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Chair

Mr. Lee Richardson

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•(1110)

[English]

The Chair (Mr. Lee Richardson (Calgary Centre, CPC)): Welcome to the 38th meeting of the Standing Committee on International Trade. We're continuing our discussion of Canada-South America trade relations, with particular reference to Canada and Colombia.

Today we're pleased to have as a witness, from the Proceso de Comunidades Negras, Carlos Rosero, who is a member of their national coordination team. We also have, from the University of the Andes in Bogota, Faculty of Economics, Professor and Researcher Daniel Mejía.

Thank you both for coming. I think this will be an interesting session. As we continue our review of Canada-Colombia relations, much of the discussion has centred on a potential free trade agreement with Colombia. We will begin right away. We're going to ask each of our witnesses to give an opening statement of ten minutes or less.

It's my understanding that Mr. Rosero will be presenting in Spanish, so let's get our earphones on and go to channel 3.

Mr. Rosero.

Mr. Carlos Rosero (Member, National Coordination Team, Proceso de Comunidades Negras): [*Translation from Spanish*]

Good day. Thank you all for giving us the opportunity to describe the reality in which our communities in Colombia exist.

Our organization has been working for the rights of Afro-Colombians for over 15 years. Therefore, we are delighted to talk about the results of our efforts and about our relationship with indigenous peoples, with whom we share certain territories.

In Colombia, the rights of Afro-Colombians have been recognized by the national constitution since 1991, under Law 70 of 1993, and under ILO Convention 169, ratified in Colombia in 1991 by Law 21. Generally speaking, our rights are in regard to land, identity, political participation, and development, and they are supposed to guarantee free, prior, and informed consultation and consent of communities pursuant to articles 6, 7, and 15 of ILO Convention 169.

Our experience shows that in the process that is currently being implemented by the Canada Colombia Free Trade Agreement, the right to prior consultation of our communities, which, as I have said, is guaranteed under ILO Convention 169, is neither considered nor respected.

In addition, in 2001 the process of amending the Colombian mining code was completed, and it culminated in the adoption of a law that is still being enforced. The amendment was made with economic and, we believe, technical support from the Canadian International Development Agency. Under this law, which was amended and has been in force since 2001, in a region such as northern Cauca, where we have worked and where mostly black and indigenous populations are living, 30 mineral titles were recently granted. All of these titles were granted without free, prior, and informed consultation and without the consent of our communities. I am talking about the municipalities of Suárez, Morales, and Buenos Aires, which are located southwest of Bogota, Colombia's capital.

•(1115)

On October 22, 2009, the new generation of the Black Eagles sent a document to the Unified Workers Confederation of Valle del Cauca in which they threaten a number of organizations and prominent figures in the northern Cauca region. They justify their warnings as follows: first, they are against policies proposed by the president of the republic; second, they oppose the movement of companies into the northern Cauca region.

On November 13, 2009, that is, two weeks after the threats were made, the body of a murdered indigenous person and several injured members of the municipal council of Cerro Tijeras were discovered on a road in the municipalities of Morales and Suárez. The victim had been the target of threats, as I mentioned earlier. The indigenous person lived in the Damián sector. Cerro Damián is one of the places that, according to local settlers, falls under the mining title granted to Cosigo, a Canadian company. This is proof that threats made by the paramilitary group may be carried out, resulting not only in death but also in the displacement of our communities.

With regard to forced displacements, since indigenous peoples and Afro-Colombians are granted special rights and have also had more internal armed conflicts than any other ethnic group, in 2009, the constitutional court provided the government with a set of orders for protecting the rights of Afro-Colombians. The orders are related to plans for protecting collective territories, to management plans for helping displaced populations, and to the creation of an ethnic structure for protecting the territorial and heritage property of Afro-Colombians. They are also related to the plan for qualifying the situation of various territories belonging to our population, regardless of these territories' legal status.

For the first time ever in Colombia, Order 005 has enabled us to realize that the implementation of agro-industrial and mining projects is one of the reasons for the displacement of communities within the country.

Until now, the Colombian government has not respected the recommendations or the decisions of the constitutional court regarding the issue at hand.

We know that thus far our rights are not sufficiently guaranteed in the Canada-Colombia Free Trade Agreement, in particular because the right to free, prior, and informed consultation and consent of communities has not been properly exercised.

Consequently, since our talks with Canada are said to be extremely successful and have produced a set of recommendations, of which a number seem innovative, we are asking you to suspend the process of approving and implementing the Canada-Colombia Free Trade Agreement until the recommendations made by Canada are carried out, especially with regard to the assessment and the implementation of the findings of an impact study on human rights.

In addition, we believe the process should be suspended until the Canadian Parliament and government have made sure that, first, Colombia is respecting rights, and second, our right to free, prior, and informed consultation and consent is duly protected. When I say "our right", I mean that of black communities' indigenous peoples. Measures must also be taken to protect the economic, social, political, and cultural rights of our population.

In conclusion, I believe this committee could invite other representatives of indigenous and rural Afro-Colombian communities, as well as union leaders, to come here and voice, in their own words, all of their concerns and describe the reality of their situation. They could also explain how they would be affected by the completion and the implementation of an agreement such as the one currently under review.

Thank you.

• (1120)

The Chair: Thank you, Mr. Rosero.

Now we will turn to Professor Mejía.

Professor Daniel Mejía (Professor and Researcher, Faculty of Economics, Los Andes University, Bogota, Colombia, As an Individual): Thank you, Mr. Chairman.

Thank you to the committee for the invitation to share with you the results of the research project that I've been involved with over this past year.

Basically, what we want to do through this project is to bring the numbers and to take them seriously. I have to say that all of the numbers I will be referring to are the numbers from the unions' NGO. In a sense, this bulletproofs the paper against any criticism of the source that we used to derive all of our results.

The debate about violence against union members, as you know, has been at the centre of a debate for the last few years.

Let me read a quote from a U.S. NGO:

Most of the violence against trade unionists is a result of the victims' normal union activities.

While the Colombian government claims that most of the violence against trade unions is a byproduct of the armed conflict, the Escuela Nacional Sindical (ENS), a respected NGO that provides training and support to the Colombian labor

movement, says that the majority of the anti-union violence that takes place in Colombia is in response to the victims' normal union activities....

These are claims that we are going to test, using the evidence from the unions' NGO, the Escuela Nacional Sindical. Basically, in my view, the evidence has not been studied systematically to assess whether or not there has been progress in solving this issue.

There are some precise questions that we want to answer with this project.

First, what are the specific indicators of violence against union members?

The second question is a policy question: has there been any progress in solving this issue?

The third and fourth questions are going to be addressed using an empirical exercise. Can the killings of union members in Colombia be explained by their involvement in union activities, or is it really as a result of the armed conflict in Colombia that unfortunately they did not escape? As well, what are the main determinants of violence against union members in Colombia?

Basically, the research project is divided into two parts. The first part puts the figures in a few graphs and tries to answer the first two questions—namely, the evolution over time of the indicators of violence against union members and the different indicators of violence against union members, using always, or for most of the paper, data from the unions' NGO.

I will describe in a few words the empirical exercise. It's a little bit more technical and academic, but I'll tell you the main findings.

Independently of the data source used—from the unions' NGO, from the Central Unitaria de Trabajadores, which is a major workers federation in Colombia, or from the government—violence against union members in Colombia has steadily declined over the last seven or eight years. I can show you the figures.

Violence against union members has decreased at a steeper rate than violence against the general population. In fact, it has decreased 70% faster than violence against the total population. It has decreased faster than violence against other so-called vulnerable groups, which comprise teachers, NGO members, councilmen and former councilmen, and other groups.

The amount of government resources allocated to the protection of union members has increased steadily, and the number of union members protected has also increased steadily.

Finally, using different estimation strategies, time periods, and sources of information, we find no statistical evidence in support of the claim that violence against union members is caused by the involvement of union members in union activities. I will describe that in more detail.

Before I go through the stylized facts about violence against union members, let me tell you about the two figures that are most of the time brought up by people who oppose the free trade agreement.

The first piece they always bring up is that the number of killings of union members during the Uribe administration has been, I don't know, 1,700.

• (1125)

Let me give you an example. Suppose you have a country that has an inflation rate in 2000 of 30%, and by 2008 it has an inflation rate of 4%. You add up the inflation rates from 2000 to 2008 and you come up with a figure of 70%. You claim that this country has a hyperinflation problem, because over the last eight years it has had an inflation rate of 80%. You miss the trend if you take that number seriously. You should look at the yearly, monthly, or trimester indicators to gather information about the evolution over time of these figures. That's what I'm going to do when taking a look at violence against union members in Colombia.

The second piece of information given is that Colombia has 70% of the killings of union members in the world. The question that should be asked is who in the world reports the number of killings of union members. You start looking, and you see in the sample Sweden, Denmark, Finland, Canada, the U.S., Colombia, and other countries. But the only country in the world that is a developing country with a serious problem of violence that consistently reports to the ILO and other organizations the number of killings of union members is Colombia.

I was at a meeting one month ago of the ILO, and ILO staff recognized that Venezuelan workers and entrepreneurs were there. They reported that there were 152 killings of union members in Venezuela in 2008. If you put Venezuela into that sample of countries reporting the number of killings of union members, Colombia goes from having 70% of the killings of union members to having less than 12%. If you add Venezuela to the sample, Colombia decreases pretty quickly. If you're going to take the number seriously, every country should be reporting the number of killings of union members.

Let me go through the stylized facts now. You have the figures there. That is basically all data from the unions' NGO. There was a peak in 1996 in the number of union members killed. It decreased quickly until 1999 and increased again between 1999 and 2001. We reached another peak of 200 union members killed in 2001. Since then, the number of killings of union members has decreased steadily. The last year reported is 2008, when there were 48 killings of union members, according to the unions' NGO.

The natural question that follows is what the big thing of having that figure is if violence in Colombia has decreased in general. We divide the total number of union members killed by the total number of killings in Colombia, and we see that although both have declined, the number of union members killed has decreased 70% faster than the number of people in the total population killed.

The second piece of evidence, which is the standard way academic economists and criminologists measure violence, is the homicide rate. Basically, it is the number of homicides per 100,000 individuals. That's to take out the scale effect that is normally in

these figures. In the stylized facts, we show that the homicide rate in Colombia for the total population was 70 in 2001, and last year it was 36. We construct the homicide rate for union members. That's the number of killings of union members per 100,000 union members. The homicide rate of union members in 2001 was almost 23, and by 2008 it was six. That homicide rate of six for union members is the same as the homicide rate in countries like Uruguay and the U.S. for 2008. So while the homicide rate in Colombia in 2008 was 36, for union members it was six. That's one-sixth of the total homicide rate in Colombia. Again, the homicide rate for union members decreases much faster than the homicide rate in Colombia.

Then, to my surprise, I have to say, if you compare the data from the unions' NGO, the Escuela Nacional Sindical, with the data reported by the government, the advances reached, using the unions' NGO data, are stronger than the advances reached using the government's data. In other words, the decrease in violence against union members is larger when you take the data from the unions' NGO than if you take the figures from the vice-president's office, which is the human rights office of authority in the government.

The human rights office of authority of the office of the vice-president also reports data on the number of killings of other vulnerable groups, which are journalists, NGO members, councilmen and former councilmen, and union members.

• (1130)

Basically what we see is that the number of homicides of union members has decreased faster than the number of homicides of these other so-called vulnerable groups.

The fifth piece of evidence is reported not by the unions' NGO or the government. It is directly reported by the Central Unitaria de Trabajadores, which is the largest Colombian confederation of workers. They basically report, case by case, the killings of union members, and they group the killings into union activists, union leaders, and unionized workers. So we basically take union activists and union leaders as a group of union leaders, in figure 5, or in stylized facts (V), and we show the evolution over time of the number of killings of union leaders in Colombia. In 2006 and 2007 there were no killings of union leaders reported by the CUT, but unfortunately, in 2008, there was a spike and they reported 11 killings of union leaders in Colombia.

The last piece of evidence is basically the amount of resources spent by the government in the protection of union members in Colombia and the number of union members protected in Colombia. Basically what we see is that in real 2009 Colombian pesos, the government was spending, in 2000, \$5 per union member in protection schemes, and by 2008 the government was spending 100,000 pesos, which is about \$50—\$50 per union member in 2008 and \$5 per union member in 2000. So there was a tenfold increase in the amount in real pesos. It takes care of the inflation rate and everything.

So basically there was a tenfold increase in the amount of resources spent by the government in the protection of union members during the last seven or eight years.

The natural question is, what is this money being used for? To protect the same number of union members, or is it that the government is also protecting more union members? That's answered by the last graph, which says that in 1999 and 2000 there were about 80 union members protected. This figure is hard to interpret because it's per 100,000 union members. Let me give you just the absolute figures.

In 1999-2000 there were between 50 and 80 union members protected, and last year there were 2,000 union members protected. That is 2,000 union members or leaders with protection schemes from the government, which consist basically of bulletproof cars in many cases—not in all cases—and bodyguards and security services for the person. And if it's a leader, he has protection with his family and all the things.

Those are the stylized facts about the evolution over time of the killings of union members in Colombia. Those are different indicators, different data sources, different comparable groups, etc.

Now for the second part of the paper, and I'm going to be brief on this. It's more empirical, more academic, and more technical, but let me tell you what we do.

We take a panel data set that contains data, per state and year, from 2000 to 2008, on the number of killings of union members, and we have data on union activities. We have a large variety of indicators of union activity, which we divide into two groups, or we put them together in some robustness checks.

Basically we call type 1 union activity formal types of union activity; that is, negotiations between the firms and workers about wage agreements and wage negotiations. We call that formal union activity. The informal or less formal union activity is what we call active acts of protest, which are street marches, strikes, hunger strikes, marches in the streets, etc., as active acts of protest by the unions.

In order to control for scale effects, we construct a measure of the intensity of union activity, which is the number, for instance, of strikes per union member in each state and each year from 2000 to 2008. So we have a relatively large data set in order to test the claim—and that's what we precisely want to do—that more union activity leads to more violence against union members. That's a statistical way of testing whether union activity is a dangerous activity in Colombia or not.

•(1135)

We also want to test what is causing violence against union members. We controlled for the level of economic development, that is the GDP per capita in each state and each year. We controlled for the general level of violence as captured by the total homicide rate for the general population. We controlled for a state presence, which is the number of police arrests per capita—it's a standard measure used in the literature to control for a state presence. We also controlled for the guerrilla and paramilitary presence—the number of attacks of guerillas and paramilitaries per capita.

Basically the claim we want to test is that the greater intensity of union activity has a causal impact on violence against union members. In the words of the U.S. NGO, "Most of the violence against trade unionists is a result of the victims' normal union

activities", or "...the majority of the anti-union violence that takes place in Colombia is in response to the victims' normal union activities...." If this claim is true, we should find a statistically positive effect of union activity on violence against union members.

The technical notes, all the details, all the data, and all the programs and codes we use are available for any verification anyone wants to do of the things we did.

The main findings are that we don't find any statistical evidence supporting the claim that violence against union members is caused by the activities of unions in Colombia.

What we do find, and I think this is crucial for the study of the free trade agreement, is that it is indeed true that in those states where there is less economic development and a lower level of GDP per capita, there is more violence against union members. In those states where there is more violence against the general population, there is also more violence against union members, unfortunately. In other words, union members do not escape the violence in Colombia, unfortunately. They are also victims of violence in Colombia.

Why do I say this is crucial for the discussion of the free trade agreement? All the details are in the paper, but using different estimation strategies, data sets, data sources, and time periods, we ran a large battery of robustness checks to be sure what we are saying is true throughout the exercises we've run. It is true that lower levels of economic development do indeed cause more violence against union members.

How can an FTA help? It can help basically by increasing the level of economic development in Colombia by bringing work and increasing the number of jobs in Colombia, increasing the economic development, increasing technological transfers through intermediate inputs that are traded in free trade agreements, etc.

This is the best thing, I think, that can be done to improve not only violence against union members, but in a discussion like this, people should also care about violence against everyone in Colombia and not just union members, not just union activists, and not just policemen. The best way to improve security in Colombia is by bringing opportunities for poor people to engage in work in formal working activities, bringing in more education, facilitating technological transfer, and promoting economic growth in general in Colombia.

To conclude, what we do in this paper is study the evolution and determinants of violence against union members. As I said, there are two main findings.

First, any indicators we used from the unions' NGO say very clearly that there has been a dramatic improvement in the security of union members in Colombia over the last seven or eight years.

Second, in this empirical exercise we didn't find any statistical evidence supporting the claim that in general violence against union members is caused by the involvement of the victims in normal union activities. I have to say very clearly that this does not neglect the fact that there might be cases of targeted violence against union members or NGO activists, etc. Although every rule has an exception, and exceptions are always brought up, I think it's also very handy to note the rule and understand the rule, and the rule in Colombia, according to recent statistical evidence, is that violence against union members is not caused by a greater intensity of union activity.

Thank you very much.

• (1140)

The Chair: Thank you, Professor Mejía and Mr. Rosero. Those were excellent presentations that I'm sure will provoke some great questions.

We'll start our round of questioning. We'll try to get in as many questions as we can. We'll stick to our normal practice of seven minutes for questions and answers in the first round, followed by a second round if we have time. These are five-minute rounds with five minutes for the question and answer. Members can direct their question to either or both witnesses today.

We'll begin our questioning with Mr. Silva.

Mr. Mario Silva (Davenport, Lib.): Thank you very much, Mr. Chair. I believe I'll be splitting my time with my colleague, Scott Brison.

My question will be brief. Professor Mejía, in terms of data and how it's collected, it's always very important that the data that is presented is seen to be transparent and that it can in fact be verified and corroborated by other groups. I just want to know, for the assurance of this committee, first, on the definition of "unionist", whether that has changed or not in terms of the original finding at the beginning of the first research until now. Secondly, has this information presented to us been corroborated by other NGOs, other human rights organizations? That would give it the weight that is necessary when you're presenting such important information.

• (1145)

Prof. Daniel Mejía: Thank you.

As I said, all the data we use is available from us, but more importantly, to answer your question directly, every single piece of information that we use in the paper has a complete cite to the unions' NGO document. It is all available on their website.

It's amazing the amount of information that the Escuela Nacional Sindical collects. They are very consistent in the reporting of the data. They explain very clearly if they make any changes to the collection of the data, etc. I have to say that the Escuela Nacional Sindical is very serious in collecting the data. It's consistent across documents. They don't change their reporting of data. So everything we use is cited in the references of the paper. What we did basically was to construct a large panel data set. Not only is that available, but all the cites and where we got this information from is available.

Regarding the second part of the question, if I understood correctly, were you asking whether our data has been shared by other organizations?

Mr. Mario Silva: We have heard testimony from both NGOs and union leaders in relation to the killing of union members, and that's a very troubling concern we have. I want to know specifically whether in fact that information that you have presented has been shared with other union organizations or other NGOs, human rights communities in the field, and whether they in fact share the same viewpoint as you in terms of the statistical information presented.

Prof. Daniel Mejía: Most NGOs and all the unions in Colombia take the data from the ENS as the formal source, and that's what we do also. We could have taken the data from the government to do all the exercises, but then the question is, is the data reported by the government correctly? So in order to bullet-proof the paper, we take the data from the unions and test the claims and test the evolution, etc.

Hon. Scott Brison (Kings—Hants, Lib.): Thank you very much, both of you, for your presentations.

The question of the narco-economy, the drug economy, in Colombia is an important one. How prevalent is the narco-economy in terms of its effect on violence against Colombian people, Colombian workers, union members, indigenous peoples? To what extent is the drug war or the drug wars leading to greater levels of violence in Colombia?

Prof. Daniel Mejía: Thank you for that question. If you look up my website, that's my research agenda, the war on drugs in Colombia. In that agenda I have to say I've been very critical of the government stance on the war on drugs in Colombia. My view on this is that most violence in Colombia is indeed explained by the war on drugs. Both paramilitary groups and guerrilla groups finance their terrorist activities today with the proceeds of the drug trade. Before 2000, before the start of Plan Colombia, FARC and the paramilitary groups didn't have a strong hold on the drug trade. Nowadays they are the two main drug producers in Colombia and they are also engaged in the initial stages of drug trafficking.

There has been progress in solving the security issues. Unfortunately, the war on drugs has only shown some results, some very small results, during the last year. But if you take 2000 to 2007, the results are negligible in terms of reducing the amount of cocaine reaching consumer countries. What you do find is an increase in violence.

Hon. Scott Brison: Mr. Rosero.

Mr. Carlos Rosero (Interpretation): Additionally, I would like to say that drugs, or drug dealers, finance a lot of the illegal activities in Colombia and also some of the legal activities carried out in our country. We have to say that the war on drugs in Colombia is one of the current causes of displacements and serious violations of the rights of the indigenous peoples and the black communities in several parts of our country.

• (1150)

Hon. Scott Brison: Thank you very much.

Both of you have established that the drug wars in Colombia and the efforts to combat the narco-economy have in fact displaced a lot of Colombians and have led to violence against many Colombians, including union leaders in some cases and, in other cases, aboriginal indigenous peoples.

Does the growth of legitimate trade opportunity that is rules-based and guided by labour and environmental agreements that are very robust have the capacity to actually wean people away from this terribly violent and incredibly oppressive narco-economy that is perpetuating such violence against the Colombian people?

Prof. Daniel Mejía: Yes, if the programs are well designed. These are called alternative development programs, where basically the government, with foreign aid, reaches a coca-producing region. If it reaches the coca-producing region in the wrong way, it's wasting the money.

If it reaches the coca-producing region in the correct way, that is, by providing not only technical education for growing licit crops, but also the means by which to bring these legal crops into the market, and in an institution that works well, this works. But if you only bring technical assistance and leave the farmers alone, that's wasting the money.

That, I think, the free trade agreement can promote. It can be promoting legal activities and promoting investment in infrastructure so that these farmers can bring their crops to the market, etc.

Hon. Scott Brison: I have one more point, Mr. Chair.

The Chair: All right, quickly.

Hon. Scott Brison: Mr. Rosero, I appreciated very much your testimony. In Canada, we have had, for a long time, tremendous challenges in our governance of indigenous people, land, and treaties. There are parts of our history that we're not proud of at all in terms of our actions or inaction in dealing with injustice. There is tremendous injustice and there are gaps in Canada between a lot of our minority communities and the rest of Canadians. There are tremendous injustices and a lack of economic opportunity for our aboriginal and indigenous people. It's a struggle that we in Canada are dealing with as well.

Thirty years ago, it would have been hard to imagine that today, in northern Canada and other parts of Canada, aboriginal and first nations bands are participating actively in the development of economic opportunities such as mining, for example. We're seeing an evolution of an entrepreneurial leadership within aboriginal and indigenous peoples in Canada.

With an increased level of economic engagement with Colombia, one of the things that I hope we can work on together is imparting some of that experience, that shared experience, for both of us to learn so that we can work together to develop real economic opportunity and real social progress for all our peoples. That's something that I hope we can work on together.

There has been progress in Canada, but there's a lot of work to be done, and a lot of action and investment need to be taken. But our experience here has been that economic growth and engagement

have helped to better the lives of aboriginal and indigenous peoples in Canada.

The Chair: Do you want to respond, Mr. Rosero?

Mr. Carlos Rosero (Interpretation): I think, in general, we agree, but as you've pointed out quite specifically, with the participation of the indigenous peoples...that is not happening in Colombia.

I have some figures that were too dense and I wasn't able to read, but there is a quote from our President. When talking about biofuels and agrofuels and the need for our communities to reach an agreement, he used words such as "Lock them up. Don't let them out until they actually reach an agreement." These are not words that suggest a voluntary and participatory process. This is not what's contained in Convention 169 of the ILO.

If our peoples are openly and directly allowed to participate in these discussions, surely people will be able to set forth their points of view and then guarantee the rights so that the benefits of the trade agreements do have a reflection on our communities.

• (1155)

The Chair: Thank you.

Monsieur Cardin.

[*Translation*]

Mr. Serge Cardin (Sherbrooke, BQ): Thank you, Mr. Chair.

Good day, gentlemen, madam. The views expressed by the union members are similar in both cases, in both presentations.

Mr. Rosero, you stated that 30 mining deeds had been granted without any consultation. How in fact does this process work? Afro-Colombians live on a given parcel of land or in a particular area and overnight, a deed is granted. Is that correct? How do investors take possession of the land?

[*English*]

Mr. Carlos Rosero (Interpretation): An investor informs the government that they're interested in working in a particular area and will ask the government to, in turn, inform the investor whether there are Afro-Colombian or indigenous peoples in the area. This will lead to the beginning of a prior consultation process.

According to legislation in Colombia, no measures such as the issuance of mining deeds can actually be brought about without informing the communities of the intention of investment. Also, there has to be a participation process that will allow the communities to learn about the environmental impact and about the benefits and the revenues that would ultimately favour these communities.

But it so happens that the provisions of the law are not actually respected in practice. This is not what has been done in Colombia. Not one of these 30 deeds—and we'll gladly share the information with you—has been submitted to prior consultations. Decisions are made in Bogota and people are never informed, including the companies.

This is the case of Cosigo, a Canadian company. They do not involve the community. The communities do not know the company; therefore, the rights that are contained in the constitution are violated. There's quite a considerable separation between the provisions of Convention 169 and the applicable law and what's actually practised in relation to the amended mining code—amended in 2001 with the cooperation of Canada.

• (1200)

[Translation]

Mr. Serge Cardin: We are hearing repeatedly how people are literally being displaced, threatened and even killed on occasion. We've heard how people's lands have been seized by paramilitary or other groups and subsequently transferred in some manner to investors.

In your opinion, is this type of thing actually happening?

[English]

Mr. Carlos Rosero (Interpretation): Yes, this has happened in several areas of our country. One case is Jiguamiandó, in the northern area along the Pacific coast, involving people who were displaced in 1997. They returned in 2007, and their lands had actually been occupied by a company that deals in livestock breeding. Similar events have occurred with other communities, in banana-producing companies or palm oil companies in the northern coastal areas along the Pacific. And along the southern coast there are other communities that have been affected, for example, north of Calca. It's an area that has great mining interest for the communities. People are still there, they haven't been displaced, but they are under threat, the threat that we mentioned of November 28. The right that people have to be consulted prior to implementation of projects hasn't been respected. Consequently, they have also been threatened by the paramilitary groups. There haven't been formal displacements, but territorial rights have not been respected in relation to national resources, in this particular case mining resources, which have been protected for that community by these provisions that require prior consultations, specifically under Law 70 of 1993.

[Translation]

Mr. Serge Cardin: At one point, you talked about exerting some pressure in an effort to have Canada's recommendations followed. I would imagine that you are referring to the report drafted, tabled and adopted by the committee. In its report, the committee called for certain pressure to be brought to bear and for a group of representatives from various fields to be appointed to analyze improvements, where necessary, in the area of human rights. The purpose of the exercise would be to monitor improvements and ensure that we continue to see steady improvements before signing the agreement. I would imagine that this was the recommendation you alluded to in your presentation.

Clearly, the three opposition parties worked together to come up with this particular recommendation in the report. And once again, I would like to thank the members of the Liberal Party. Above all, it's important to ensure that things are moving in the right direction.

Professor Mejía, you talked about economic activity and the link between economic activity and the increase, or decrease in the level of violence. You also talked about the homicide rate among unionized workers. However, there's one thing you did not talk

about. Perhaps it's mentioned in the document, but we did not receive it far enough in advance to read it.

As I understand it, the unionization rate declined during the same period. This development automatically affected your results. People no longer want to have anything to do with the union. They no longer want to be unionized or to be a union leader, because the risks are too high. You maintain that the risk level is a function of the union activity and that the risk here is minimal. Why then is the government spending so much money protecting union workers, if they are at no greater risk than members of the general public?

[English]

Prof. Daniel Mejía: That's a good question, and I think the answer is because unions are very organized groups that can push for more government protection. Other groups cannot organize with one voice to ask the government for more protection, in my view. For instance, unions are more organized and they have more of a centralized government than indigenous or other groups. They can push the government further on this issue.

With respect to the unionization rate, we do take that into account. We are studying whether one can explain the decrease in the unionization rates, which is very small—it's about 1% per year for the last seven years. It's not that unionization rates have gone down dramatically; they have gone down at the rate of 1% per year, which I agree is worrisome.

So far we haven't found any evidence supporting the view that violence is what is decreasing the unionization rate in Colombia. This is not yet in the document because we are just starting to write the second part of the project.

• (1205)

The Chair: Thank you.

Mr. Julian.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Thank you to both witnesses for appearing.

I hope to have a second round to ask you questions about your paper, Mr. Mejía. I should note and put on the record that it has already been largely discredited. The ENS has said a number of things, including that the paper does somewhat employ smear tactics and a false thesis. They've also said the following in response to the paper:

The violence against trade unionists, in addition to persisting, has become more acute in its various forms during this seven-year period, such as threats, arbitrary detentions, harassment, attacks, kidnappings, illegal raids by security forces, and exceed the number that occurred from 1986 until the end of the 1990s. These statistics corroborate that, although there have been some changes and some indicators, there has been no structural change in anti-union violence.

I wanted to get that on the record. Hopefully, I'll have a second round so I can question you more closely on what the data does reveal.

I'd like to go to you, Mr. Rosero—

The Chair: Hopefully you'll allow Mr. Mejía to respond to that accusation.

Mr. Peter Julian: No, Mr. Chair. It is my question period, and I'd like to—

The Chair: I guess if you don't want to be courteous.... You don't need to be rude. I'd be surprised if you were—

Mr. Peter Julian: Mr. Rosero, could you explain to us how many African Colombians have been displaced? You mentioned that some of the orders from the courts have not been abided by the Uribe administration.

I also want to reference the latest report from the Colombian Commission of Jurists, which talks about torture continuing to be generalized and systematic in Colombia. The party principally responsible for these acts is the state. Isabelle Heyer, from the Colombian Jurists, said that “sexual violence against women and girls is one of the most pervasive modes of torture”, calling it “an habitual, systematic and invisible practice, which enjoys impunity in the majority of cases and whose principal perpetrators are soldiers and police”.

Could you answer the question on how many have been displaced, and could you give more detail on the fact that orders from the courts have not been abided by in the case of African Colombians? Are there cases of African Colombians being subjected to torture from the military and police, in a sense the military arm of the Uribe government?

Mr. Carlos Rosero (Interpretation): I don't have the comprehensive data, but I do have UNHCR data from the UN. This data says that indigenous peoples represent 2% of the population, but represent 12% of all displaced people inside Colombia. African Colombians represent 8% of the population, but represent 20% of the people displaced internally in Colombia, which shows that there is quite a disproportionate situation. It's a small population, but many people have been displaced.

Secondly, it is possible, and the government has insisted on this repeatedly, that the total number of people displaced within Colombia has been decreasing. However, they haven't progressed, and the resistance strategies posed by the communities in different parts of the country have changed. If you look at the number of people displaced today, the numbers are lower, but there are a growing number of communities throughout the country that are subjected to the same risk factors, and the fact is they cannot move, they cannot be displaced, or they have chosen not to leave their lands. So if you take this into consideration, of course, yes, the rate of people displaced has diminished; however, the risk factors, in other words the risks themselves, have not disappeared.

We know of cases, not cases of torture by the public security forces, but we do know of other situations in Río Micay, in the area of Buenaventura. There, for example, the armed forces have subjected agricultural workers in Colombia to forced labour. For example, a helicopter will land and they take the young and they force them to clear the entire territory so that other helicopters will be able to land. In other words, the young will not be allowed to say, “I'm not doing that job; it's not my job to do it.” They can't do that. And this, of course, translates into a context in which there are territorial issues and risks for all those young people. There's a danger of being attacked by armed forces.

● (1210)

Mr. Peter Julian: Thank you for that.

We have a recent report by CENSA, which indicates that “Human rights violations, widespread in Colombia, are linked to efforts by those behind Colombia's paramilitaries to create conditions for investment from which they are positioned to benefit.” They certainly talk in this report about the palm oil plantations and the forced displacement of African Colombians.

I would like to come back to the issue of torture and the African Colombian community. Do you agree with this report's conclusion that often those investment conditions help to propel human rights violations?

I think you've been very clear that this agreement should not be pushed through. Do you see it as a reward for a government that clearly is not acting yet according to the standards that the international community would demand of it?

Finally, what other witnesses could you suggest to us as we go, probably in 2010, into a study on Colombia, if Parliament chooses to do so?

Mr. Carlos Rosero (Interpretation): I think the Colombian government, in relation to average Colombians, doesn't make enough of an effort to improve the human rights situation of our people.

For example, there's a great deal of evidence in the communities in which we work where non-compliance on the part of the government in relation to its obligations to protect our rights, specifically in this case prior consultations, leads our communities to demand the application of those rights, and as a response we are threatened by paramilitaries.

It's very clear, you don't allow companies to come in. What we're saying is there are rules of the game, and companies should respect these rules of the game. The final decision is to be taken by the government; it's not a final decision to be taken by the communities, which do respect the rules, respect our rights.

I think what's very important for us is that a recommendation that comes from this current debate is that there should be a study of the impact of the FTA on our human rights. We haven't seen that in any other free trade agreement, and I think that would make a big difference. Take into account what the impact on human rights and what the measures of compensation, mitigation, could be in relation to these impacts.

This is not only a proposal, it's also a responsibility that will represent a great benefit to the rights of our people, and a clear message would be sent to the international community about what responsible investments should be like. In other words, there can be a follow-up on the impact of these investments to correct any problems that could arise in the future.

I think in the future you will have the opportunity to listen to more people from our communities, and I think you'll form a better idea, a clearer idea, of what's currently happening. Based on the testimony of many people, I hope you'll take a very responsible decision granting people their rights and providing incremental benefits that should be clean.

● (1215)

The Chair: Thank you, Mr. Rosero.

Mr. Harris.

Mr. Richard Harris (Cariboo—Prince George, CPC): Thank you, Mr. Chair.

I had a series of questions for Mr. Mejía, but following Mr. Julian's—I guess it would be appropriate to call it a drive-by smear in refusing to allow Mr. Mejía to respond to the attack Mr. Julian made on the integrity of Mr. Mejía's paper. I would like to give Mr. Mejía an opportunity, maybe a couple of minutes, to respond to Mr. Julian's attack. Then I'll follow with some questions.

Prof. Daniel Mejía: Thank you for allowing me to respond to this.

If they discredit the study, on academic grounds I would like to know why exactly. Is it the statistical tools we use? Is it the figures we use, which are their figures? Every single number we use is cited, from the document we take it from.

It would be really nice to know why the study is wrong. It is surprising to me, I have to say. This doesn't come off as good news for the unions. You mentioned they referred to this as no structural break in the homicides of union members. I see a structural break. We can discuss that on academic grounds. We can look at the figures. We can look at the clear table constructed from their data and discuss whether you see or don't see a structural break. As an independent academic economist, I see it.

Again, if you look at my website, I have been very critical of the government in some respects, but these are their figures, not the government's figures.

I would like to know exactly what is the criticism of the paper. Is it just that they don't like it, or is it that they have comments on the tools we use, on the codes we use, on the methods? That I am willing to discuss. Whether they like it or not, what can I do?

Mr. Richard Harris: Thank you, Mr. Mejía.

Mr. Julian's tactics are a testament to the historical rudeness and intolerance he has shown on this committee to our witnesses, and sir, I apologize for that on behalf of the Government of Canada. I'm sure the members of the Liberal Party, the official opposition, would agree with me.

Tell me if I'm wrong, but I think I saw something the other night about President Uribe. Have there been about 12 or 13 assassination attempts on his life in the past few years?

I also understand that he enjoyed in the last election—and currently enjoys—somewhere in the neighbourhood of 51% popularity in the country. Is that number correct as well?

Prof. Daniel Mejía: I don't know the exact number of attempts to kill President Uribe, but I know that many have been made. I don't have the figures.

Mr. Richard Harris: Okay.

Prof. Daniel Mejía: Regarding his popularity, most polls I have seen that were done in Colombia—this is not part of my research and I'm not talking here as a university professor—talk about a popularity above 60% or 70%, depending on the survey you look at.

Mr. Richard Harris: I also understand that establishing free trade with other countries was high on his campaign list. Now I

understand that about five or six other countries are trying to establish free trade agreements with Colombia. I'm trying to determine whether they are any more acceptable to Mr. Rosero, or those in Colombia and on this committee who are opposed to this particular Canada-Colombia free trade agreement. In other words, have they announced that they are going to accept and press for all of the demands we've had made upon us, as far as this trade agreement goes? Have they agreed that they won't sign an agreement unless all of these conditions are met?

Are you aware that other countries are willing to accept all of these human rights demands that have been made on Canada—that they would sign an agreement?

• (1220)

Prof. Daniel Mejía: Not that I know. I know that the European Union and the United States are concerned about many things, as Colombians are concerned about many things. We don't neglect that there are many problems in Colombia, but I think we should look at the evolution over time in solving these problems. This is not about Uribe. Uribe is going to last one or five more years. This is about the country in general.

If you're going to oppose huge economic reform for Colombia that's going to bring economic development, technological transfers, more opportunities for workers, lower prices for consumer goods—many good things from free trade—just because of the current Colombian president, I think that's unfair to the country.

If someone doesn't like Uribe, fine, let's discuss it. But let's discuss a free trade agreement on the grounds of what it is going to bring. What schemes should be in place to compensate people who lose and gain from the free trade agreement? But in my view, this is a personal discussion about the President, which is not fair to 40 million Colombians.

Mr. Richard Harris: Thank you.

If I have any time, left I'll share with it Mr. Cannan.

The Chair: You have a few minutes.

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Thank you, Mr. Chair, and thank you to my colleague. Thanks to both of our witnesses here today.

Some of us on the committee have had the opportunity to travel to Bogota to see first-hand, on the ground, some of the challenges that Colombians are facing and some of the great opportunities. We've also had the pleasure of having the President come to testify and hear some of the issues from our committee members.

I appreciate your presentation here. The fact that there's no statistical evidence supporting the claim that a greater intensity of union activity leads to more violence against union members or union leaders is very important.

We've heard concerns about human rights, and we all share those concerns and see that President Uribe and the government have been identifying strategies. On cleaning up his own government of corruption, when we were there, several members of his own government were being charged. I don't know if the convictions went through, but house cleaning was definitely going on.

Is that integrity and his own leading by example still being followed today?

Prof. Daniel Mejía: Yes. Most of the justice system in Colombia is now taking care of all the corruption and all the problems where the senators and congress had ties to paramilitary groups and ties to guerrilla groups.

If we are going to discuss corruption, violence, and displacement, let's discuss it in general. Guerrilla groups also displace a lot of people to plant coca crops. Not only the paramilitaries do it. The guerrillas and the paramilitaries do it. Senators are being charged by the justice system for ties with the paramilitaries, but there are also senators charged because of ties to the guerrilla groups.

So yes, there are a lot of problems in Colombia, and I think they are being taken care of by the judicial system, which is an independent entity of the country.

Mr. Ron Cannan: I have one supplemental question. We've heard from a variety of witnesses over the last year in this committee. One of them was the former UN High Commissioner for Human Rights, who saw no reason why a Canada-Colombia free trade agreement should not be supported. Do you agree or disagree with this statement?

• (1225)

Prof. Daniel Mejía: They are looking at the evidence and they are looking at the advances that have been reached. I agree completely with the statement. I think they are looking at the areas and they see the advances we've made, or that the Colombian government has made, or that all Colombians have made, in trying to solve the large amount of problems we have. But we are trying to solve them.

Mr. Ron Cannan: I have one quick question for you, Mr. Rosero. I believe that around 25% or 30% of the population in Colombia is of African descent.

Mr. Carlos Rosero (Interpretation): Officially, based on census data in 2005, it's only 10.5% of the population, or about 4.5 million people. These are official figures. Extra-officially, our data tells us that it's close to 20% or 25% of the total Colombian population, but these are extra-official figures.

Mr. Ron Cannan: How would a free trade agreement between Canada and Colombia affect this sector of the population?

Mr. Carlos Rosero (Interpretation): Well, evidence shows us several things. First, this and other agreements have affected us initially in that there have never been prior consultations and the requirement of free and informed consent. That hasn't been respected, and that actually tells us that terrible things could happen in the future.

Secondly, I think the best way to be very clear about the effects of the agreement requires that we implement a recommendation to carry out an impact study on human rights, which is a recommendation that you yourselves...during the Canadian process, this has been discussed and accepted by several of the players involved in this debate. I think the only way in which we will know what the effects will be, positive or negative, would be in this way. We could have actually done this during discussions. We didn't participate.

The Chair: We're back to Mr. Silva.

Mr. Mario Silva: Thank you, Mr. Chair.

I just want to make a comment to the effect that I try to deal with these issues very seriously and also with some sense of respect for all the witnesses, regardless of whether I agree with them or not.

I know that this issue has been taking quite a bit of time because of the fact that some of us are very much concerned about issues of human rights in Colombia and whether the trade would have a positive or a negative impact. Those are the things we are evaluating here in this committee. One of the things I have asked for, in fact, for the next meeting, is to have here the secretary general of Amnesty International, Alex Neve.

But I want to state for the record, Mr. Chair, that I have to say that I was, as Mr. Harris mentioned, extremely appalled by Mr. Julian's behaviour. I think that no matter how we feel about witnesses and so forth, you can't attack somebody in a very negative fashion that way and not allow that person to respond. To me, that is undemocratic, and I'm not sure why he's smiling. It's an undemocratic and somewhat very cowardly act to do that. If you attack somebody, or if you have questions about the credibility of the report, allow that individual to speak and defend himself. Not doing so is undemocratic, cowardly, and un-Canadian.

The Chair: Do you have any more questions, Mr. Silva?

Mr. Mario Silva: No.

The Chair: All right.

Mr. Keddy.

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Thank you, Mr. Chairman.

I have a question on your study, Mr. Mejía. Graph III breaks down into two other graphs, graphs A and B. Graph 3 shows the general homicide rate and the unionists' homicide rate going gradually up, with some spikes, from 1995 to 2009. Then graph A, shows a decrease in homicides between 2001 and 2009. Then the total homicides show a decrease. I just don't understand why these two graphs are actually going down and this graph, although it has some spikes, goes gradually up.

• (1230)

Prof. Daniel Mejía: Sorry, which one goes gradually up?

Mr. Gerald Keddy: Graph III.

Prof. Daniel Mejía: One source of criticism is yes, the homicide rate of union members has gone down, but in general, the homicide rate in Colombia has gone down. What's the big advance reached if the total homicides are going down? What graph III wants to point out is that the homicide rate, not only the total number but the rate for unionists, has gone down faster than the homicide rate for the total population. That's the point of graph III.

Mr. Gerald Keddy: Okay, that was the part I wasn't understanding.

You made a comment earlier about the illegal drug crop and the fact that if you had an alternative, a legal crop, there would be no point in trying to get farmers off the narco-market, off the narco-economy, without protection, that it would be wasting money. Would you explain that a little more?

Prof. Daniel Mejía: Yes, there is a change in the focus of Plan Colombia. Between 2000 and 2006, Plan Colombia was mainly focused on the eradication campaigns of illicit crops. In 2007, 2008, and this year, both the Colombian government and the U.S. government have realized that they have to complement this with alternative development programs.

The point I made is that if you focus alternative development programs incorrectly, that is, by just bringing technical support to the farmers, it doesn't work if you don't provide the means to transport these legal goods into the markets. This has been a mistake that has been made. I think the Colombian government, although I've been very critical of the policies implemented under Plan Colombia, has been very open to me about discussing the possible ways of making anti-drug policies more effective.

I've been pushing very hard for alternative development programs as a way for convincing poor farmers to shift away from illegal crops cultivation to legal crops, but it has to be done correctly, not just by providing technical support and leaving them alone. You have to really support them institutionally, give them educational opportunities, health opportunities, and it's very important to have the legal crops brought to the market so that they actually can survive.

Mr. Gerald Keddy: What I'm getting at here is that we have a situation in Colombia. Some 20 years ago we had a nation in dire straits. There has been some evolution over time and we understand that things have actually improved.

I'd like an answer from both witnesses.

We understand that this situation is not going to be solved overnight. When I look at Colombia, I see that there has been gradual improvement in some areas and remarkable improvement in others.

I agree with your comments that the unions should see this as good news instead of bad news. Your report should be good news for the unions in Colombia. But if we take what I'm saying at face value, if we observe that there has been gradual improvement and that Colombia is headed in the right direction, what harm could a free trade agreement do? It's a free trade agreement that includes labour agreements, an environmental agreement, and rules-based trading for the first time.

Mr. Rosero, we already have trade. It is not as if trade is going to start tomorrow. We are already trading with Colombian companies, and we already have Canadian companies working in Colombia. How can establishing clear rules that everyone understands hurt that economy? How can that be a bad thing for Colombia?

• (1235)

Mr. Carlos Rosero (Interpretation): We haven't conducted studies. I can talk to you about my experience in a specific area such as Norte del Cauca. If you ask me whether there's been improvement, there haven't been any improvements in the area in which we are.

I started working with them in 1996 on the process of prior consultations and the requirement for informed consent. The first consultations were carried out without any problems. Now there are all sorts of difficulties.

Never in the past, while prior consultations were being carried out, had the leaders been threatened. They actually argued that they have to be consulted. They need to know the impact and the benefits. Never before when these questions were raised had we been threatened.

To apply community rights in these areas is much more difficult. I believe what we're saying is that it's not that trade itself will begin today or tomorrow with the approval of this agreement. But as long as our communities weren't involved in the process, then we won't have sufficient guarantees that impacts will be managed appropriately.

In 2001, when the mining code was amended with the support of the Canadian International Development Agency, CIDA, they did not foresee the impact this could have. Proof of this is the fact that mining deeds have been issued without prior consultations. When we make claims that this is a right afforded to our communities, the paramilitaries threaten us.

Regarding prior consultations, we don't have problems only with the paramilitaries or the Colombian government. We also have to deal with the guerrillas. In several parts of the country, they do not allow prior consultations. So when we claim these rights, we are completely alone. We face danger from all sides. We have no protection from the state, and the other side threatens us.

Companies, for all their agreements on corporate social responsibility, don't do anything about it. They take advantage of all sorts of legal technicalities so that our rights to consultation and to know about positive and negative impacts go for nothing.

• (1240)

Mr. Gerald Keddy: I appreciate that.

The Chair: Thank you, Mr. Keddy. Your five minutes are over. I'm sorry you didn't get an answer to your question, but I can't do anything about it.

Go ahead, Monsieur Guimond.

[*Translation*]

Mr. Claude Guimond (Rimouski-Neigette—Témiscouata—Les Basques, BQ): Thank you, Mr. Chair.

Good day, gentlemen.

I am a unionist. I was active in the union in Quebec's agricultural sector for some twenty years. Regardless of the results of your study, Professor Mejía, I still don't think I would be safe if I were a union worker in Colombia. I have to say that I am surprised by your study's findings. Many other groups that have provided parliamentarians with information have not come to the same conclusions. I listened to Mr. Harris and Mr. Silva respond to Mr. Julian's comments, but I would still like to ask you a few questions about your study.

In Quebec, it is quite acceptable to criticize a researcher. It's part of our culture. Therefore, I'd like you to tell me about the NGOs that you consulted. Who are they and who do they represent? Do they play an important role in Colombia?

[English]

Prof. Daniel Mejía: Yes, I think they are. The most important thing, I think, is that other groups present different information. I think we should agree on how we present the data. I'm not saying that I have the last word on this. I'm just saying that if we're going to try to look at the evolution over time of something—call it unemployment, call it inflation, call it growth, call it violence against union members, call it violence against the police, call it whatever—we should agree on how we look at information and how much we manipulate it.

I don't want to say that academic economists have the truth in their hands, but this is the way we handle information, taking yearly figures and looking at the evolution over time of those yearly figures or monthly figures or trimester figures or something clearly defined.

Let me refer to a piece of information that I said they always bring, the total number of killings of union members under the Uribe administration. Why is it only under the Uribe administration? If they want to increase the number, why don't they add figures going back to 1986? If what they want is to bring up a huge number, then they should add everything they can, right? I think we should be very clear and very serious about how we handle information, especially if this information is going to be used to block an economic reform that is very important for Colombia.

[Translation]

Mr. Claude Guimond: For the purposes of your study, which NGOs did you meet with? Who do they represent? What percentage of union members represent the NGOs that provided you with the data on which you based your findings? That's what I would like to know.

[English]

Prof. Daniel Mejía: Do you mean where did I get the data?

[Translation]

Mr. Claude Guimond: Yes.

[English]

Prof. Daniel Mejía: It was from the unions' NGO website. They are official documents. I have all of them that I downloaded from their website. I have them cited in the paper.

Which unions and NGOs have I met? Unfortunately, it has been only in the U.S. Two weeks ago I met with Human Rights Watch's Washington office for Latin America and eight NGOs. They were very open to discuss this. They were very open to discuss this with figures, with data, with evidence.

I think it's very important that we take seriously the evidence that the unions' NGO has produced. If they have any concern about my study and want to criticize the data that I used, then let's do it on formal grounds.

[Translation]

Mr. Claude Guimond: Again, I would like to explain that it is quite normal for Quebeckers to call into question a study's findings.

Professor Mejía, in your presentation, you mentioned Colombia's justice system on several occasions. I would like to know more about

this system. I would imagine that for every homicide, there is a murderer.

•(1245)

[English]

Prof. Daniel Mejía: This is not in my study. Many NGOs that I have talked to ask me, what's the natural question after this study? I agree with them that the natural question after this study is about impunity.

Let me go to your question now. After 2006 the number of cases of killings of union members actually investigated by the judicial system was almost zero. In 2006 or 2007 the Fiscalía General de la Nación, which is the judicial system in Colombia, created a special unit, and this special unit was in charge of solving very quickly the cases of killings of union members. So it's a special unit for a specific group in the population. I think this is a very important response from an independent entity of the government to solve the issue of impunity.

As someone said before, things are not going to be solved over time. It's impossible to solve the 2,000 and 3,000 killings of union members over one month. But if you look at the tendency of cases solved, you see a huge spike in the number of cases that are being investigated by the Fiscalía in Colombia. Some of them have been solved. Some of them say it was a targeted killing. Some of them say it was a passion crime. Some of them say it was a street fight or a bar fight. It is very important that we clear this out, that we know who was responsible for the murder, and that we punish those who committed the murder, even if it was a street fight or a targeted killing in Colombia. It's not only for union members, but in general. I think it is very important that the judicial system operate more efficiently and faster.

The Chair: Thank you.

Mr. Holder.

Mr. Ed Holder (London West, CPC): Thank you very much, and I'd like to thank our guests today. I think the testimony you provide is very thoughtful and very helpful in this discussion.

Through you, Mr. Chair, I think Mr. Guimond is correct. I don't think challenging research is ever a bad thing. I think that's a healthy dialogue, and hopefully it gets us to the truth. I believe the issue, even with us, with limited time, is aggressively criticizing the data without the opportunity for someone to respond. So I appreciate that you've had a chance to do that.

I have some questions. I'd like to gear them, though, to Mr. Rosero, because I find his comments helpful and thoughtful.

As I do this, I'm compelled by a few things. It's my understanding, never having visited Colombia, that violence has seemingly decreased, including mass killings, which have decreased by over 80%. Trade union murders have decreased significantly, and I pray to God that's true. Kidnappings have decreased over the last number of years. Homicide rates have dropped dramatically.

These things strike me. Moderate poverty has fallen and extreme poverty has fallen again—again from some of the research I've done. I think Colombia can be a model for education in many countries in the world: 94% of the population have their basic education and 31% are in higher education. I think those are very important things.

The level of unemployment in Colombia is 11.3%, and there are some countries that would be delighted with those kinds of numbers. I will tell you that our numbers aren't that far different in this country.

We've also provided significant aid, through CIDA particularly.

Perhaps, Mr. Rosero, with our limited time...I have some very brief questions. Not to be silly, but could I ask you this sincerely, sir: do you believe that Canada is a friend of the Colombian people? I ask that as a sincere question, Señor Rosero.

Mr. Carlos Rosero (Interpretation): I think so.

Mr. Ed Holder: Okay.

Mr. Carlos Rosero (Interpretation): In this particular case, friendship does imply certain rules, and finally this is what we are asking for. There are rules, democratic rules, and we believe that friendship with the Colombian people, and particularly with African Colombians and indigenous peoples, could be a longer-lasting friendship.

• (1250)

Mr. Ed Holder: I'm glad to hear that you believe in rules, because part of what we're trying to put in place is a rules-based system to treat everyone fairly.

When we talk about the labour cooperation agreement, Mr. Rosero, I'm struck by the fact that, again, the intention.... Perhaps I'll quote from the ILO conference in June of this year, the 98th session, where the ILO committee on the application of standards expressed "appreciation for the positive steps of the government of Colombia to combat violence and impunity to expedite the union registration process and transfer the government's authority to determine the validity of strikes to the judicial system". I'm sure you're aware of that already.

I have a couple of simple questions. First, to your comment on rules being a good thing, do you accept that a rules-based agreement is better than a free trade agreement with no rules at all with respect to labour standards?

Mr. Carlos Rosero (Interpretation): Yes, but I'd like to openly talk about other issues. Many of the debates we've had focused on labour issues and on the figures, but they didn't deal with other issues.

My understanding is that in the particular case of Canada, there are very strong mining interests. I think there are issues that could be addressed. Black people and indigenous people in Colombia—we own our lands. That's recognized by the constitution. In several cases, we have preferential rights when it comes to using these natural resources in our territories.

We would actually like to talk very directly, frankly, and openly about this, and not fit things in very general terms into the other issues or other agendas.

Mr. Ed Holder: Thank you.

I think I heard you say, just on that point, that you would like more participation and discussion. From your perspective, I understand that.

Could you imagine, then, that this free trade agreement being in place would improve Colombia's economy and the standard of living for Colombians? I'd like to get a brief yes or no. What's your best sense of that, please?

Mr. Carlos Rosero (Interpretation): Because of the way in which it's been drafted or developed, without the participation of our peoples or of our communities, we doubt that our particular rights will be guaranteed. This is why we want to repeat that one of the possibilities for us to see if this would actually benefit us would be to carry out a human rights impact study. It would take into account the political, social, and cultural rights of our peoples and provide us with greater certainty.

There is certainty that there will be great economic benefit because there have been studies on economic impact. No study covers the impact on human rights.

Mr. Ed Holder: I've read this free trade agreement. That's my obligation. I'm sure you all have as well.

Mr. Rosero, is there any part of this free trade agreement that you could accept?

Mr. Carlos Rosero (Interpretation): In general, we accept trade. The presence of black people in our continent is a result of trading in the past.

I would like to insist that there are two different issues being discussed. What we are presenting arguments in relation to is the method through which the agreement was reached. In other words, we were excluded from participating in this method. We didn't get to know first-hand how the agreement was drafted. We didn't participate in that process.

Mr. Ed Holder: I'm glad to hear that you support trade and that you like rules. I think there's some promise there.

Thank you, Mr. Chairman.

• (1255)

The Chair: Thank you, Mr. Holder.

We are to go next to the Liberal Party.

Are there any questions here?

Hon. Scott Brison: I have a question on the labour and environment agreements in this trade agreement.

These are the strongest labour and environment agreements Canada has ever signed with any other country. They are the strongest labour and environment agreements in any trade agreement between any two sovereign countries. Given that we already have a trading relationship, how can this trade agreement, with such robust labour rights provisions, do anything but help strengthen those areas?

Secondly, I go back to the issue of the drug wars and the narco-economy. The drug lords and the drug gangs aren't governed by any labour code or environmental code or agreement. I can't help but believe that any legitimate economic opportunity that helps displace the reliance that many people of Colombia have on the drug economy will help strengthen both the labour and the environmental conditions.

I would appreciate comments from both of you on those points.

Prof. Daniel Mejía: Thank you.

Yes. I cannot see how this can make the living conditions in Colombia deteriorate.

Regarding the drug trade, some research came out last week. It was a joint research effort of Canadian and Colombian researchers that came up with a very important result, which is that the environmental effect of our aerial eradication campaign is taking into account the environmental effect of coca production. Yes, it's true that spraying coca crops with herbicides causes environmental damage, but you should compare that.... That's what the Canadian and Colombian researchers came up with. You should compare not only the damages caused by aerial eradication campaigns for illicit crops; you should also compare that to the environmental effects of coca production. This is an uncontrolled and illegal business, so they use all sorts of chemicals. Where do they dump these chemicals? Is this a legal activity that is controlled? No.

So if a free trade agreement will promote economic activity in rural areas, it will also have an important effect in environmental outcomes, because it will drive people from coca cultivation, which will have two effects. The first one is that less chemicals are going to be dumped into the environment due to coca production. Also, why should the government, with U.S. aid, eradicate these illicit crops if

there are no crops? I think this will be like a second-hand effect of the free trade agreement for environmental issues.

Mr. Carlos Rosero (Interpretation): One important point of this debate for us as indigenous peoples and Afro-Colombians is that general issues have to be examined in relation to particular perceptions, the particular perception of peoples. So for us, not only have we had a right for development being recognized, but we also have cultural aspirations. We have rights in this area, too.

So there's a nuance here that's very important for us, particularly when you invoke only the right to development and the right to trade and you don't take into account particular rights derived from the culture of the local communities. This then opens the door to a whole set of issues that cannot be controlled or handled in any way.

I'm quite sure that in the particular case of Colombia, any company, whether American or Canadian, if they're going to speak openly and frankly with black communities and indigenous communities.... If they did, let's say, they could actually reach an agreement based on people saying, look, we're going to get gold, we have 500 years of experience in extracting gold, so we'll extract gold, we'll do it in such-and-such a way, and the benefits are going to be the following—

● (1300)

The Chair: I'm sorry, we've run out of time. If you did want to answer the question, you're not going to have time to do it. We are at one o'clock, and the room is required by another committee.

I will again thank our witnesses for appearing. Thank you very much for taking the time to come. It's been very helpful.

The meeting is adjourned.

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