

**Statement of Stephen Coats
Executive Director, US/LEAP
Regarding the Proposed U.S.-Andean Free Trade Agreement
March 16, 2004**

Thank you for the opportunity to testify today before the Trade Policy Subcommittee regarding the Administration's intent to negotiate an Andean free trade agreement. Our testimony will focus on labor issues in Ecuador and Colombia.

We strongly support the position taken by Ambassador Zoellick in his November 18, 2003 letter of intent to the Speaker of the House that both countries have key labor problems that need to be addressed, namely, and I quote, "Ecuador needs to take significant further steps to address concerns we have raised regarding inadequate protection of worker rights..." and Colombia must "make progress in addressing violence against trade unionists." These are not, however, steps that should wait until after a trade agreement is negotiated and approved.

My name is Stephen Coats and I am director of the U.S./Labor Education in the Americas Project (US/LEAP). US/LEAP, formerly the U.S./Guatemala Labor Education Project, is an independent non-profit organization which supports the basic rights of workers in Latin America. We are a member of the Latin America Working Group and of the Alliance for Responsible Trade, although the views expressed here today are those of our own and not necessarily those of either LAWG or ART.

US/LEAP has had extensive experience with the GSP worker rights petition process, dating back to 1991 on Guatemala. US/LEAP has been actively engaged in the ATPDEA process with respect to Ecuador for the past two years and we are a current petitioner; we have also worked with members of Congress on efforts to enforce the worker rights provisions of U.S. trade programs on both Colombia and Ecuador.

US/LEAP is not opposed to trade agreements. But we are opposed to those that have been negotiated in recent years, including NAFTA and CAFTA and, if they are its model, "AFTA." You are quite familiar with the arguments that have been put forth regarding the need for the global trading system to strengthen respect for worker rights, both to protect the basic rights of workers in countries in the South and to protect minimum standards and floors for workers in the U.S. The worker rights protections negotiated in these multilateral trade agreements represent a huge step backward from those that are contained in current U.S. unilateral programs, including GSP,

CBTPA, and the ATPDEA, inadequate as they have been in securing advances on worker rights in countries receiving these benefits. The arguments about the need for the global trading system to ensure compliance with international standards are not unique to the area of labor rights. Regardless, there is little point in repeating the arguments that you know so well.

What we would like to do, however, is underscore in the strongest possible terms the degree to which neither Ecuador nor Colombia should be eligible for a FTA given current conditions. It is ironic (to use one word) that the Administration is initiating negotiations for a trade agreement with Ecuador even while the country is under an ATPDEA worker rights review for failing to take adequate steps to address worker rights concerns, despite nearly two-years of high-level interventions from USTR, the DOL and the State Department to address violence against trade unionists, a labor code that is substantially short of ILO conventions, and child labor violations. Over 35 members of Congress have just signed a letter arguing that the time is just about up for Ecuador, and current trade benefits should be suspended. Initiating an FTA with Ecuador after it has consistently failed to honor commitments to the U.S. government to take meaningful steps to improve worker rights protections is contradictory at best.

As for Colombia, one cannot find the words to express adequately how appalling it is to contemplate trade negotiations with a country which for years has seen more trade unionists murdered than in all other countries in the world combined. Any expressed commitment to worker rights in trade agreements is meaningless when you initiate negotiations with the world's number one killer of trade unionists. True, the government of Colombia is not responsible for all of these killings, although there are credible grounds for linkages between the Colombian military and the paramilitary groups that have been responsible for the majority of murders of trade union killings. But the government is responsible for the rule of law, and here the failure rate is astronomical. More than 2,000 trade unionists have been murdered in Colombia since 1991; 400 were killed in 2001 and 2002 and nearly another 100 last year. Yet virtually no one is behind bars for any of these killings. Indeed, the State Department's just-released 2003 Human Rights report is unable to identify a single conviction last year for the murder of a trade unionist, despite thousands of cases from which to choose. Over 99% of these murders have not been prosecuted. What in the world is the U.S. doing negotiating a "free" trade agreement with a country in which successive governments have demonstrated a commitment to maintaining a culture of total impunity with respect to thousands of murders of trade unionists? It is hard to think of a country in which the most basic of worker rights—the right to life—is more egregiously violated.

It would not be sufficient for a FTA, but it should certainly be necessary that the government of Colombia demonstrate meaningful progress in ending impunity for at least a fraction of the murders of trade unionists over the past decade. Acceptable trade agreements cannot be built on a culture and practice of total impunity. There are other important worker rights violations in Colombia that need addressing, including a labor code that is short of ILO conventions. But if the rule of law cannot even be applied to the outright murders of trade unionists, how can we expect respect for core labor rights?