



Houses of the
Oireachtas
Tithe an Oireachtais

An Comhchoiste um Poist, Fiontar agus Nuálaíocht

**An Cion Polaitiúil maidir leis an Togra le haghaidh Cinneadh ón
gComhairle ar chríochnú an Chomhaontaithe Trádála idir an
tAontas Eorpach agus an Cholóim agus Peiriú**

Nollaig 2014

Joint Committee on Jobs, Enterprise and Innovation

**Political Contribution on the Proposal for a Council Decision on the
conclusion of the Trade Agreement between the European Union
and Colombia and Peru**

December 2014

31 JEI 011

Political Contribution from the Oireachtas Joint Committee on Jobs, Enterprise and innovation regarding: Com(2011)569 Proposal for a COUNCIL DECISION on the conclusion of the Trade Agreement between the European Union and Colombia and Peru

Dublin, 02/12/2014.

Introduction

The Joint Committee on Jobs, Enterprise and Innovation has expressed concerns regarding the substantive issue of human rights abuses in Colombia. These concerns relate to workers' rights and the reported repression of trade unions and their members. These abuses were formally notified to the Committee at its meeting on 13th of May 2014 in a Joint Agency Submission¹. The Committee also notes the reports on this topic heard by the Joint Committee on Foreign Affairs and Trade at its meeting on the 22nd of October 2014² in addition to reports published by Human Rights organisations elsewhere.³

Opinion of the Oireachtas Joint Committee on Jobs, Enterprise and Innovation

The Committee is of the opinion that the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, does not provide a monitoring mechanism sufficient for the protection of human rights. The Committee is concerned that calling "on the Andean countries to ensure the establishment of a transparent and binding road map to ensure labour, human rights and environmental protection"⁴ is insufficient; in the absence of robust monitoring and enforcement mechanisms, human rights cannot be proven to be protected.

It is the opinion of this Committee that the Trade Agreement in its present form fails to provide for monitoring of the human rights clause and thus presumes protection of human rights rather than proves their protection. The Committee finds that the provisional application and potential ratification of this Trade Agreement could be interpreted as condoning reported ongoing abuses.⁵

¹Ibid.

² Meeting of the Joint Committee on Foreign Affairs and Trade 22/10/2014. *Situation in Colombia: ICTU*. Available at: <http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/FOJ2014102200001?opendocument> [Downloaded: 13/11/2014]

³ Amnesty International. (2014) *Colombia: Further Information: Mass Death Threats to Defenders Continue*. Available at: <http://www.amnesty.org/en/library/info/AMR23/033/2014/en> [Downloaded: 13/11/2014].

⁴ *European Parliament Resolution of 13 June 2012 on the EU trade agreement with Colombia and Peru (2012/2628(RSP))* Available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0249+0+DOC+XML+V0//EN> [Downloaded: 13/11/2014 at].

⁵ Directorate-General for External Policies of the Union: Policy Department. *The European Parliament's Role in Relation to Human Rights in Trade and Investment Agreements*. Available at: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/433751/EXPO-JOIN_ET\(2014\)433751_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/433751/EXPO-JOIN_ET(2014)433751_EN.pdf) [Downloaded: 13/11/2014].

CONCLUSIONS

1. The Committee is concerned that the Trade Agreement in question, in its current form, has reportedly done little or nothing to curb human rights abuses in Colombia despite its provisional application with Colombia since the 1st of August 2013. The Committee firmly believes that participation in this Trade Agreement provides little or no incentive to Colombia to rectify the current position and fails to prove the protection of human rights.
2. The Committee endorses the recommendation in *The European Parliament's Role in Relation to Human Rights in Trade and Investment Agreements* that "All agreements containing human rights clauses should provide for permanent human rights committees with a mandate to monitor the implementation of the parties' obligations, as set out in the respective essential elements clause."⁶
3. The Committee notes that reasons for hope exist as outlined in the *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia*⁷. In order to ensure that the human rights situation improves and that these hopes become realities, the Committee advocates guaranteed monitoring of human rights in any and all Free Trade Agreements with states that do not meet the envisaged standards with regard to protection of human rights at the outset of the respective agreement.

Marcella Corcoran Kennedy T.D.

Marcella Corcoran Kennedy, T.D.,
Chair,
Joint Committee on Jobs, Enterprise and Innovation,
2 December 2014.

⁶ *Ibid* at p.24.

⁷ Addendum - *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia*, A/HRC/25/19/Add.3 (2014) Available at: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Pages/ListReports.aspx> [Downloaded: 13/11/2014].