

IN THE INTERNATIONAL COURT OF JUSTICE,

Ecuador,

APPLICANT

V. Colombia,

RESPONDENT

MEMORIAL OF ECUADOR

COMES NOW Ecuador and for their Memorial to the Court states the following as of March 31, 2008:

Statement of Law:

The American Treaty on Pacific Settlement, or if one prefers, the Pact of Bogota:

Article 31

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.

Statement of Fact:

The state of Colombia has been facing an ongoing detriment of drug related terrorism and currently seeks a plan of action in which proposes the discontinuation of illegal harvest. The state of Colombia proceeded with the creation of Plan Colombia, a strategy that was built to specifically tackle the drug trafficking matter within the state. At this moment, the state of Colombia centers its blueprint around illegal coca growers who supply drug trafficking organizations. Being that these suppliers export their prohibited goods to states outside of their region, including nations in Europe and the state of the United States of America, the state of the United States of America has agreed to supporting their prevention program. Thus, through Plan Colombia, the state of Colombia has negotiated that spraying aerial herbicides would be the best and easiest approach toward this issue. Flights have been set to spray high concentrations of glyphosate, also known as Roundup, a special chemical that is tremendously toxic which massively spreads at least 10 kilometers from the Ecuadorian boarder.

Arguments:

- 1) Colombia refused to bilaterally compromise with Ecuador
- 2) Colombia violated obligations under the international law, supported by the Pact of Bogota by causing and allowing toxic herbicides to enter on Ecuadorian soil which result to prolonged damages towards human health, property, and environment.
- 3) Colombia has also caused anxiety and chaos to its' own citizens, leading to undocumented Colombians into Ecuador while putting Ecuadorians that live along the board at a disadvantage

Statement of Jurisdiction:

Statute of the International Court of Justice

Article 36

Paragraph 1 and 2

- 1.) The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.
- 2.) The states parties to the present Statute may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:
 - a. the interpretation of a treaty;
 - b. any question of international law;
 - c. the existence of any fact which, if established, would constitute a breach of an international obligation;
 - d. the nature or extent of the reparation to be made for the breach of an international obligation.

United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

Article 32

SETTLEMENT OF DISPUTES

- 1.) If there should arise between two or more Parties a dispute relating to the interpretation or application of this Convention, the Parties shall consult together with a view to the settlement of the dispute by negotiation, enquiry, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their own choice.

2.) Any such dispute which cannot be settled in the manner prescribed in paragraph 1 of this article shall be referred, at the request of any one of the States Parties to the dispute, to the International Court of Justice for decision.

3.) If a regional economic integration organization referred to in article 26, subparagraph c) is a Party to a dispute which cannot be settled in the manner prescribed in paragraph 1 of this article, it may, through a State Member of the United Nations, request the Council to request an advisory opinion of the International Court of Justice in accordance with Article 65 of the Statute of the Court, which opinion shall be regarded as decisive.

4.) Each State, at the time of signature or ratification, acceptance or approval of this Convention or accession thereto, or each regional economic integration organization, at the time of signature or deposit of an act of formal confirmation or accession, may declare that it does not consider itself bound by paragraphs 2 and 3 of this article. The other Parties shall not be bound by paragraphs 2 and 3 with respect to any Party having made such a declaration.

5.) Any Party having made a declaration in accordance with paragraph 4 of this article may at any time withdraw the declaration by notification to the Secretary-General.

Summary and Request

In solution to this case, the state of Ecuador requests for the international court of justice to hold Colombia accountable for violating their obligations under international law reflecting the potential harm to Ecuador, the health of its' people, agriculture, and environment from the disposal of such toxins in which met Ecuadorian territory. Ecuador also seeks for the international court of justice to also require Colombia to make themselves financially responsible for any loss of human life, property, or the environment. Lastly, to ensure sovereignty and integrity of and for the state of Ecuador, the state of Ecuador requests for immediate ceasing of aerial herbicide spraying which will reduce further damages.