios De Sindicalistas Colombianos (*A new avalanche in murders of trade unionists*), February 6, 2012, http://www.sinaltrainal.org/index.php?option=com_content&task=view&id=2164&Itemid=48 and http://www.sinaltrainal.org/index.php?option=com_content&task=view&id=2194&Itemid=1 (in Spanish)
- ^{viii} Human Rights Watch, World Report 2012, <http://www.hrw.org/world-report-2012>
- ^{ix} Letter from WOLA, SINTRAEMCALI, CUT and Senator A. Maya to US Congress, January 24, 2012.
- ^x See Wola letter: http://www.sinaltrainal.org/index.php?option=com_content&task=view&id=2096&Itemid=48
- ^{xi} Escuela Nacional Sindical Balance de 6 meses del Plan de Acción sobre Derechos Laborales acordado entre Obama y Santos, (*National Trade Union School, Report on 6 months of the action plan agreed between Obama and Santos*) October 2011, <http://www.ens.org.co/index.shtml?apc=a--;1;-;&x=20166772> (in Spanish)
- ^{xii} http://www.wola.org/commentary/labor_action_plan_just_paper_or_real_changes
- ^{xiii} While employment in the large-scale formal mining sector is expected to increase, the restrictions on workers’ rights will restrain any significant increase in real wages or improvement in working conditions. As noted in the preceding discussion of baseline labour conditions, a number of adult labour rights issues affect individual countries.
- ^{xiv} <http://www.usleap.org/files/WOLA%20Hill%20Letter%20December%202011.pdf>
- ^{xv} Unión sindical obrera de la industria del petróleo, Mientras sigue avanzando el proceso de ratificación del tlc UE -Colombia: persisten las violaciones a los derechos laborales y libertades sindicales en Colombia: el caso CEPCOLSA (USO oil industry workers’ union, ratification process of EU-Colombia fta continues amid violations of labour rights and union liberties in Colombia: the case CEPCOLSA, http://www.usofrenteobrero.org/index.php?option=com_content&view=article&id=2309&catid=43, July 8, 2011
- ^{xvi} Extracts from the impact study: “Deforestation is an additional potential area of environmental pressure”. “The expansion of production and trade in agricultural and agricultural processed products that results from the proposed EU-Andean trade agreement will have potentially adverse biodiversity impacts”. “Where the proposed trade agreement facilitates further land transformation for development of biofuel feedstocks and greater infrastructural investments in biodiverse regions, it is expected that it will have a negative impact on the level of biodiversity in Colombia”. “If the expansion of commercial agriculture involves the use of GMO and intensified use of scarce natural resources (land and water), the impact of the EU-Andean trade agreement is predicted to be potentially negative for the rich biodiversity of Andean country members”
- ^{xvii} El Tiempo, La deforestación en Colombia se está convirtiendo en epidemia (*Deforestation in Colombia reaches epidemic proportions*), December 2, 2011, http://www.eltiempo.com/vida-de-hoy/ecologia/ARTICULO-WEB-NEW_NOTA_INTERIOR-10877084.html (in Spanish)
- ^{xviii} Ministry of Foreign Trade, Costa Rica, 2007
- ^{xix} The Production of biodiesel from oil palm almost duplicated between 2009 and 2010 (from 169,411 tonnes in 2009 to 337,781 in 2010), and it continues to increase. Federación Nacional de Biocombustibles de Colombia, Más, más y mucho más biocombustible (*National Federation of Biofuels in Colombia: More, more and much more biofuels*), <http://www.fedebiocombustibles.com/v2/nota-web-id-856.htm>
- ^{xx} Fundación Territorios Por Vida Digna (*Foundation for Dignified Life*) and Censat-Agua Viva – Amigos de la Tierra Colombia (*Friends of the Earth Colombia*), El Esmad desaloja protesta contra el desvío del río en El Quimbo (*The ESMAD evict protest against the deviation of the river in El Quimbo*), February 14, 2012 <http://www.redcolombia.org/index.php/regiones-mainmenu-62/sur-occidente-mainmenu-57/huila-mainmenu-61/1721-el-esmad-desaloja-protesta-contra-el-desvio-del-rio-en-el-quimbo> (in Spanish)
- ^{xxi} El Espectador, Preocupaciones por la construcción de Hidroeléctrica El Quimbo, (*Concerns over the Construction of the El Quimbo Hydroelectric Dam*) February 25, 2011, <http://www.elespectador.com/impreso/negocios/articulo-253288-preocupaciones-construccion-de-hidroelectrica-el-quimbo> (in Spanish)
- ^{xxii} El Espectador, La mala energía del Quimbo (I), (*The negative energy of El Quimbo - I*) March 14, 2009, <http://www.elespectador.com/impreso/nacional/articuloimpreso127337-mala-energia-del-quimbo-i>
- ^{xxiii} El Espectador, Preocupaciones por la construcción de Hidroeléctrica El Quimbo, (*Concerns over the Construction of the El Quimbo Hydroelectric Dam*) February 25, 2011, <http://www.elespectador.com/impreso/negocios/articulo-253288-preocupaciones-construccion-de-hidroelectrica-el-quimbo> (in Spanish)
- ^{xxiv} El Espectador, La mala energía del Quimbo (II), (*The negative energy of El Quimbo - II*) March 21, 2009, <http://www.elespectador.com/impreso/articuloimpreso129588-mala-energia-del-quimbo-ii> (in Spanish)
- ^{xxv} El Tiempo, Presidente Santos pone la primera piedra de hidroeléctrica El Quimbo, (*President Santos lays the first stone in the El Quimbo hydroelectric dam*) <http://m.eltiempo.com/colombia/otraszonas/presidente-santos-pone-la-primera-piedra-de-hidroelectrica-el-quimbo/8915780> (in Spanish)
- ^{xxvi} The Common Agricultural Policy towards 2020: The role of the European Union in supporting the realization of the right to food, Comments and Recommendations by the United Nations Special Rapporteur on the right to food, Mr. Olivier De Schutter, 17 June 2011 http://www.srfood.org/images/stories/pdf/otherdocuments/20110617_cap-reform-comment.pdf
- ^{xxvii} Las negociaciones comerciales con la Unión Europea y la economía campesina (Resumen ejecutivo), (*Trade Negotiations with the European Union and the small farming economy*) Barberi, Fernando, Garay, Luis Jorge y Catalina Barberi, February 2010, http://www.verdadabierta.com/Especiales/crisis-economia-campesina/TLCColombia-UE_Impactosobreeconomiacampechina.pdf (in Spanish)

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- ^{xxviii} TNI and others, Time for Europe to put values and human rights above commercial advantage Policy Brief: Why EU–Colombia/Peru Free Trade Agreements should not be ratified, March 2011, <http://www.tni.org/sites/www.tni.org/files/download/EU-Colombia-Peru-FTA%20Policy%20Brief.pdf>
- ^{xxix} ALOP, APRODEV and Grupo Sur, The European Union is the big cheese – EU Trade agreements with Latin America, July 2010
- ^{xxx} CODHES, Codhes Informa, Boletín de la Consultoría para los Derechos Humanos y el Desplazamiento CODHES, De la seguridad a la prosperidad democrática en medio del conflicto, Número 78, (*Newsletter, Consultancy for Human Rights and Displacement, CODHES, From Security to Democratic Prosperity in the midst of conflict, Number 78*) Bogotá, Quito, September 19, 2011, <http://www.codhes.org/images/stories/pdf/codhes%20informa%20resumen%20ejecutivo%20bolet%C3%ADn%20no%2078.pdf> (in Spanish)
- ^{xxxi} Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia, A/HRC/16/22, February 3, 2011
- ^{xxxii} According to figures from the land protection Project of Acción Social (a state body in Colombia charged with attending to internal displacement), the amount of land belonging to the displaced Population in 2005 was 6.8 million hectares; while according to the National Movement of Victims of State Crimes (Movimiento Nacional de Víctimas de Crímenes de Estado – MOVICE) in their 2007 report *Catastro alternativo, estrategia contra la impunidad herramienta para la reparación integral, (Alternative Land Register, strategy against impunity and tool for comprehensive reparation)*, the figure is 10 million hectares. See Área de Memoria Histórica, Comisión Nacional de Reparación y Reconciliación, Línea de Investigación Tierra y Conflicto, El Despojo de Tierras y Territorios. Aproximación conceptual, (Historical Memory, National Commission for Reparation and Reconciliation, Investigation into Land and Conflict, Land Grabbing, Conceptual Approximation), July 2009, http://memoriahistorica-cnrr.org.co/archivos/arc_docum/despojo_tierras_baja.pdf (in Spanish)
- ^{xxxiii} In certain situations, increased biofuel production could result in social unrest. Colombia in particular has been heavily criticised for violent attacks on peasants and agricultural trade unionists by paramilitaries freeing up land for palm oil plantations.
- ^{xxxiv} Alternate Report to the Colombian State's Fifth Report to the Committee on Economic, Social and Cultural Rights, Plataforma Colombiana de Derechos Humanos, Democracia y Desarrollo, (*Human Rights, Democracy and Development Coordination Group*) June 2010.
- ^{xxxv} Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia, A/HRC/19/21/Add.3, January 31, 2012
- ^{xxxvi} EU-Andean Trade Sustainability Impact Assessment, Final report, October 2009, www.trade.ec.europa.eu/doclib/html/146014.htm
- ^{xxxvii} Trade at any Price, Oidhaco, July 2011, <http://www.oidhaco.org/uploaded/content/category/1313986501.pdf>
- ^{xxxviii} For further information, please consult the Oidhaco factsheets on Indigenous Peoples and Afro-Colombian People.
- ^{xxxix} See interview with the National Indigenous organisation of Colombia (*Organización Nacional Indígena de Colombia - ONIC*) <http://www.contagioradio.com/otra-mirada/onic-denuncia-que-109-indigenas-han-sido-asesinados-en-2011> (in Spanish)
- ^{xl} As for example the murders at the end of 2011 of Luis Ever Casamachín Yule, leader from the Nasa People (http://www.oas.org/en/iachr/media_center/PReleases/2011/125.asp) and Armando Guanga Nastacuas, leader from the Awa People (http://www.oas.org/en/iachr/media_center/PReleases/2011/132.asp)
- ^{xli} <http://europa.eu/rapid/pressReleasesAction.do?reference=PESC/08/64&format=HTML&aged=1&language=ES&guiLanguage=en>
- ^{xlii} UNHCHR Report, January 31, 2012
- ^{xliii} Coordinación Colombia-Europa-Estados Unidos (*Colombia-Europe-United States* Coordination Group) "Extrajudicial Executions: A reality that cannot be covered up 2007 -2008"
- ^{xliv} UNHCHR Report, January 31, 2012
- ^{xlvi} Idem
- ^{xlvi} Only 136 cases have been transferred to the justice system, of a total of more than 50,000 confessed crimes. To date only 4 people have been convicted.
- ^{xlvi} See CCEEU - El perdón se le debe pedir a las víctimas, no a los victimarios (*They need to ask forgiveness for the victims, not the aggressors*), February 6, 2012, [http://www.oidhaco.org/?art=1156&title=CCEEU -El perdón se le debe pedir a las víctimas, no a los victimarios&lang=es](http://www.oidhaco.org/?art=1156&title=CCEEU-El%20perd%C3%B3n%20se%20le%20debe%20pedir%20a%20las%20v%C3%ADctimas,%20no%20a%20los%20victimarios&lang=es) (in Spanish)