



*American Model United Nations*

**ICJ**

IN THE INTERNATIONAL COURT OF JUSTICE

ECUADOR V. COLOMBIA

MEMORIAL OF ECUADOR

Statement of Fact:

1. The majority of the world's coca is grown in the nation of Columbia.
2. Columbia acknowledges their use of Roundup, which includes the herbicide Glyphosate and the additive surfactant polyethoxylated tallowamine in an effort to combat coca farms in its borders.
3. Colombia knowingly and willingly administered this pesticide through aerial spraying, which has consequently found its way into Ecuadorian territory.
4. Studies have found that additives to Roundup in conjunction with glyphosate can disrupt endocrine pathways for estrogen and testosterone in humans, which can cause possible infertility. There are also no studies on the long-term effect of Roundup on humans.
5. Glyphosate is a broad-spectrum systemic herbicide which can easily be absorbed through leaves. This means that any plants not genetically modified to withstand the chemical will die easily, as it affects an enzyme key to certain amino acid synthesis.
6. Many Ecuadorian crops are not roundup ready, genetically modified to withstand glyphosate, and are easily killed by the herbicide's properties.
7. Effects of the herbicide would wipe out any farmland that comes into contact with it, causing property damage.
8. Ecuador is also one of just 17 countries in the world designated by the
9. World Conservation Monitoring Centre of the United Nations Environment Programme as "megadiverse". Although it covers only 0.17 per cent of the Earth's area, Ecuador possesses a disproportionately large share of the world's biodiversity. In fact, Ecuador has the world's highest biological diversity per area unit; i.e., on average, there are more species per square kilometre in Ecuador than anywhere else in the world. According to the World Resources Institute, it has 302 mammal species, 19,362 plant species, 640 breeding bird species (including 35 per cent of the world's hummingbird species), 415 reptile species, 434 amphibian species and 246 fish species. Approximately 25 per cent of its territory is made up of national parks and protected areas.
10. Effects of Roundup in aquatic environments have been proven to be highly toxic to fish, invertebrates, and especially amphibians.
11. Edge effects (a pronounced separation between habitats due to the area cleared by herbicides) that arise due to herbicide use on forest habitat greatly reduces species diversity and population size of organisms native that environment, also known as habitat specialists.
12. Edge effects can also disrupt the migratory pathways of habitat-specialists which live on the border, which can include endangered and vulnerable species.

Statement of the Law:

1. Article 36(1) states that the ICJ has jurisdiction over "matters specifically provided for ...

- in treaties and conventions in force.”
2. By being a party member of the Convention on Biological Diversity, Columbia is bound to make measures and incentives for the conservation and sustainable use of biological diversity.
  3. By using an aerial herbicide spray in order to combat coca plantations, Columbia has violated this section of the Convention, and should be held liable for the damages caused.
  4. according to the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Article 32 of which provides: “Any such dispute [relating to the interpretation or application of the Convention] which cannot be settled in the manner prescribed in paragraph 1 of this article [that is, by negotiation, enquiry, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of the parties’ choosing] shall be referred, at the request of any one of the States Parties to the dispute, to the International Court of Justice for decision.” Ecuador and Colombia are parties to the 1988 United Nations Drug Convention.

#### Statement of Jurisdiction

1. Ecuador believes that the ICJ has jurisdiction in the matter of ecological damage to the Nation of Ecuador due to a clear violation of the Convention on Biological Diversity, which both Columbia and Ecuador are party to. This belief stems from the Compromissory Clause, Article 36(1) of the ICJ, which states that the Court has jurisdiction over "matters specifically provided for ... in treaties and conventions in force"
2. The Court has jurisdiction over the present dispute by virtue of the operation of the American Treaty on Pacific Settlement of Disputes, Bogotá, 30 April 1948 (“Pact of Bogotá”)1, Article XXXI, which provides: “In conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, the High Contracting Parties declare that they recognize, in relation to any other American State, the jurisdiction of the Court as compulsory ipso facto, without the necessity of any special agreement so long as the present Treaty is in force, in all disputes of a juridical nature that arise among them concerning:
  - (a) the interpretation of a treaty;
  - (b) any question of international law;
  - (c) the existence of any fact which, if established, would constitute the breach of an international obligation;
  - (d) the nature or extent of the reparation to be made for the breach of an international obligation.”

Both Ecuador and Colombia are parties to the Pact of Bogotá.

3. The Court also has jurisdiction according to the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Article 32 of which provides: “Any such dispute [relating to the interpretation or application of the Convention] which cannot be settled in the manner prescribed in paragraph 1 of this article [that is, by negotiation, enquiry, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of the parties’ choosing] shall be referred, at the request of any one of the States Parties to the dispute, to the International Court of Justice for decision.” Ecuador and Colombia are parties to the 1988 United Nations Drug Convention.

#### Argument

Ecuador believes that the ICJ has clear recourse for jurisdiction in this case. It also

believes that, due to the various treaties and conventions that Columbia and Ecuador are party to; Columbia is responsible for the following three things.

1. Damage to the health of Ecuadorian citizens from the aerial spraying of the herbicide Roundup.
2. Damage to property, namely farmland, due to said spraying.
3. Damage to Ecuador's pristine natural environment, including funds necessary in future rehabilitation of affected areas.

#### Summary and Prayer of Relief

Columbia is implicit in damaging the health and property of Ecuadorian people through its use of aerial herbicide sprays. These sprays also damaged much of Ecuador's pristine environment which lies on the border. Ecuador therefore respectfully requests a judgment of the Court ordering Colombia to respect the sovereignty and territorial integrity of Ecuador; take all steps necessary to prevent the use of any toxic herbicides in such a way that they could be deposited onto the territory of Ecuador; prohibit the use, by means of aerial dispersion, of such herbicides on or near any part of its border with Ecuador; and indemnify Ecuador for any loss or damage caused by its internationally unlawful acts including the aforementioned loss of property, personal suffering, and environmental damage and subsequent rehabilitation