

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

Assembly Joint Resolution

No. 27

Introduced by Assembly Member Torrico

(Coauthors: Assembly Members Ammiano, Beall, Block, Blumenfield, Chesbro, Coto, Davis, Eng, Evans, Fong, Fuentes, Furutani, Huffman, Jones, Lieu, Ma, Mendoza, Monning, V. Manuel Perez, Ruskin, Salas, Saldana, Skinner)

(Coauthors: Senators Cedillo, Corbett, DeSaulnier, Kehoe, Steinberg, Wright, Yee)

September 11, 2009

Assembly Joint Resolution No. 27—Relative to the Colombia-United States free trade agreement.

LEGISLATIVE COUNSEL'S DIGEST

AJR 27, as amended, Torrico. Colombia-United States free trade agreement.

This measure would urge the United States Congress to oppose a free trade agreement between the United States and Colombia.

Fiscal committee: no.

- 1 WHEREAS, Violence against trade unionists persists to this
- 2 day, with over 500 unionists murdered during the administration
- 3 of current Colombian President Alvaro Uribe; and
- 4 WHEREAS, The murder rate increased by 25 percent from 39
- 5 murders in 2007 to 49 murders in 2008; and
- 6 WHEREAS, Twenty-four trade unionists ~~have been murdered~~
- 7 ~~so far~~ were murdered in 2009; and

1 WHEREAS, The continued murders and death threats have a
2 chilling effect on union activity, as workers continue to have good
3 reason to fear for their lives when they exercise their fundamental
4 labor rights, especially the crucial rights to organize, bargain
5 collectively, and strike; and

6 WHEREAS, The Office of the Attorney General of Colombia
7 has secured convictions in only about 5 percent of the over 2,700
8 cases of murder of trade unionists, and only following significant
9 international pressure to do so; and

10 WHEREAS, In the vast majority of cases, the person convicted
11 of the crime is not the originator of the crime, but rather carried
12 out the order to kill and, in roughly 40 percent of the sentences,
13 the person found responsible for the crime was either tried in
14 absentia or is otherwise not in custody and thus potentially still at
15 large; and

16 WHEREAS, The Office of the Attorney General of Columbia
17 does not attempt to investigate all outstanding unsolved murder
18 cases, but rather only the subset of cases that have been previously
19 presented to the International Labor Organization and new murder
20 cases from 2006 onward; and

21 WHEREAS, Impunity for these and other crimes persists and
22 new crimes will likely continue to be committed with similar
23 impunity because of a failure to fully investigate and prosecute
24 those responsible for these crimes, and also widespread human
25 rights violations; and

26 WHEREAS, A flawed paramilitary demobilization process has
27 contributed to thousands of “demobilized” and never-demobilized
28 paramilitaries, creating new and dangerous organizations; and

29 WHEREAS, Many of these groups, including the Aguilas Negras
30 (Black Eagles), are associated with powerful local or regional
31 economic and political interests and continue the violent legacy
32 of the paramilitaries, including narcotics trafficking and targeted
33 assassinations; and

34 WHEREAS, Defamatory remarks regarding trade unionists and
35 human rights defenders in Colombia ~~delegitimizes~~ *delegitimize*
36 the important and valued work of human rights defenders, ~~closes~~
37 *close* the necessary and justifiable space for them to exercise their
38 internationally recognized right to free expression, and ~~places~~ *place*
39 individuals and entire organizations at the grave risk of physical
40 retaliation from members of illegal armed groups; and

1 WHEREAS, According to a 2008 Human Rights Watch report,
2 numerous politicians, including members of the Colombian
3 Congress have come under criminal investigation for collaborating
4 with paramilitaries—the groups responsible for the majority of
5 crimes against trade unionists where the author of the crime is
6 known; and

7 WHEREAS, According to Human Rights Watch, there is
8 overwhelming evidence of broad, systematic, and illegal
9 surveillance conducted by the Administrative Security Department
10 (DAS), the national intelligence service of Colombia, against
11 hundreds of members of human rights organizations, political
12 opposition parties and unions, as well as Supreme Court justices,
13 journalists, and even clergy; and

14 WHEREAS, The United Nations Special Rapporteur on
15 Extrajudicial Executions, Phillip Alston, recently found that killings
16 of innocent civilians by the armed forces have occurred throughout
17 the country; and

18 WHEREAS, According to the International Labor Organization,
19 the labor laws of Colombia fall short of minimum international
20 labor standards; and

21 WHEREAS, The United States-Colombia Trade Promotion
22 Agreement, a comprehensive free trade agreement between
23 Colombia and the United States, was signed on November 22,
24 2006, and is currently being reviewed by the Office of the United
25 States Trade Representative; now, therefore, be it

26 *Resolved by the Assembly and the Senate of the State of*
27 *California, jointly,* That the Legislature of the State of California
28 strongly urges the United States Congress to oppose a free trade
29 agreement between the United States and Colombia; and be it
30 further

31 *Resolved,* That the Chief Clerk of the Assembly transmit copies
32 of this resolution to each Senator and Representative from
33 California in the Congress of the United States.