



# INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

Website: [www.icj-cij.org](http://www.icj-cij.org)

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**Ecuador institutes proceedings against Colombia with regard to a dispute concerning the alleged aerial spraying by Colombia of toxic herbicides over Ecuadorian territory**

THE HAGUE, 1 April 2008. In the late afternoon of 31 March 2008, Ecuador seised the International Court of Justice (ICJ) of a dispute between itself and Colombia concerning the alleged “aerial spraying [by Colombia] of toxic herbicides at locations near, at and across its border with Ecuador”.

In its Application Ecuador states that “the spraying has already caused serious damage to people, to crops, to animals, and to the natural environment on the Ecuadorian side of the frontier, and poses a grave risk of further damage over time”. It further contends that it has made “repeated and sustained efforts to negotiate an end to the fumigations” but that “these negotiations have proved unsuccessful”.

Ecuador accordingly requests the Court “to adjudge and declare that:

- (a) Colombia has violated its obligations under international law by causing or allowing the deposit on the territory of Ecuador of toxic herbicides that have caused damage to human health, property and the environment;
- (b) Colombia shall indemnify Ecuador for any loss or damage caused by its internationally unlawful acts, namely the use of herbicides, including by aerial dispersion, and in particular:
  - (i) death or injury to the health of any person or persons arising from the use of such herbicides; and
  - (ii) any loss of or damage to the property or livelihood or human rights of such persons; and
  - (iii) environmental damage or the depletion of natural resources; and
  - (iv) the costs of monitoring to identify and assess future risks to public health, human rights and the environment resulting from Colombia’s use of herbicides; and
  - (v) any other loss or damage; and

(c) Colombia shall:

- (i) respect the sovereignty and territorial integrity of Ecuador; and
- (ii) forthwith, take all steps necessary to prevent, on any part of its territory, the use of any toxic herbicides in such a way that they could be deposited onto the territory of Ecuador; and
- (iii) prohibit the use, by means of aerial dispersion, of such herbicides in Ecuador, or on or near any part of its border with Ecuador.”

As a basis for the Court’s jurisdiction, Ecuador invokes Article XXXI of the American Treaty on Pacific Settlement (officially known as the “Pact of Bogotá”) of 30 April 1948, to which both States are parties. Ecuador also refers to Article 32 of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

In its Application, Ecuador reaffirms its opposition “to the export and consumption of illegal narcotics” but stresses that the issues it presents to the Court “relate exclusively to the methods and locations of Colombia’s operations to eradicate illicit coca and poppy plantations ~ and the harmful effects in Ecuador of such operations”.

The full text of Ecuador’s Application instituting proceedings will be available shortly on the Court’s website ([www.icj-cij.org](http://www.icj-cij.org)).

Information Department:

Mrs. Laurence Blairon, Secretary of the Court, Head of Department (+31 (0)70 302 2336)  
Messrs. Boris Heim and Maxime Schouppe, Information Officers (+31 (0)70 302 2337) Ms  
Joanne Moore, Assistant Information Officer (+31 (0)70 302 2394)