



Central Unitaria de Trabajadores



Confederación General del Trabajo



Confederación de Trabajadores de Colombia



Confederación de Pensionados de Colombia

Bogotá, November 19, 2007

Honorable Senators and Representatives
Congress of the United States of America
Washington, D.C.

In the framework of the debate in the respective congresses around the ratification of the Free Trade Agreement between Colombia and the United States, the Administration of Alvaro Uribe Vélez has spread the idea in governmental circles in the United States that the Colombian union movement is divided and that "a majority" sector supports the TLC. In this document, we will demonstrate that this idea does not reflect the reality of the Colombian union movement.

1. The Unitary Workers Central (CUT), the General Labor Confederation (CGT), the Confederation of Colombian Workers (CTC), and the Confederation of Colombian Pensioners (CPC), represent unions throughout the country, found in the public and private sectors and in all branches of the national economy. These three national centers and the CPC represent a wide majority of the workers organized in our country and act in unison to confront the problems and central issues of our national life.

The national centers also have spaces for coordination and joint operation like the National Unified Command and the Grand Democratic Coalition, in which the principal policy positions for union activity in the country are generated.

2. The official position of the Colombian trade union national centers and the CPC regarding the Free Trade Agreement (FTA) is one of total opposition, as has been expressed in innumerable documents from the moment the negotiations were initiated in May of 2004 in Cartagena.

The workers have many solid reasons to reject this trade agreement, but the principal reason is that the enormous asymmetry between the economies of Colombia and the United States does not allow for a balanced commercial exchange. We anticipate that with the disappearance of tariffs and the elimination of investment requirements, North American goods and services will easily flood our market.

As a consequence, this will bring the closing of national companies, the liquidation of our farm production that will be unable to compete with highly subsidized agricultural products, an increase in the rate of unemployment, an increase in the level of poverty in the cities as well as in the countryside, and the danger that with the increase in rural poverty, farmers will dedicate themselves to the cultivation of illicit crops as the only way to subsist.

3. The government and business owners continue imposing labor intermediation (subcontracting), like associated work cooperatives (CTA) and other forms of hiring that fail to

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recognize and/or restrict individual and collective workers' rights. These employment forms violate the international conventions of the ILO and the Tripartite Agreement between Colombian unions, employers and the government.

4. In Colombia, the rights of workers and unions are violated in several ways:

4.1. The government and the employers apply in a systematic way an expressed antiunion policy through the deepening of labor flexibilization, the privatization of state enterprises, the massive dismissal of workers without just cause (and with the endorsement of the Ministry of the Social Protection); and the failure to recognize the rights of free association and collective bargaining. During 2006, just over 60,000 workers, of an economically active population of twenty million, were able to benefit from exercise of collective bargaining.

The objective of this policy is to continue weakening the union movement, which violates the National Constitution, the international conventions of the ILO ratified by Colombia and the Tripartite Agreement signed during the 2006 ILO Conference.

4.2. A clear persecution against the union movement exists, which is manifested in the murder of union leaders and activists. This year, a total of 31 unionists have been assassinated and in the last twenty years the total reached 2,535 assassinated. Although the average of murders per year has been reduced in relation to the worst times in the 90s, there has been an increase in other forms of intimidation such as death threats against unionists and their relatives. We continue to experience a climate of insecurity with respect to the exercise of labor rights, with risk levels as high as any we have experienced in the last 15 years.

4.3. In spite of the government's agreements with the paramilitary groups within the framework of the *Justice and Peace Law*, such groups continue their activities, in some cases under new names such as the "Black Eagles." In many cases, the reinserted paramilitaries have returned to their criminal activities, under the direction of their same leaders who, in spite of being in jail, continue issuing orders for the perpetration of crimes.

A clear example of the survival of the paramilitary groups and their influence in the political activity of this country, known as "para-politics," is the analysis by the newspaper "El Tiempo," the most influential paper of Colombia, made the day after made the regional elections in which Colombians chose the chief executives of the departments (governors), of the municipalities (mayors), and of the councils at the same administrative levels (departmental assemblies, municipal councils and local administrative boards).

El Tiempo stated in an article from October 29, 2007 entitled, "The Parties Gleeefully Count Numbers": "In contrast, the parties affected by the para-political scandal increased their

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zones of influence. Only Colombia Viva obtained a negative result.” Further, “Citizen Convergence, for example, lost in Santander, its stronghold, but gained the government of Amazonas, an important border corridor, and it almost gained the Mayorship of Leticia. But the most surprising result of this party is that it went from 21 mayorships in 2003 to 72. In fact, they expected that they would only gain 55. As far as the assemblies, Citizen Convergence, the party of the controversial ex- senator Luis Alberto Gil, went from 7 deputies to 25.”

“In the case of Colombia Democratica, of Mario Uribe and Alvaro Garcia, the party went from 35 to 34 mayorships and from 19 to 14 deputies.” This is to say that they maintained their position. The article continued, “Alas-Equipo Colombia, the party that helped to create Alvaro Araujo, with Luis Alfredo Ramos, went from 83 mayorships to 68 and from 21 deputies to 68, for which one could say that they maintained their power.”

“Also, with regard to Apertura Liberal, it increased its representation in local power in a surprising and interesting way: from 24 to 37 mayorships and from 10 to 15 deputies.” It is important to note that the ex-congressmen mentioned in the El Tiempo article (Luis Alberto Gil, Alvaro Garcia, Mario Uribe, Alvaro Araujo) are all facing prosecution for participation in “para-politics” and some of them are in jail.

4.4. Impunity regarding the murders of unionists has remained at the same high level as before, that is to say, no criminal authors have been sentenced in about 99% of the cases. Indeed, the Uribe Administration has made some slight movement and designated a few special public prosecutors only as a result of the demands from U.S. members of congress, who have made it a requirement for considering the possibility of ratifying the FTA.

4.5. The protection program for union leaders that the government developed years ago continues to have problems.

4.6. The office of the ILO, which was established in Colombia to follow-up on complaints from the labor movement on the constant violation of labor rights of Colombian workers, does not have the necessary support in economic terms, or in the number of personnel to attend to the enormous number of worker complaints.

5. Colombian legislation is not compliant with the ILO Conventions, as we explained in the last report sent to the meeting of the Commission of Administration that took place on November 15-16, 2007.

In addition, the Colombian government has continued to implement new laws and regulations that obviously violate principles established in the international treaties that the government has signed, as happened in the recent resolution of the Ministry of Social Protection (which is in charge of the issues of the now defunct Ministry of Labor). Resolution 1651 of May 24, 2007

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imposes a series of requirements on union organizations, in addition to the ones that already exist, in order to obtain a union registration. This constitutes a restriction on freedom of association, which is consecrated in ILO Convention 87.

6. Within the strategy to obtain the ratification of the FTA, the Colombian government in the last few months has financed the travel of small delegations of Colombian citizens to Washington to lobby U.S. congressmen, presenting them as if they represented the sentiment of the Colombian people. Within those delegations, the government has presented a group of unionists and "union advisers" who have a favorable position toward the FTA. Concerning this, we must explain that those delegations do not represent the Colombian labor movement, but only a very small part of it. The organizations represented there do not amount to more than a dozen and constitute no more than 0.1% of the unions. The number of workers affiliated to these unions is only around 15,000.

Therefore, they can speak only for themselves and not for the totality of the Colombian labor movement, which, as we have expressed in this letter, rejects the FTA. We ask the U.S. Congress that the agreement not be ratified for the reasons that we have expressed here.

To the honorable Senators and Representatives, with all respect,

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APECIDES ALVIS FERNANDEZ
President CTC

JESUS ERNESTO MENDOZA
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