



## **Ecuador v. Colombia (Aerial Herbicide Spraying)**

**ARGUED: 20 November 2016**

**DECIDED: 20 November 2016**

1 Submit the following majority opinion in the case of Ecuador v. Colombia:

2 This majority is signed by and agreed to by Justice Buxton, Justice Madrigal, Justice Selvaggi, Justice  
3 Henning, Justice Larsen, Justice Roehm, Justice Harris, Justice Ali, Justice Weeks, Justice Quinn, Justice Canizales,  
4 Justice Johnson, Justice Nelson, Justice Farley, and Justice Strum.

5 On the matter of jurisdiction, the Court has determined it has the ability to rule on aerial herbicide spraying  
6 in a dispute between Ecuador and Colombia under Article 36, paragraph 2, the Statute of the International Court  
7 of Justice; Article 6 and Article 31 under the American Treaty on Pacific Settlement (Pact of Bogota); Article 32  
8 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;  
9 Article 2 of the Convention on Biological Diversity Annex II. With regards to Article 36, paragraph 2, the Court  
10 has the ability to rule on: A. the interpretation of treaties; B. any questions of any international law; and C. the  
11 existence of any fact which, if established, would constitute a breach of international obligation. Concerning the  
12 Pact of Bogota, the Court recognizes that while the language of Article 6 alone does not provide jurisdiction, the  
13 proceeding language in Article 31 allows for the Court to intervene in this matter without the necessity of a special  
14 agreement. Pertaining to the Article 32 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs  
15 and Psychotropic Substances of 1988, the Court believes that work done through the Organization of American  
16 States (OAS), efforts to conduct bilateral talks, as well as mediation through the United Nations, shows various  
17 attempts to resolve this matter. Finally, despite Colombias claim that Article 2 of the Convention on Biological  
18 Diversity Annex II was violated, the Court does not believe that this treaty was applicable to this dispute.

19 With respect to Ecuadors claim that aerial herbicide spray being used by Colombia is causing trans-boundary  
20 harm, the Court finds that there is no substantial evidence to support the claim that there has been harm done to  
21 Ecuadorian human health, property and environment. After an exhaustive review completed by the Court on the  
22 toxicity and usage of aerial herbicide spray, glyphosate, the Court determines that there is little evidence to support  
23 Ecuador that glyphosate causes significant harm in any capacity to the human health, property and environment of  
24 Ecuador. Multiple international organizations, including the OAS, have completed investigations on the effects of  
25 glyphosate and recognized the minimal risk it places on individuals and the environment.

26 Responding to Ecuadors claim that aerial herbicide spray is causing increased migration of Colombian citizens  
27 into Ecuador, the Court again finds no evidence to support the assertion that glyphosate is the cause for the increased  
28 migration. The Court recognizes that shift in migration could be a result of extenuating circumstances. Additionally,  
29 indigenous peoples from Ecuador and Colombia have peacefully shared this border for years, which can account for  
30 fluctuation in population distribution along the border.

31 Finally, the Court cannot disregard the positive impacts of Plan Colombia on efforts to eradicate the coca  
32 plant and provide stability to Colombia, and all other affected states. The Court affirms that the efforts of Plan  
33 Colombia are in line with the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic  
34 Substances of 1988, specifically Article 14, paragraph 2 and 3c. Furthermore, the Court has found that coca culti-  
35 vation, and the herbicides and pesticides involved, are notably more harmful to the environment than the usage of  
36 glyphosate which upholds the ideals of the Convention on Biological Diversity.

37 The Court orders the following:

38 First, the Ecuadorian government recognize the right of Colombia to implement the use of aerial herbicide  
39 spray in continuation with Plan Colombia.

40           Second, the continued research and publication on the long-term effects of the use of glyphosate for the  
41 purpose of coca eradication.

42           Third, that the Colombian government should review the progress of Plan Colombia and the necessity of  
43 continued use of aerial herbicide spray, in adherence with the United Nations Convention Against Illicit Traffic in  
44 Narcotic Drugs and Psychotropic Substances of 1988 and the Convention on Biological Diversity.

*Signed By*

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Justice Buxton

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Justice Madrigal

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Justice Weeks

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Justice Selvaggi

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Justice Strum

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Justice Ali

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Justice Quinn

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Justice Johnson

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Justice Nelson

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Justice Farley

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Justice Larsen

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Justice Gross

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Justice Harris

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Justice Conizales

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Justice Henning

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Justice Roehm