



EUROPEAN COMMISSION

Directorate-General for Trade

Directorate C – Trade relations with Asia and Latin America
Trade relations with Latin America

Head of Unit

09 JAN. 2012

Brussels,

TRADE/C-3/MM (2012) SN21951

Ms Véronique Coteur

info@stopthekillings.be

Dear Ms Coteur,

On behalf of Commissioner De Gucht, I would like to thank you for your e-mail of 1 December 2011 regarding the EU's Trade Agreements.

The European Commission is aware that the human and labour rights situations in countries such as Colombia or Guatemala remain far from perfect. In the case of Colombia, more than five decades of internal conflict and terrorism, drug-trafficking and organised crime have resulted in a heavy legacy in terms of violations of human rights and humanitarian law. As mentioned in your letter, attacks on and murders of members of vulnerable parts of the population, such as trade unionists, but also human rights defenders, indigenous people and Afro-Colombians, as well as political and social leaders of all stripes, continue to happen. The authors of these crimes are mostly members of illegal armed groups, be it leftist guerrillas, paramilitary formations or narco-traffickers. In some cases, rogue state agents have also been implicated.

This being said, the Colombian Government and society are actively engaging to address this legacy of the conflict. The government of President Santos has deployed considerable efforts to bring justice to the victims of this violence, to enhance protection measures for individuals and to prevent further occurrences of this kind. Bogotá has made the effort to reach out to human rights defenders and civil society in general to reinforce such measures in favour of vulnerable parts of the population. The government has also responded to the shocking cases of extrajudicial executions by state agents by changing the rules of engagement for the fight against illegal armed groups, stepping up human rights training for the armed forces. In addition, the Santos government has launched a series of ambitious reform initiatives that, if successful, hold out the potential of creating the basis for durable peace in the Colombian conflict. These reforms include the adoption of a law on victims and land restitution that places the victims of the conflict at the centre of public policies (this has entered into force on 1 January 2012), and the launch of a far-reaching reform of the justice system that is, inter alia, aimed at combating impunity. The Colombian Government is also ready to engage with the EU and the international community on human rights issues and is open to exchanges and suggestions on measures that can be taken to improve the human rights situation.

Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1049 Brussel - Belgium. Telephone: (32-2) 299 11 11. Office: CHAR 08/208. Telephone: direct line (32-2) 299 26 82. Fax: (32-2) 297 96 01.

E-mail: Gaspar.Frontini@ec.europa.eu

In my opinion, the EU would be overlooking its responsibility if it were to ignore this process and walk away from the enhanced economic partnership that it has proposed to establish with all its Andean partners and with Colombia in particular. I see no better way of addressing our fundamental responsibility to support the transition of this country from a culture of conflict and violence to a society respectful of human rights than by combining the effects of sustained political and human rights dialogues and contributing to the development of a society of entrepreneurship and legal stability via the conclusion of an ambitious Trade Agreement. The same applies to the EU's relations with Guatemala in the framework of the Association Agreement with Central America.

In this context, I strongly differ with your claims that the conclusion of a trade agreement will aggravate human rights problems in the countries concerned and lead to a deterioration in their social and economic conditions. I also disagree with the notion that the EU does not take into account its trading partners' level of development.

The EU is in no way handing out blank checks. The Agreement with Colombia and Peru and the Association Agreement with Central America provide the EU with a means to question and act in case of non-respect of human rights, through the Agreements' robust and unilaterally enforceable human rights clauses. The Agreements also contain chapters on sustainable development that commit partner countries to effectively implement core labour and environmental conventions, and include provisions to involve civil society. These elements will be effective mechanisms to hold the Colombian and Guatemalan governments, in particular, to their commitments on matters of human and labour rights.

These Agreements are an important component of our approach to secure the respect for democratic principles and fundamental human rights. I remain convinced that, in the case of countries such as Colombia and Guatemala, an EU policy of engagement and dialogue, combined with scrutiny mechanisms, is the best way to further these vital priorities, rather than actions aiming at isolation and coercion.

With regard to your question on the legal nature of the above-mentioned Agreements, I can inform you that both of them are considered to cover shared competences and will therefore be submitted to all the Parliaments of the EU Member States.

Yours sincerely,



Gaspar FRONTINI

C.c.: Mr Karel De Gucht