



Summary of the discussion and key messages of civil society representatives and participants¹ from the EU, Colombia and Peru (Trade and Sustainable Development Title of the EU-Colombia and Peru Trade Agreement)

Brussels-Lima-Bogotá, 7 December 2016

Civil society representatives from the European Union, Colombia and Peru met via video conference on 7 December 2016 for a discussion on implementing the Trade and Sustainable Development Title of the EU-Colombia and Peru multipartite trade agreement.

Respect for labour standards, including the conventions of the International Labour Organization (ILO)

The participants from Peru expressed their concern about the failure to apply the laws, as well as recent legislative changes that had diminished the level of labour protection in the country with the aim of promoting investment. This was considered to be contrary to the provisions of Article 277 of the Trade and Sustainable Development Title of the EU-Colombia and Peru Trade Agreement.

The participants from Colombia recalled the importance of ensuring that the state fulfilled its commitments with regard to its internal procedures, as set out in the 2012/2628 road map.

With this in mind, the participants reminded those present that all parties needed to ensure respect for and effective implementation of the laws and practices regarding labour standards, including freedom of association, as set out in the core ILO conventions and the recommendations of its supervisory bodies.

The participants also highlighted the need to combat impunity for violations of human and labour rights, as well as the criminalisation of social protest.

¹

The Employers' Group is in the process of carrying out an internal consultation to determine the official delegates of the Colombian Domestic Advisory Group.

Respect for human rights

The participants mentioned Article 1 of the trade agreement, under which the respect for democratic principles and fundamental human rights, as laid down in the Universal Declaration of Human Rights, as well as the principle of the rule of law, underpinned the parties' internal and international policies. Respect for these principles formed an essential element of the agreement and, therefore, the parties were asked to consider this the main focus of their activities.

Respect for environmental standards

The participants from Peru expressed their concern about the legislative, institutional and managerial changes that had taken place with the aim of promoting investment. These changes had diminished the level of environmental protection in Peru and had had a negative impact on the collective rights of indigenous peoples, including their rights over their territories. With this in mind, the physical consolidation and titling of indigenous territories and rural communities needed to be completed urgently, while ensuring respect for the inhabitants' collective rights.

The participants from Colombia stressed the importance of ensuring that the state moved ahead with the ratification of the Paris Agreement and the Minamata Convention.

The participants also stressed the importance of effectively implementing ILO Convention 169 on Indigenous and Tribal Peoples.

The participants recalled that, under the agreement, the parties were obliged to ensure that the laws were applied effectively. In addition, they were not allowed to reduce the level of environmental protection in order to attract trade or investment. The participants from Peru stated that, for this reason, the state needed to repeal or amend those rules that weakened the environmental regulatory framework, and called for the repeal of Article 19 of Law No 30230, which diminished protection for the social and natural environment and encouraged an increase in environmental infringements by companies, as the Peruvian environmental evaluation and audit body had itself acknowledged; they also requested the repeal of those instruments that were responsible for social conflicts.

Likewise, the representatives from Peru expressed their concern about the introduction of laws criminalising protests, the impact of which was primarily felt by people who advocated for the protection of these environmental rights.

Transparency

The participants from the EU emphasised the need for governments to put in place transparent processes with regard to citizens' participation in and consultation with civil society on draft laws and policies, including those aimed at promoting investment. They repeated the request for an open dialogue to be established at all stages of the negotiation and implementation of trade and investment agreements, and for an analysis of their impact to be carried out.

The participants addressed themselves to the parties with the request that government policies, standards and laws be subject to a prior consultation process and dialogue with representatives of civil society, indigenous peoples and organisations within the framework of ILO Convention No 169.

They considered it essential for states to ensure that, in accordance with Article 277 of the Trade and Sustainable Development Title of the EU-Peru-Colombia Trade Agreement, a public debate took place that was informed, timely, inclusive and transparent with regard to any rules amending the environmental and labour regulatory framework and involving changes to the level of environmental and labour protection.

Access to markets, situation of small producers and SMEs

The participants emphasised the importance of promoting sustainability across all three dimensions (economic, social and environmental) in all policies, including industrial and agricultural policy, which implied decent work and sustainable enterprises.

In order to ensure that the trade agreement contributed to the sustainable development of the EU, Colombia and Peru, the participants decided to ask the parties to:

- facilitate access to information about trade opportunities provided by the agreement, market access, rules to be complied with, financial resources, available technical assistance, best practices, etc., particularly for small producers, food processors and SMEs;

- ensure proper monitoring of the implementation of the trade agreement and, in all cases, take appropriate and timely action to prevent or alleviate imbalances and potential negative impacts on living and working conditions, particularly for farmers, small and medium-sized producers, people in rural areas and indigenous people and Afro-descendants;
- encourage cooperation between customs administrations and agreements between regulatory authorities in order to overcome technical barriers to trade and move forward with certification to achieve good market access;
- guarantee sustainable production and market conditions for communities that were committed to stopping the cultivation of illegal crops.

The participation of civil society in implementing the agreement

The participants discussed the provisions of Article 281 of the agreement concerning the establishment, composition and role of civil society consultative mechanisms, known as domestic advisory groups (DAGs) in relation to labour, environmental and sustainable development issues. According to the participants, all these aspects needed to be considered from the point of view of the trade agreement and its contribution to trade between the parties and to sustainable development in all of its three dimensions.

They regarded the joint meetings between the civil society representatives (and DAGs) from the EU, Colombia and Peru as forming a necessary framework for formal, in-depth discussions enabling them to express joint positions and recommendations on issues related to the implementation of the Trade and Sustainable Development Title.

In this sense, they would appreciate the parties' support in the functioning of the civil society DAGs and in the conduct of their meetings. They called on the parties to ensure that the DAGs from all parties were able to meet at least twice a year and provide their joint recommendations in full dialogue with the parties to the agreement.

The participants decided to notify the Subcommittee on Trade and Sustainable Development of the following requests:

- that the governments of Colombia and Peru acknowledge the status of civil society bodies acting as DAGs as official interlocutors, and enable them to operate; these measures should permit the DAGs to effectively fulfil the requirements laid down in the agreement;

- that the contact people for each of the DAGs within the civil society of Colombia and Peru be identified, and that this information be shared with the other groups in both countries as well as with the EU in order to facilitate the preparation of joint meetings and the sharing of information and documents between the groups;
- that the parties adopt all appropriate measures and provide the financial resources to strengthen the capacities of the DAGs in order to facilitate greater participation in the annual meetings (the joint meetings of the DAGs and the open session with the Trade and Sustainable Development Sub-Committee) as well as to strengthen the ability of civil society to participate fully in the process of monitoring the implementation of the agreement.

The participants from civil society indicated that was important to increasingly monitor the concerns that had been reiterated during the meeting and, with this in mind, asked the governments to monitor these concerns and inform civil society of any actions undertaken in this regard.

The participants stated their readiness to cooperate with the parties on these issues.

The participants agreed to remain in contact and cooperate with each other in the coming months in order to prepare the annual meetings to be held in 2017, as well as other events in connection with the Title.
