



Confédération syndicale des travailleurs des Amériques
Confederación sindical de los trabajadores de las Américas
Trade Union Confederation of the workers of the Americas



Confédération européenne des Syndicats
Confederación Europea de Sindicatos
European Trade Union Confederation



ITUC CSI IGB
Confédération syndicale internationale
Confederación Sindical Internacional
International Trade Union Confederation

IV EUROPEAN UNION-LATIN AMERICA AND THE CARIBBEAN SUMMIT

DECLARATION

Lima, 16 April 2008

The European Trade Union Confederation (ETUC), the Trade Union Confederation of the workers of the Americas (TUCA), the International Trade Union Confederation (ITUC) and other national trade union confederations have organised the fourth EU-LAC Summit and have approved the following Declaration to the Summit of Heads of State and Government that will meet in May in Lima¹.

In the wake of the Vienna Summit, international trade unions have been working closely together and have made substantial progress with the creation of the aforementioned ITUC, which comprises 311 organisations and some 168 million affiliates including the TUCA.

We request that the Trade Union Summit be considered as an official event preceding the Summit of Heads of State and Government and that this Declaration be taken into account when drawing up the conclusions. Given the trade union responsibility in this process, we undertake to monitor the commitments made during the process and ask to be fully involved in the latter.

I. Enhancing regional integration

We, the European, Latin American and Caribbean trade unions pledge our full commitment to enhancing sub-regional integration processes and would therefore like to see MERCOSUR, the Andean Community, the Central American Integration System (SICA) and the Caribbean Forum (CARIFORUM/CARICOM) develop solid and democratic institutions which accurately represent the views held by the citizens of their member countries. We also call for said processes to be interlinked to ensure a greater degree of integration; in this regard we welcome the initiatives already under way such as the Union of South American Nations (UNASUR) and the Association of Caribbean States (AEC).

¹ The present declaration will also be submitted to the bilateral EU-MERCOSUR, EU-Andean Community and UE-Central America summits

The process of European integration has been extremely successful to date, and in recent times with successive rounds of enlargement and the adoption of the new Treaty, which includes a Charter of Fundamental Rights. However, the EU remains weak in policy terms and has yet to develop a foreign policy via which it can work in partnership with other regions of the world – in particular Latin America and the Caribbean – in facing the joint challenges posed by globalisation.

In this regard, we would reiterate our support for establishing a strategic bi-regional partnership between the EU and Latin America and the Caribbean as agreed at the Rio Summit in 1999.

We also call for integration processes to ensure that human rights, including workers' rights, are respected in all the countries involved and that the impunity which remains rife in some countries is stamped out, thereby safeguarding full enjoyment of the freedom of association, collective bargaining and the right to strike. Such rights must also be protected at supranational level and multinationals must behave accordingly.

We fully support the World Day for Decent Work to be organised by the ITUC on 7 October 2008.

II. Negotiating Association Agreements

II.1 Negotiating mandates

The Association Agreements (AAs) being negotiated between the EU, MERCOSUR, the Andean Community and Central America include a section on free trade concentrating on the liberalisation of goods and services and other elements of a WTO-Plus agreement: liberalisation of the current payments and movements of capital, public procurement, including the water, energy and transport sectors. The AAs also encourage the Latin American countries to treat European multinationals no less favourably than their own companies, and this includes situations in which those countries have agreements with a third country.

In this connection, the negotiating mandates are also positive in terms of production, social cohesion and social/labour-related issues. In general, and in contrast to other treaties, the present AAs are unique in that they include both the condition that negotiations be conducted between blocs and pillars focussing on political-dialogue and cooperation.

In the context of these mandates, though, we are particularly concerned by the neoliberal focus on free trade mentioned above; we are opposed to such an approach since it flies in the face of the type of integration we seek to champion.

We also believe that there are substantial shortcomings in the negotiating mandates as regards social cohesion, social/labour-related issues and participation:

- in terms of social cohesion, no reference is made instruments such as structural funds;
- as regards dealing with differences, the mandates impose clear self-limitations in stating that "all of these provisions shall be reduced as far as possible" and

that "this will be contemplated when necessary while keeping the differences in commitments between countries to a minimum";

- no express reference is made to participatory structures within civil society;
- no separate section is included to deal with social/labour-related issues, meaning that this area must be included instead – and to a limited degree – in the section on cooperation. In contrast to the "social chapter" of the recent association agreement between the EU and South Africa, the provisions of this present agreement are very basic;
- no mention is made of migration, which is a key issue for both blocs at the present time;
- no provisions are made for dealing with climate change;
- no mention is made of the need to analyse the pre- and post-AA impact on the economy/trade, social/labour-related issues and the environment.

In our view, sustainable development and compliance with existing sub-regional integration processes should be a central focus for the AAs rather than merely a passing thought, and their significance explicitly acknowledged in the individual sections of the agreements.

We believe that an agreement which takes account of both social/labour-related and environmental issues is a vital precondition but that such an agreement alone will not guarantee the fair trade we wish to see promoted and established.

The AAs should also take a systematic and cross-sectoral approach by applying the agreements reached at world forums to safeguard both women's rights and the role of women in society.

II.2 Trade dimension

The key criterion is fair trade, along the lines of the approach currently taken by the developing countries with respect to the multilateral negotiations in connection with the WTO Doha Round, focusing on the principle of less than full reciprocity and, accordingly, on tariff reductions in line with the progress made by these countries, and on refusing to agree to exchanging concessions between sectors (agriculture, industry and services).

The AAs must acknowledge the major differences separating the EU from the Latin American and Caribbean regions and this must be done in an explicit form in all parts of the negotiations.

The AAs must have a positive and direct economic impact for both parties and they must not impose conditions or affect the vital strategies of productive development undertaken by the LAC countries and regions, as set out in the Labour Platform for the Americas (PLA) drawn up by the trade union movement of the region in 2005.

The AAs should also contain clear, measurable and quantifiable clauses on technology transfer.

Given that negotiations are being conducted between blocs, we believe that a special, differential and flexible approach should be taken to reflect the needs and sensitivities of the various individual countries, for example along the lines of the guarantees provided to Bolivia in its negotiations with the EU.

The AAs must also resolve satisfactorily the agricultural issues affecting rural and indigenous populations in Latin America and the Caribbean. Agriculture is linked to other, wider issues such as indiscriminate use of land, the current world food crisis, access to water, use of GMOs and pesticides, energy and climate change, all of which are multifaceted and require similarly broad-based solutions.

In negotiations with countries in the Andean Community and Central America, the approach taken must be based on the GSP+ (instead of the WTO+), i.e. any AA must build upon the trade benefits these countries already enjoy on the Community market via the Generalised System of Preferences, without reviewing them.

II.3 Social and labour dimension

The agreements must include a 'fourth pillar' on social and labour issues, based on acceptance of minimum labour standards and outlawing of social dumping. The validity of such standards must prevent the parties from promoting trade and foreign investment (including that channelled into industrial free zones) by increasing or maintaining a competitive advantage through lowering the level of protection provided by national social and labour legislation, or by derogating from it or failing to apply it. The conduct of multinational companies and their subcontractors must be assessed from the point of view of their social and legal liability.

It is necessary to make reference to the full validity of human rights in general and labour rights in particular both in the public and in the private sectors, including efficient monitoring and implementation mechanisms in the trade chapter. Such monitoring of implementation and application should include imposing trade or economic fines, hefty enough to work as a dissuasive factor, and designed to enhance social standards and working conditions in sectors and fields in which such problems are rooted. Such instruments must be incorporated into the agreement itself and must remain separate from external instruments.

Links between the EU and Latin America and the Caribbean must not lose sight of certain extreme instances of human – and trade union – rights being violated in Colombia and Guatemala, or indeed in any other country, and must actively seek to stamp out such practices. In this respect, legislation criminalising protests and trade union/social action must be abolished.

It is important to clarify that the same standard provisions apply to social and labour-related issues as to other sections of the AA and that as such, the terms of this 'pillar' are subject to the same procedures as regards conflict resolution.

The following should be included in this pillar in particular:

- Explicit reference to ILO core standards (conventions and recommendations), which should establish a binding framework. Such standards should, without a doubt, include those contained in the 1998 Declaration but could also include others considered 'priority' standards by the ILO (conventions C122 on employment policy, C81 and C129 on employment inspection and C144 on tripartite consultation) along with those which have also received broad support, (C155 on occupational safety and health, C102 on social security, C103 on maternity protection, C135 on workers' representatives, C169 on indigenous and tribal peoples, R193 on promotion of cooperatives, R195 on human resources development and R198 on the employment relations).

The most advanced legislation in each of the signing blocs should also be incorporated, as well as other sub-regional instruments. A commitment must be made in the case of conventions which have not been ratified by some of the parties involved.

- A commitment to comply with OECD Guidelines for Multinational Enterprises, the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, multilateral agreements on the environment, including the Kyoto Protocol, and human rights conventions in general.

- Experience gained from international framework agreements between international trade union federations and transnational companies with a parent company in Europe and subsidiaries in Latin America or the Caribbean.

- Acknowledgement of self-employed workers in the form of government policies providing formal recognition of their rights.

II.4 Participation dimension

Europe's own experience with participation in the negotiations has been both positive and negative. The consultations carried out at regional level cannot be considered as such, since they are typically just exercises in delivering information at short meetings. This situation tends to be repeated in negotiations with the Andean and Central American countries where the 'adjoining rooms' negotiating model is used which does not recognise the right to consultation, but which simply provides unilateral information. Looking at agreements already signed in the region with the EU (Mexico and Chile), that with Mexico makes no mention of participatory structures while that with Chile includes the creation of the Economic and Social Committee and of the Joint Consultative Committee which have not yet been created. The EU-MERCOSUR negotiations also remained vague in this regard.

No details are available on the negotiating mandates of the Latin American and Caribbean countries currently negotiating AAs with the EU and as such said mandates are also unclear.

One positive precedent was the agreement reached in 2004 via the negotiations between Europe and MERCOSUR on the creation of a joint EESC-FCES monitoring body, recognition of the Labour Forum uniting the two structures, and the obligation to comply with fundamental ILO conventions. These were trade union demands. This focus is being taken into account by ETUC and Andean and Central American trade unions for similar proposals regarding an Andean Economic and Social Committee and taking advantage of some of the content of the Political Dialogue and Cooperation Agreement.

Participation as a key element of the AAs should be reflected in transparency and openness in all dealings with trade unionists and other sectors of organised civil society via:

- Joint Consultative Committees in each AA: economic and social committees, or equivalent structures, and the EESC should be represented in such committees, thereby ensuring that they can be fully involved in the process;

- a forum on trade and sustainable development meeting twice a year to address social issues and problems via public discussion between employers'

organisations, workers' organisations and NGOs. In any such negotiations, a clear balance should be struck between representatives of the three sectors.

These structures – or indeed any other specific structures – should devise mechanisms to:

- ensure regular information, consultation and participation throughout negotiations with timely and structured access to draft documentation;
- monitor and to evaluate the application of the AA through submission of periodic reports on progress made in implementing the commitments made under the AA, taking into account all considerations as regards its social and economic impact (including access to high quality public services) and pursuing clear policies (including, among others, trade-related policies) aimed at achieving industrial development;
- enable workers' and employers' organisations on both sides to submit communications, calling upon governments to act on any social difficulties highlighted, and monitoring and reviewing the terms of the mechanism on a regular basis with a view to keeping up pressure on any government which allows violation of workers' rights to continue. Such complaints must be dealt with quickly and efficiently by highly qualified independent experts; recommendations by the latter must be made within a specific time period to ensure that governments can act upon them appropriately;
- facilitate involvement in assessing the pre- and post-agreement impact of the AAs in the three dimensions of sustainable development.

III. Social cohesion and sustainable development

The AAs must comprise social cohesion and social justice measures to lessen potential negative effects in areas such as poverty, precariousness and informal work and migration, and must support decent work, a concept promoted by the ILO as a key factor in ensuring social cohesion.

It is vital that financial mechanisms are put in place to smooth out imbalances between the two regions and that such mechanisms be based on the EU's broad experience of structural, cohesion and solidarity funds. This approach was flagged up previously at the Guadalajara Summit through the EuroSocial programme, which should be complemented by new programmes with more plentiful financial resources.

Such mechanisms must include financing by the EU (for instance via the European Investment Bank) and those countries which receive the lion's share of trade and investment. Social sectors must also be involved in drawing up and implementing these instruments.

Migration should be acknowledged as being inextricably linked with sustainable development (insofar as the latter safeguards the right not to migrate) and should be included in all aspects of the AAs. It should continue to be included in the sections on political dialogue and social/labour-related issues to safeguard the rights of migrants in their countries of origin, and in the section on trade as regards how best to handle remittances.

Mindful of the fact that increasing numbers of migrants are travelling to Europe, we call upon the EU to play its part by putting in place agreements and programmes to facilitate legal migration, economic, social and cultural integration of migrants and full guarantees that the labour, trade union, social and civil rights of migrants and their families will be respected.

Against the backdrop of the historical and cultural ties between the two regions, we are also calling for a comprehensive and proactive migration policy rooted in detailed rules as to entry and residency and which safeguards individuals' dignity. Such a policy should be based on the framework of migrants' rights as recognised in both UN and ILO Conventions (the UN's International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Conventions C97, C143 and C157).

A very positive step was the recent signing at the XVII Iberian-Latin America Summit of the Multilateral Agreement on Social Security for Iberian-Latin America (*Convenio Multilateral Iberoamericano de Seguridad Social*), which seeks to ensure that migrant workers may enjoy in their countries of origin the benefits brought about by their work in the countries to which they have migrated. At the same time, though, this agreement must be applied quickly and efficiently to ensure that other EU countries are able to follow the same principle.

We utterly denounce all forms of human trafficking, in particular that of women and children. We are mindful of the growing number of female migrants; half of all migrants are women and it is for these female migrants that migration poses the greatest risks.

We condemn the building by the United States of a series of barrier walls on its border with Mexico and believe this to be a problem for the region as a whole.

We call for civil society organisations to be involved in shaping migration policy: they should be able to work in partnership with trade union organisations on issues such as labour integration and various aspects of training and employment for migrants – both in their countries of origin and in the countries to which they migrate

IV. Climate change and sustainable development

The current development model is unfair in social terms and unsustainable from an environmental standpoint.

Sustainable development requires that we protect the environment: creating decent jobs that also respect the environment is the only way to safeguard the way of life of millions of workers.

As outlined clearly in the reports by the Intergovernmental Panel on Climate Change, countries in Latin America and the Caribbean are becoming acutely aware of the severe consequences of worsening climate change: the latter is causing problems for populations, is contributing to increased levels of poverty and less social cohesion and continues to be one of the main driving forces behind migration.

Much environmental damage is caused by human activity and, not least, by the predatory behaviour of companies, in particular transnational ones. Given how important environmental resources are in terms of sustainable development, we advocate civil society organisations – and trade unions in particular – playing a more active role in programmes designed to promote responsible use of such resources. We also call for programmes to facilitate cooperation and exchange of good practices as regards using these resources in way which benefits the communities in which they are to be found but does not harm the environment.

Cooperation on the issue of climate change is vital if we are to combine environmental protection, economic growth and creation of decent jobs in a sustainable manner.

APPEAL TO THE HEADS OF STATE AND GOVERNMENT OF LATIN AMERICA AND THE CARIBBEAN AND THE EUROPEAN UNION

- We call upon the Summit of Heads of State and Government to take political initiatives that will shore up regional and sub-regional integration;
- we ask that the EU-LAC Strategic Bi-Regional Association take as its basis equality and a level playing field for both regions and that the necessary remedial action be taken to smooth out any imbalances;
- we ask that the principles of fair trade be observed but that the AAs not, as a whole, be based on neoliberal free-trade criteria;
- the AAs should not be restricted to aspects of trade but should form the basis for an association in the broadest sense comprising provisions on political dialogue, cooperation and the social dimension;
- the Trade Union Summit calls upon the EU, the Andean Community, MERCOSUR and Central America to put in place mechanisms to ensure that civil society and, in particular, trade unions are proactively consulted and involved (i.e. not simply fed information at regular intervals) both during negotiations themselves and subsequently in monitoring the AAs concluded;
- we call for specific acknowledgement of both trade union organisations and the mechanisms put in place by them, such as the EU-MERCOSUR Labour Forum;
- we call upon the Chilean government to respect the terms of the AA with the EU surrounding the creation of an Economic and Social Committee and, in turn, of the Joint Committee linking the former with the EESC;
- We urge the Mexican government to set up a similar consultative body in Mexico;
- we ask that the provisions of both the Social Chapter contained in the agreement between the Caribbean countries and the EU and the agreement on training and skills for non-governmental players be fully observed;
- we underscore once again the need for a fourth pillar focussing on social/labour-related issues in addition to the current three pillars of trade, cooperation and social dialogue;
- we demand that transnational companies be required to comply with ILO and OECD instruments;
- we call upon governments to make sure that human rights in general and trade union and workers' rights in particular are respected in all countries;
- we call for the impunity enjoyed in some countries (such as Colombia and Guatemala) by those responsible for murdering and persecuting trade unionists be stamped out;

- we condemn the blockade of/economic embargo on Cuba and call for these restrictions to be lifted;
- we call for gender equality to be a key provision of any AA;
- we call upon European governments to cease undermining the European social model in a bid to safeguard the progress achieved thus far for European workers and to enable this model to serve as a benchmark in all EU Member States;
- we call upon governments both in Latin America and the Caribbean and in the EU to incorporate sustainable development principles into their negotiations and to apply this approach within the multilateral institutions of which they form part;
- we call for trade unions to be involved in drawing up public migration policy and that such policies be based on acknowledgement of migrants' civil and labour rights;
- we ask that the rights of self-employed workers be recognised;
- we call for the series of barrier walls built by the United States on its border with Mexico be demolished;
- we pledge to combat the xenophobic tendencies evident in some EU countries and also in other countries in Latin America and the Caribbean, and call upon the national authorities to remove all discriminatory measures.
