



Aerial spraying knows no borders

Ecuador brings international case over aerial spraying

As with drug trafficking, armed conflict, mass displacement of people by armed conflict and in general all of the problems in the border area between Colombia and Ecuador, which have clearly spilled over Colombia's boundaries, aerial spraying also crosses the imaginary line between the two countries. The difference is that while the Colombian government lacks the physical capacity to avoid the spill over of illicit trafficking in drugs, weapons and persons and its effects, it does have the ability to keep glyphosate from reaching the neighbouring country. But it fails to do so.

This reluctance has led the new Ecuadorian government of President Alfredo Palacio to raise the issue of aerial spraying on the border again, in an effort to win the immediate suspension of the spraying and reparation of damage. Aerial spraying of the herbicide Roundup is an important component of the Colombian government's anti-narcotics programme, which is supported by Washington. According to many complaints from residents of the area, the glyphosate affects human health, livestock and crops.

At the urging of various civil humanitarian organizations and government agencies such as the Ombudsman's Office, the Ecuadorians have requested a ban on spraying within 10 kilometres of the border. This is a reasonable request. So why has the Colombian government been unwilling to give ground on this minimal demand, which the Ecuadorians have been making since 2001, shortly after the aerial spraying began as part of Plan Colombia? What is a 10-kilometer band along the border in comparison with the hundreds of thousands of hectares that are sprayed every year in Colombia?¹

RECOMMENDATIONS

- The seriousness of the situation on the Colombian-Ecuadorian border merits greater attention from the international community, U.N. humanitarian agencies and other specialised bodies. The Palacio administration needs international support for its request to suspend spraying in the border area to reduce the serious damage it is causing in Ecuadorian territory.
- The aerial spraying programme should also be suspended throughout Colombia and the funds redirected to alternative development programmes that encourage peasant farmers to stop growing coca, as well as to the construction of infrastructure to facilitate the commercialisation of alternative crops.

Colombian-Ecuadorian relations

To answer this question, we must first examine the state of relations between the two countries, which have been affected for many years by various border problems. Although during his campaign former President Lucio Gutiérrez criticised Plan Colombia and the U.S. presence at the Manta base, its FOL in Ecuadorian territory,² once in office he never radically questioned the

1. According to official figures, 103,343 hectares of illicit crops have been sprayed in the first seven months of 2005 alone.

impact of spraying along the border, and he even openly embraced Colombian President Álvaro Uribe's "Democratic Security" policy and sought closer relations with Washington. Thanks to Ecuador's collaboration, guerrilla commander Simón Trinidad was captured in January 2003. He was later accused of drug trafficking and extradited to the United States. With the fall of Gutiérrez, the Ecuadorian authorities' view of the border situation appears to have changed, and Bogotá-Washington seem to have lost a key ally in the region.

In recent meetings between officials of the two countries to talk about various issues, including spraying, Ecuador warned that it was willing to take its case to international bodies if the problem could not be solved by other means. The first step was taken when the Ombudsman's Office presented the case before the Human Rights Commission of the Organisation of American States (OAS). Ecuadorian Foreign Minister Antonio Parra Gil has also said publicly that the Colombian government is not providing the necessary support to the thousands of Colombians who have been displaced across the border because of security problems in the area. On various occasions in recent months he has also denounced the damage caused by the use of glyphosate.

Interior Minister Mauricio Gándara has stated that Plan Colombia has failed because it has not stopped violence, drug trafficking, contraband and money laundering in the region. The challenging tone of these statements by the new Ecuadorian administration is unprecedented in the recent history of relations between the two countries.

For the moment, Colombia seems to be taking a wait-and-see attitude. The Palacio administration is not only a transition government, meaning that it may not be in a position to make long-term policy, but it also has demonstrated significant instability and inexperience, marked by fluctuations between the two positions that currently characterise the continent, that of Lula-Chávez-Kirchner and alignment with Washington. While Minister Gándara called the Chávez government "diabolical and horrible," former Economy Minister Rafael Correa did not conceal his admiration for Chávez and his petroleum-funded social policies, and Foreign Minister Parra said that Ecuador would take a neutral stand on the Colombian conflict. President

Palacio, who is more inclined to side with South America's leftist governments than to continue the policies of his predecessor, Gutiérrez, spoke initially of reviewing the status of the Manta base, although he later retracted that statement.

Despite the contradictions and instability of Ecuador's foreign policy, however, bilateral relations with Colombia have undergone an essential change, and amid the complex border problem one thing that has remained consistent in the Palacio administration's position is the government's stand on aerial spraying.

Complex border

The jungle geography and the rivers along the Colombia-Ecuador border make it perhaps one of the continent's most complex regions. It reflects all aspects of the drug problem affecting the Andean countries and its particular Colombian characteristics: illicit coca and poppy crops and aerial spraying of those crops, processing of drugs and drug trafficking. About 20 percent of Colombia's illicit drugs pass through Ecuador.

The border is also a huge area, sometimes calm and sometimes in upheaval,³ where insurgents, paramilitaries and drug traffickers operate. Besides the effects of pressure from petroleum exploration,⁴ the region suffers from significant drug trafficking, increased contraband smuggling and the massive flow of people displaced by the insecurity caused by the actions of the various armed groups and their confrontations with the

2. In 1999, Ecuador signed a 10-year agreement with the United States, authorising the Southern Command to set up a Forward Operating Location at the port of Manta to provide support for U.S. anti-drug operations in Colombia. For more information about FOLs, see *Drugs and Conflict – Debate Paper No. 8, Forward Operating Locations in Latin America – Transcending Drug Control*, Transnational Institute, September 2003 www.tni.org.reports/drugs/debate8.pdf

3. Nariño is the jointly managed point at which cocaine is shipped out of the country by the FARC's Frente 29, the AUC's Bloque Libertadores del Sur and the Norte del Valle cartel.

4. Petroleum infrastructure (the Trasandino and San Miguel de Orito pipelines) in the region is a frequent target of attacks by the FARC.

Colombian Army. Amid this scenario, it is not surprising that corruption has permeated all levels of the military and government on both sides of the border.

Unfortunately, the nature and scope of the problems wracking the border area exceed the capacities and possibilities of the administrations in Bogotá and Quito. In an effort to analyse the problems on the border, the foreign ministers of the two countries, meeting in July, bogged down in discussions about security, illicit crops and aerial spraying, with no clear results except for the date of their next meeting and some Ecuadorian demands, such as the 10-kilometer no-spray zone to keep the aerial spraying of glyphosate from affecting Ecuador's territory and population.

A matter of interpretation

Colombia insists on lumping all of the problems in the area together under the heading of "narcoterrorism," against which there are certain specific measures, one of which is aerial spraying of illicit crops. What concerns Ecuador, meanwhile, is the harm caused by Colombia because of the proximity of the armed conflict, illicit drug trafficking, and the existence and aerial spraying of crops. This discrepancy in views of the border runs the risk of becoming a "dialogue of the deaf," as the most recent meetings between officials of the two governments have shown.

For the moment, the difference in interpretations has been played out in the military sphere. The two countries have different strategies for the area. Ecuador is demanding a permanent Colombian military presence to protect the border, while Colombia talks of mobile forces.

According to some security analysts, Colombia has many other fronts for defence and attack, especially since the start of Plan Patriota, which aims to recover broad swathes of territory from FARC control, and because of its policy of hunting down guerrilla leaders. This concentration on other areas of the country, such as Caquetá, does not allow for a permanent presence on the border.⁵

The most serious aspect of this divergence of interpretations is that it blocks a joint search for a solution, especially with regard

to aerial spraying, which has hit an impasse. The Colombian government has maintained from the start that the spraying of glyphosate does not affect either health or the environment.

The conclusions of a recent scientific study sponsored by OAS-CICAD,⁶ which found the herbicide to be harmless, have been used to support this argument. Nevertheless, Ecuador's Constitutional Tribunal issued a ruling⁷ recognising that aerial spraying harms the health of people who are exposed to the herbicide, backing the fundamental rights of the people involved.

Impasse

The Ecuadorian Foreign Ministry made it clear that if the pertinent international regulations are not enforced during the aerial spraying of crops near the border, it will lodge an international complaint. The first step, before the OAS commission, has already been taken. But given the outcomes of the OAS recent study, does the complaint stand a chance? The Ecuadorian Ombudsman's Office has based its arguments against the spraying on scientific tests by experts from the Catholic University,⁸ presented in a study that concluded that the spraying causes genetic damage in humans and harms Ecuadorian vegetation and crops. As a result, the complaint before the OAS

5. According to security analysts, the strong concentration of military forces in those areas has led to neglect of the border. The proof is that the worst recent attacks on the Colombian Army by the FARC occurred in the border departments of Nariño (Iscuandé) and Putumayo (Teteyé). These attacks took the Army by surprise, and government forces were unable to repel them. See: Alfredo Rangel, *Lecciones del Putumayo*, Fundación Seguridad y Democracia, Bogotá.

6. *Environmental and Human Health Assessment of the Aerial Spray Program for Coca and Poppy Control in Colombia*. Report by the Inter-American Drug Abuse Control Commission (CICAD), March 31, 2005. These conclusions have been strongly criticised by various organisations, including TNI. See: *TNI Drug Policy Briefing No.14, The Politics of Glyphosate: The CICAD Study on the Impacts of Glyphosate and the Crop Figures*, June 2005.

www.tni.org/policybriefings/brief14s.htm

7. Resolution by the Constitutional Tribunal of Ecuador: <http://www.llacta.org/organiz/coms/2005/com0115.htm>

could turn into a theoretical confrontation between the CICAD and Catholic University studies, which represent two different interpretations of the same situation. One must be very optimistic to think that the OAS would admit that the Ecuadorians are right.

In a somewhat cynical response to Ecuador's initiative, the Colombian government has expressed willingness to share the results of the OAS-CICAD study with the Ecuadorians and "reopen the dialogue." But there can be no dialogue if the aerial spraying component is known to be the cornerstone of the Washington-Bogotá anti-drug policy, now framed as part of the fight against narco-terrorism. This programme is an essential aspect on which its adherents are unlikely to give ground. Accepting a ban on spraying within 10 kilometres of the border would constitute an implicit admission that the aerial spraying is harmful, which backers of

the policy have denied from the outset. Meanwhile, Ecuador's peasant farmers continue to be victims of the war on narcoterrorism being waged in the neighbouring country.

Ecuador has mentioned other international bodies, such as the World Health Organisation (WHO), as well as making use of the Rio Declaration on the Environment and even the International Court of Justice in The Hague. It is hoped that these steps will be taken before another shake-up in the region's political chess game changes the direction of decision-making in Quito. While it may not lead to a suspension of aerial spraying, international attention could help encourage a real investigation, backed by an organisation like the WHO, into the effects of the herbicide in the area and under the conditions in which it is used.⁹

8. The Genetics Laboratory of the Catholic University of Ecuador studied blood samples from 22 people along the Ecuadorian-Colombian border, and found that all of the subjects had suffered genetic damage caused by the glyphosate spraying. See also: *Daños genéticos en la frontera de Ecuador por las fumigaciones del Plan Colombia*, report by tropical medicine expert Adolfo Maldonado for Dr. Claudio Mueckay, Ombudsman's Office of Ecuador.

<http://www.ecoportal.net/content/view/full/26782/>

9. For more information on Ecuador's complaints about aerial spraying, see the TNI's Web page, Ecuador: Collateral Damage www.tni.org/drogacolombia-docs/ecuador-s.htm



TRANSNATIONAL INSTITUTE



De Wittenstraat 25



1052 AK Amsterdam – Netherlands

Tel.: + 31 20 662 66 08 | Fax: + 31 20 675 71 76

E-mail: drugs@tni.org | <http://www.tni.org/drugs>