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**JOINT DECLARATION OF THE ADVISORY GROUPS**

**FROM THE EU, COLOMBIA, PERU AND ECUADOR**

(Set up[[1]](#footnote-1) to monitor the implementation of Title IX on Trade and Sustainable Development of the EU-Colombia, Peru and Ecuador Trade Agreement)

Ecuador, 11 December 2018

The representatives of the advisory groups from the European Union, Colombia, Peru and Ecuador met on 11 December 2018 to discuss the implementation of Title IX on Trade and Sustainable Development of the EU-Colombia, Peru and Ecuador Multiparty Trade Agreement.

**Background**

The representatives:

note that the agreement was intended to ensure for the signatory Andean countries greater supply and export diversification with more added value and technological transformation, in addition to greater diversification in European businesses’ investments. While, in general, some studies have suggested that the FTA has had a stabilising effect on trade between its Parties and has led to a relative diversification of exports from Colombia and Peru, we point out that these pledges are not reflected in the official figures, where, on the contrary, there is a growing deficit in trade with the EU owing to the concentration of primary products among the signatory Andean countries’ exports;

call for more institutional support from the governments of Colombia, Peru and Ecuador for increasing the share of products from micro, small and medium-sized Colombian, Peruvian and Ecuadorian producers on the European market;

moreover, call on the institutions of all Parties to work for better follow-up and responses from the agreement authorities with regard to the conclusions drawn up by the civil society organisations from the European Union, Colombia and Peru at the 2016 and 2017 meetings, and stress their concern at this situation;

reiterate the importance of reviewing the suitability and relevance of, monitoring, and ensuring proper enforcement of the roadmaps on human, environmental and labour rights drafted beforehand at the request of the European Parliament, or if necessary through action plans agreed after the signing of the trade agreement. In addition, they note the lack of tangible results, and even backsliding, in relation to the commitments set out in Title IX, and the need to address the main issues that are of shared concern to the domestic advisory groups from Peru, Colombia, Ecuador and the EU:

**Respect for labour standards and the conventions of the International Labour Organization (ILO)**

# stress their concern at the job insecurity seen in Peru, Colombia and Ecuador resulting from the high level of informal and vulnerable employment situations, the weakness of labour inspection and justice systems and the factors that threaten freedom of association and collective bargaining;

# point out the importance of all Parties ensuring respect for and effective application of labour standards in their laws and practices, including freedom of association, as set out in the ILO core conventions and the recommendations of its supervisory bodies. in this connection, express their concern at the changes in regulations in the area of labour adopted by Ecuador, which are in conflict with the provisions of Title IX, Article 277 of the agreement;

# express concern at the failure to apply laws as well as legislative changes in Peru that have diminished the level of labour protection in the country with the aim of promoting investment, as set out in Commissioner Cecilia Malmström's roadmap of 30 July 2018. This is considered to be contrary to the provisions of Article 277 of Title IX on Trade and Sustainable Development of the EU-Peru, Colombia and Ecuador Trade Agreement;

# are also concerned about employment conditions, especially in companies connected with export activities, which have a detrimental effect in terms of workers’ health and safety, the low quality of their jobs and income, and the diminished scope for exercising their right to organise and collective bargaining;

# call on the Parties to respect, protect and secure the rights of migrant workers and their families in accordance with the provisions of Title IX, Article 276 and in line with ILO Conventions 97 and 143 and the provisions of the relevant UN Convention;

**Respect for human rights**

# expressed dissatisfaction with the lack of guarantee that their legislation would effectively be implemented in terms of the protection of human rights in Colombia, Peru and Ecuador. In this regard, the participants express their concern at the murders of social leaders, indigenous leaders and members of political and social movements in the last five years in Colombia and Peru since the FTA came into force. They also point to the lack of guarantees with regard to participation in social protests;

# are greatly concerned at the violent repression of social leaders in the Andean countries, particularly in Columbia, following the signing of the Havana agreements, as systematic murders of social leaders have increased. Similarly, in the case of the Bagua massacre in Peru, the legal persecution of leaders and indigenous communities concerned is still ongoing;

**Respect for environmental standards**

# emphasise, once again, that practices encouraging trade and investment by lowering levels of protection granted by environmental and labour laws are not acceptable. In this connection they point to the laws governing access to the land and territories of indigenous peoples and peoples of African descent, respect for indigenous peoples' right to be consulted and the careful use of natural resources and the environment, including water resources;

# reiterate, in this context, their concern regarding the negative effects of legislation which has altered environmental management and lowered the level of environmental protection in order to promote investment in Peru and Colombia[[2]](#footnote-2);

# welcome the ratification by Peru and Ecuador of the Paris Agreement and the Minamata Convention, and stress the importance of Colombia also making progress in the ratification process. The participants underline the vital importance of these agreements and of the Convention on Biological Diversity signed by all of the Parties to the agreement, along with the need to adapt their trade policies to tackle climate change, biopiracy, biodiversity loss and protecting forests and the fisheries sector from unsustainable practices;

# underline the need to deliver on the United Nations Sustainable Development Goals and the 2030 Agenda and pay heed to the requirements laid down in their respective regional systems for safeguarding environmental human rights, calling also for impact assessments to be drafted on agreements intended to implement them and additional measures to be adopted to help achieve them. They stress the need for an assessment of the services offered by EU businesses in the areas of energy and water supply and waste management. To this end, the DAGs are at the disposal of the Parties to actively contribute to this assessment;

**Access to markets, situation of small producers, MSMEs and consumers**

# call on the Parties to adopt measures to facilitate access to information about trade opportunities provided by the agreement, market access, rules to be complied with, financial resources, available technical assistance, good practices, etc., particularly for micro-, small and medium-sized companies;

# call on the Parties to uphold sustainable development and trade terms which, in addition to respecting labour and environmental variables, are based on fair product prices. Similarly, they stress the need to increase investment flows in order to reduce the technological lag in some production sectors, and call for a working agenda to be defined to address the issues affecting trade between the Parties in greater depth;

# call on the Parties to promote corporate social responsibility, research, innovation, education and training, good production and investment practices and sustainable land use, while respecting the mechanisms for free and informed prior consultation within the framework of the trade agreement;

# call on the Parties to examine the possible negative impact on the human, social and environmental rights and rights of nature of the most vulnerable populations and sectors, and to adopt appropriate prevention and mitigation measures where necessary. This applies particularly to small and other farmers, micro, small and medium-sized producers, fishermen and artisanal gatherers and rural populations, and indigenous peoples and peoples of African descent;

# call on the Parties to take appropriate measures to prevent, investigate and punish acts of corruption linked to investment and trade;

**Civil society participation**

# consider it essential for States to ensure that an informed, timely, inclusive and transparent public debate takes place on the questions raised here in relation to compliance with Title IX of the trade agreement with the European Union on Trade and Sustainable Development, compiling a consolidated record of the results achieved to date on economic, social and environmental issues and human rights;

# consider it crucial, as in previous years, that protocols with recommendations be drawn up which, based on this record, allow Title IX on Trade and Sustainable Development to be implemented properly and the respective monitoring mechanisms to be used, with particular focus on the requests presented to Peru and Colombia;

# point out that labour, environmental and sustainable development issues should not be isolated from the implementation of Article 281 of the agreement concerning the establishment, composition and role of civil society consultative mechanisms;

# therefore also call for commitment and support from the Parties with regard to the functioning of the civil society domestic advisory groups and their meetings, so that they are able to meet and issue their joint recommendations in full dialogue with the signatories to the agreement, and

# draw attention to the fact that that the points made in this declaration have been expressed since 2014. Moreover, they consider it necessary to establish mechanisms that enable the effective participation of civil society in our countries and in the annual meetings to be developed, creating the conditions for genuine dialogue. They call on the Parties to follow up on the comments made in this Declaration and adopt effective measures in response[[3]](#footnote-3).

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1. Recognition of the domestic advisory groups (DAGs) by the authorities varies from one country to another. [↑](#footnote-ref-1)
2. As examined in the European Implementation Assessment of the trade pillar of the trade agreement between the European Union and Colombia and Peru, 2018 – European Parliamentary Research Service. [↑](#footnote-ref-2)
3. The employers’ sections of the Columbia and Ecuador advisory groups do not endorse this Declaration. [↑](#footnote-ref-3)