



Special Update: Ecuador

W A S H I N G T O N O F F I C E O N L A T I N A M E R I C A

Ecuador Gets Colombia's Drift— Aerial Eradication of Coca Crops on the Border

by Sandra G. Edwards

June 2004

Introduction

The U.S.-funded aerial spraying of illicit coca crops in Colombia continues to be controversial, with reports of damage to legal food crops, the environment and human health. While the issue has received significant attention with regard to Colombia, its potential negative impact in Ecuador has received short shrift in U.S. policy debates. Yet in recent years, significant public debate has taken place in Ecuador on the joint U.S./Colombian initiative and its effects on Ecuador and its citizens.¹

Although the spray program (widely referred to as “fumigation”) begun in 1996 is implemented solely in Colombia, the majority of it takes place on Colombia’s southern border, which forms Ecuador’s northern border. In 2000, reports from Ecuadorian border communities began to reach the rest of the country through press releases and letters to local and national authorities, as well as visits made to government offices by farmworkers and indigenous federations in representation of their members living on the border. These reports included descriptions and photographs of skin and eye irritations, vision problems, and records from local health clinics of increased visits from border residents complaining of respiratory and stomach problems following fumigations. Also included was documentation of blackened, ruined crops such as yucca and plantains.

The reports sparked a series of actions by the minister of foreign relations under the Gustavo Noboa administration (2000–2002). The government and civil society organizations worked together to evaluate how the complaints coming from Ecuador’s border communities correlated with Colombia’s fumigation program. The Noboa administration formally expressed its concerns to its Colombian counterpart in an effort to ensure that the fumigations did not affect Ecuadorian territory or its citizens.

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This is a publication of WOLA’s “Drugs, Democracy and Human Rights” project, which examines the impact of drug trafficking and U.S. international drug control policies on human rights and democratization trends throughout Latin America and the Caribbean. The project is supported in part by grants from the Open Society Institute, the Ford Foundation and the John Merck Fund.

The present government, headed by Lucio Gutiérrez, was elected on a platform that denounced many of the negative elements of the U.S. legislation referred to as Plan Colombia, which includes the fumigation program. However, in its efforts to maintain U.S. assistance, the Gutiérrez administration now appears reluctant to oppose any U.S. policy in the region. Gutiérrez has also formed a publicly united front with Alvaro Uribe, the president of Colombia, who stands firmly behind the fumigation program.² At the same time, political debate on fumigation (and Plan Colombia in general) continues in Ecuador, which has led the Gutiérrez administration to follow through on some of the bilateral dialogue mechanisms initiated under the previous administration. However, the president has shown little political will to press the issue of fumigation with either the U.S. or Colombian governments, and hence the initiatives lack the same level of support shown in some quarters during the previous administration.³

Although significant work has been done on the issue of fumigation in Ecuador, additional rigorous scientific studies of the impact of Colombia's fumigation program in Ecuador are needed, as is international participation in the work being done in Ecuador. Specific policy recommendations include:

- The international community should insist on and be involved in the carrying out of baseline studies in both Ecuador and Colombia, a necessary first step for health and environmental monitoring;
- The international community should ensure that a clearly independent multilateral monitoring mechanism is established to provide ongoing analysis and evaluation of the health and environmental impact of fumigation;
- The international community should insist on a full and transparent accounting of the type and amount of chemicals actually used in the fumigation program; and
- Ecuador's present government should develop a clear, concrete and public policy on the Colombian fumigation program and its effects on Ecuador.

The basis for present public concern

According to the U.S. State Department, studies show that glyphosate (the main chemical ingredient of Roundup, one of the herbicides known to be used for fumigation in Colombia) has no harmful effects on humans and, if applied correctly, should not harm legal crops. The State Department also points out that coca cultivation as well as the widespread, unsophisticated use of pesticides for normal agriculture can both cause major damage to the environment. While the State Department is correct that coca cultivation can indeed cause wide spread environmental damage, there is growing evidence that the improper use of glyphosate can cause both environmental damages and pose a risk to human health. It should be noted as well, that the Colombian government uses a chemical mix more complex than simple Roundup, sprays it in concentrations and doses larger than those recommended for normal agricultural use, and fails to comply with application guidelines designed to protect human beings and legal crops.⁴

In response to the many reports coming from border communities and the work of several non-governmental organizations (NGOs) with various border community organizations and federations on the issue of fumigation, the American Friends Service Committee's (AFSC) office in Ecuador—the Andean Service Committee (CAS)—facilitated the formation of the Inter-Institutional Committee Against Fumigations (CIF) in September 2002. CIF is made up of local

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border representatives of groups such as indigenous and farmers' federations and national human rights and environmental NGOs plus others that work on legal issues.⁵ Because CIF encompasses and coordinates the work being done in Ecuador by civil society organizations on fumigation, it is the major source of information and activities on the issue outside of the government. Since its formation, it has carried out several verification missions to investigate environmental and health effects of fumigation on the border between Colombia and Ecuador. The first two missions consisted of technicians and scientists from CIF member NGOs, while the third also brought in local and national government as well as representation from the majority of CIF membership.⁶ Based on studies by CIF members as well as these verification missions, CIF has now produced two major publications on the issue of fumigation and its effects in Ecuador.

The first of these publications, *Impacts in Ecuador of the Fumigation of Illicit Crops in Colombia*, included the majority of the findings reported by the members of the CIF-sponsored verification missions.⁷ It was submitted as an *amicus curiae* in support of the appeal of a decision handed down in a citizen action (*acción popular*) undertaken by a resident of the Colombian department of Cundinamarca in response to damages caused by fumigation. The publication is a compilation of the conclusions reached by the verification missions, lists of actions taken in response to fumigation by both the Ecuadorian government and civil society, and the national and international rights and protocols which are breached by the fumigation program.

The conclusions of the verification missions are broken down by area of concern, and include the following:⁸

- Fumigations have destroyed legal crops and therefore eroded the subsistence economies practiced by border communities;
- Fumigations endanger the already precarious nutritional state of these communities due to damage to both long-term and short-term crops; and
- An oily film remaining in both rivers and wells directly after fumigation has caused concern regarding the safety of eating fish from affected rivers.

These conclusions are supported by similar reports and photos coming out of Colombian communities exposed to fumigation. It should also be noted that Roundup's label warns that spraying directly on water systems is to be avoided.

The CIF also observes that:

- The majority of the communities affected by Colombian fumigation on the border live below the poverty line and survive on subsistence economies. Due to the conditions inherent in poverty, these populations are highly vulnerable with regard to public health issues;
- Symptoms which residents of border communities have reported after fumigations include headaches, sore throat, respiratory problems, dizziness, vomiting, diarrhea, major skin eruptions, and eye irritations;
- A direct time relationship has been noted between fumigations and the appearance of the above symptoms;

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- A relationship exists between the distance from the fumigated area and the presence of symptoms—the farther from the fumigation area, the less evidence there is of the above-mentioned symptoms;
 - Psychological effects have been found in border populations, especially children, from the appearance and noise of helicopters, the smell of chemicals, concerns caused by their physical symptoms and the fear that the fumigations can happen at any time;
 - The chemicals fall on legal crops, in rivers and in water wells, creating toxic effects when consumed by humans;
 - A particular problem has been found in the use of traditional plants as medicine; when the chemically doused plants are rubbed on the patient, serious skin irritations occur; and
 - There are signs of harm to the health of livestock with the appearance of skin eruptions and respiratory problems.

Again, many of these observations are also found in testimony from communities in Colombia affected by fumigations. The complaints of skin and eye irritations are especially common.

The CIF's conclusions are drawn from the individual and joint reports of the participants involved in the verification missions, including local and national Ecuadorian government officials.⁹ CIF also gathered the observations and reports made by local professional organizations, such as the Agricultural Center of Lago Agrio.¹⁰ Many of the reports on damaged plants, livestock and fish were written up directly following the fumigations. The majority of the observations are just that—observations. However, the number and diversity of people and organizations that have produced these observations together with their professional training and standing at the local and/or national level, lend credence to the findings.

In the same publication, CIF also includes several drawings by children living on the border. The drawings show planes flying over their farms while spewing spray, dead fish in ponds, children with spots on their skin and plants painted brown and black. Drawings like these and the public dissemination of the complaints described above have led the majority of Ecuadorians to believe that the fumigation program implemented in southern Colombia is affecting Ecuador negatively.

Reports of damage to human health and crops continue to surface. One of Ecuador's principal newspapers reported in May 2004 that, according to a farmers' federation on the border, 37,000 hectares of legally cultivated land have been affected by Colombia's fumigation program.¹¹

Recommendations coming out of the CIF verification missions include:¹²

- In the absence of concrete studies which clearly indicate that Colombia's aerial sprayings are harmless, Colombia should immediately suspend fumigations near Ecuador's border;
- Programs should be established to compensate affected populations for their loss of income, crops and livestock;

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- More research is needed on the impact of fumigation on the Ecuadorian border and on ways to recover damaged territory and loss of biodiversity;
 - Researchers, the press and public officials must present all information regarding fumigation with total transparency, especially regarding the chemicals used; and
 - A permanent and representative monitoring commission must be established.

CIF also points out that under the principle of burden of proof, it is not the victim who must prove damages, but the party provoking the possible damages who must prove that their actions will cause no harm.¹³

A short history of Ecuadorian governmental response to fumigation under Plan Colombia

In 2001, President Gustavo Noboa's government began to receive press accounts as well as formal complaints from northern border communities in the province of Sucumbios regarding the effects of the fumigations conducted in Colombia just across the border.¹⁴ Ecuador's Ministry of Foreign Affairs had not received any formal communication from Colombia about the program nor the possibility that the airborne spraying could enter Ecuadorian territory.¹⁵ In February 2001, the Ecuadorian chancellor and head of the Ministry of Foreign Affairs, Dr. Heinz Moeller, requested that the Environment Ministry's representative in Sucumbios file a report on the effects of the Colombian fumigations found on the Ecuadorian border. While the representative did not conduct a formal scientific study that could accurately identify any relationship between complaints coming from border communities and recent fumigations, he did inspect the area and talk to local inhabitants. He then submitted a report to his ministry which recommended that Ecuador make a formal request that Colombia establish a 10 kilometer (km) buffer zone inside the Colombian border in which no aerial fumigations would take place.

The Ecuadorian government did not yet have scientific evidence of damage caused by chemicals drifting into Ecuadorian territory from Colombian fumigation. However, they perceived that they did indeed have policy grounds, based on both international and national protocols, for making a formal request to Colombia to respect a 10 km buffer zone.¹⁶

National protocols:

- The Ecuadorian Constitution calls for the protection of the right of Ecuadorian citizens to live in a healthy and sustainable environment which guarantees sustainable development as well as the preservation of nature;
- The Ecuadorian Constitution calls for the preservation of the environment, the conservation of ecosystems and biodiversity as well as the integrity of the genetic heritage of the country; and
- The Ecuadorian Constitution calls for preventative measures to be taken in cases where there are doubts regarding possible negative environmental consequences of any action or lack of actions even though no scientific evidence exists that there is certain damage.

International protocol:

- The Principle of Precaution included in the 1992 Rio de Janeiro Declaration on Environment and Development—and incorporated in Article 3 of Ecuadorian Law on Environmental Management—states:

When a threat exists to the reduction or substantial loss of biodiversity, the lack of unequivocal scientific evidence is not a legitimate reason to postpone the initiation of measures to avoid or reduce such threats to the minimum level possible.

On July 2, 2001, Chancellor Moeller sent a formal communication to his Colombian counterpart, Guillermo Fernández de Soto. Moeller expressed Ecuador's concern that Colombia's fumigations might prove detrimental to the health, crops and environment of the communities and territory on Ecuador's border with Colombia. He stated that these concerns were based on information the Ecuadorians had received on the chemical formulation of the herbicide, pointing out that when glyphosate, the main ingredient in the Roundup Ultra used in the sprayings, is combined with Cosmoflux 411F, (a surfactant that helps the glyphosate stick to the plants), the toxicity of the mix is substantially increased. He also stated his understanding that the fumigation process applies four times the standard recommended amount of the above chemicals.¹⁷ In the communiqué, Moeller made the request that Colombia avoid fumigating within 10 kilometers of Ecuadorian territory and suggested that concentrated manual eradication might be more effective in the elimination of illicit crops.¹⁸

The Colombian response to Moeller's communiqué was to propose holding a seminar where Ecuador could receive complete information regarding Colombia's program to eradicate illicit crops. The Ecuadorian Environment Ministry organized the seminar from Ecuador's side and invited participants from various sectors of Ecuadorian society, including NGO representatives, academics, and members of border communities. Representatives from the ministries of health, welfare, defense and agriculture were also included, as were those from the relevant UN agencies. It was as a result of this first initiative that spaces for dialogue and debate between the government and civil society on the issue of fumigation began to form. However, in the end, due to a lack of funds and last-minute changes made by Colombia regarding logistical arrangements, the Ecuadorian delegation to the seminar, which took place in February 2002, had no representatives from Ecuadorian civil society.

The final report on the seminar from the Ecuadorian delegation to the Ministry of Foreign Affairs notes that the Colombia delegation included no representation from its ministries of environment, health or agriculture;¹⁹ only officials involved in the government's eradication program were present, as well as a representative from the U.S. Embassy's Narcotics Affairs Section (NAS). It was also noted that the meeting was not a seminar or workshop but actually a series of presentations by Colombian officials to the Ecuadorian delegation. The report provided conclusions reached by seminar participants, the most noteworthy being:

- There were no studies which definitively prove that the chemicals used in the Colombian eradication program are harmful (the Colombian delegation assured the Ecuador-

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- ian delegation that in the actual aerial spraying, they take all precautions to eliminate possible risk to environmental or human health);
- Colombia would respect a buffer zone of 10 km from the Ecuadorian border (this conclusion was not formalized in a written agreement but rather agreed to verbally by all participants);²⁰ and
 - An independent international body should “audit” or act as an official monitor of the types of chemicals used and their application within the Colombian fumigation program (while the Colombia delegation stated that NAS was organizing such a program, the Ecuadorian delegation suggested that an independent body such as the OAS would be more appropriate).

The follow-up by Ecuador’s Ministry of Environment to the conclusions reached at the seminar was the development of a public decree regarding the protection of Ecuadorian territory and its citizens, with the Principle of Precaution, described above, as the decree’s cornerstone. While Ecuador has no “significant” cultivation or presence of drug production—it is mostly “an important transit route for cocaine being shipped to international markets”²¹—the decree also prohibits the use of any chemical or biochemical products or biological agents in the eradication of illicit crops within national territory.

According to Melania Yepez, the environmental engineer who was in charge of the fumigation issue within the Environment Ministry from 2000 to 2002, the prohibition of the use of chemicals in eradication programs was expressed in the decree for two reasons. First, there was concern that as coca and other illicit crops were eradicated from southern Colombia, such crops might begin to appear in northern Ecuador. The decree was an attempt to avoid similar U.S.-supported eradication programs from being implemented in Ecuador. The second reason was that other Andean countries such as Bolivia and Peru also prohibit the use of aerial fumigation in coca eradication efforts. Yepez felt that by promoting such a decree in Ecuador, it could join with other Andean countries in making clear statements regarding chemical fumigations, sending a strong message to Colombia and the United States.²²

The Ecuadorian decree also called for the creation of an Inter-Institutional Commission, facilitated by the Ministry of Environment and to include representation from civil society. The decree called for such a commission to undertake the following activities:

- Design monitoring systems to aid in deterring the use of prohibited agents in Ecuadorian territory;
- Establish mechanisms to alert communities to the possible risks involved in using the prohibited agents;
- Collect, systematize and analyze all information pertaining to the effects of the use of prohibited agents;
- Organize campaigns supporting the development of profitable, legal crops in the prevention of the cultivation of illegal crops: and
- Disseminate information to communities regarding the possible impacts of future fumigations.

Due to bureaucratic complications, and with elections on the horizon, it took over a year for the public decree to be finalized. By the time it was published in the government's official register, presidential elections had taken place, so the decree was officially signed in December 2003 by the newly elected president, Lucio Gutiérrez. With the signing of the decree, three of the four Andean countries most vulnerable to the cultivation of illegal crops, Peru, Ecuador and Bolivia, now prohibit chemical fumigation.

The Ecuadorian Scientific and Technical Commission (CCTE)

Gutiérrez, representing the Patriotic Society Party (PSP), was elected with the full support of and in partnership with the national indigenous federations represented by their political arm, Pachakutik. Many indigenous leaders held major positions in the new administration, including Dr. Nina Pacari, who was named minister of foreign affairs. During Pacari's tenure, she continued to push for Colombia to respect the 10 km buffer zone requested by her predecessor and orally agreed to by Colombia during the February 2002 meeting in Bogotá.²³ She also pushed for the organization of an inter-institutional scientific and technical commission on fumigation, as called for in the decree. Two different commissions were formed during her time in office.

However, in early August 2003, Gutiérrez and the PSP broke with Pachakutik as a result of major differences on foreign and economic policies. Pachakutik formally resigned as a co-governing party with PSP and all Pachakutik political appointees were forced to step down. Once Dr. Pacari left the foreign ministry, the Ecuadorian government no longer participated in voicing public concerns or taking part in round-table discussions on fumigation. During a visit to Ecuador by Colombia's President Alvaro Uribe in the fall of 2003 (immediately after the dissolution of the Pachakutik/PSP partnership), Uribe denied in a national press conference ever having heard anything about Ecuador's request to Colombia for a 10 km buffer zone. Civil society organizations and the press interpreted Uribe's denial as a snub of Ecuador's previously stated concerns regarding Colombia's fumigation program.²⁴

At the same time, civil society organizations continued to bring reports to government offices about the effects of the periodic fumigations taking place on the border, and the national press continued to report on the issue. In response to this public concern and as follow-up to actions taken by his predecessor, Pacari's replacement, Patricio Zuquilanda, formed another commission, the Scientific and Technical Commission of Ecuador (CCTE), in October 2003. The present commission is made up of scientists and technicians from national environmental NGOs, academic institutions and multilateral organizations such as the Pan American Health Organization.²⁵ The commission's purpose is to work in coordination with its Colombian counterpart, the Scientific and Technical Commission of Colombia (CCTC), to undertake scientific studies to determine if Colombia's aerial spraying is indeed entering Ecuadorian territory and if so, what damage it causes to the environment or humans. The commission reports directly to the ministry of foreign affairs.

At the first meeting of the present Ecuadorian commission with the CCTC in Bogotá in October 2003, the Ecuadorian commission noted that except for three scientists, the members of the Colombian commission were from the military or the police—all heads of Colombian anti-

drug and eradication programs.²⁶ As was the case in the 2002 bilateral meeting in Bogotá, no government ministries were represented beyond representatives of agencies directly involved in the spray program. One of the members of the Ecuadorian commission, which is made up of civil society scientists and technical specialists, stated that the difference in the composition of the two commissions, one from civil society and the other mostly military, indicates that each commission will have quite different visions on the issue. At that meeting, the commissions developed and agreed upon joint protocols for investigations into the effects of fumigation.²⁷

In December 2003, the Ecuadorian commission made its first field visit to the border. It was too long after the last fumigation to take plant samples for scientific testing, but they did obtain testimonies from border residents. One commission member stated that he noted the fear on the people's faces when they spoke about the fumigations. They complained of vomiting and skin and respiratory problems, but the commission members could not show, at the time, that the symptoms mentioned were directly associated with the fumigations. Members of the Ecuadorian commission have since returned to the same border region after two separate fumigations and have taken plant samples. The commission has indicated that any well-documented results from these visits and subsequent laboratory tests will probably not be ready for another year to a year and a half.²⁸

In the meantime, the Ecuadorian and Colombian commissions continue to meet. Their last joint meeting was held in February 2004 and lasted for 13 hours. More than one member on the Ecuadorian side has stated that it appears that the Colombian commission is simply trying to buy time and avoid reaching any bilateral agreements.²⁹

The Ecuadorian government holds the view that it does not have the right to ask that another sovereign nation halt one of its own government programs.³⁰ It can, however, based on the national and international protocols described above, solicit another nation to implement its program in a way which will not threaten the security and sovereignty of Ecuadorian territory. The Ecuadorian commission has a multi-pronged approach. First, it must evaluate whether or not the chemicals dispersed in Colombia's aerial spraying program do indeed enter Ecuadorian territory. Then it must analyze if, once in Ecuadorian territory, they cause environmental damage and/or negative effects on human health. Finally, it must develop, in coordination with Colombia, a bilateral proposal which would prevent Colombia's fumigation program from causing any damage to Ecuadorian territory and its citizens.

Using flight patterns provided by the Colombian commission and data on the location of the fumigations (in relation to Ecuador's border), combined with the height from which they spray, the Ecuadorian commission can say with a degree of certainty that the spray does indeed drift into Ecuadorian territory. The CCTE has copies of instruction manuals for fumigation which are based on studies regarding glyphosate and how it reacts when aurally sprayed.³¹ These studies include information regarding the size of the droplets formed by the chemical and how the size of those droplets, combined with the height from which they are sprayed, causes spray drift for many kilometers.

The same company from which the CCTE took its information about spray drift recommends that agricultural fumigation be done no higher than 3 meters and that it be done in con-

secutive straight lines directly over the cultivated fields to be fumigated. Otherwise, the company states, there is the risk of affecting plants in the surrounding area. Due to the very real danger of being shot at by irregular armed groups in the territory where coca is being cultivated, Colombia's planes spray at 25 meters in zigzag patterns over large areas.³²

Based on the above information, the Ecuadorian commission has reached two conclusions. First, the 10 km buffer zone originally requested by the government is insufficient to protect Ecuadorian territory. With the studies done on spray drift, it could be that even a larger buffer zone would provide no protection for Ecuadorian territory from the effects of the chemicals being used in Colombia's fumigation program due to the heights from which they are spraying. Second, the only way for Colombia to avoid affecting Ecuadorian territory with its fumigation program is to operate the fumigation flights according to recommended agricultural application. When pointed out to a member of the Ecuadorian commission that Colombia implements its spraying in the way that it does because there are armed and dangerous irregular troops on the ground, the commission's response is that Colombia then must find a way to clear out those armed groups before they implement fumigation anywhere near the border.

The ongoing work of civil society

In 2003, after receiving numerous complaints from border communities regarding the effects of fumigation on their communities, the office of Ecuador's National Ombudsman decided that a study should be done on the effects of the fumigations on human health near the border. The Ombudsman recommended that the study be led by Dr. Adolfo Maldonado, a Spanish doctor of tropical medicine who had conducted earlier studies on the border. The CIF published the study, entitled *The Border: Genetic Damages Caused by Fumigations under Plan Colombia—research conducted in November 2003 and the first official reactions from the Ombudsman's office and the National Congress*, in March 2004.³³

Both the Ombudsman's office and the National Congress issued resolutions that referred to the Maldonado study,³⁴ the findings of the verification missions and the ongoing reports coming from border communities. Both resolutions call for President Gutiérrez to solicit compensation from Colombia for damages caused by its fumigation program to Ecuadorian territory and its citizens. The congressional resolution includes the call for a 10 km buffer zone, while the Ombudsman's resolution enjoins Colombia to respect both national and international protocols regarding civil and sovereign rights.³⁵ The congressional resolution is non-binding, but represents a politically important recommendation for action to the executive branch. The Ombudsman's resolution must be responded to by the Ecuadorian government, specifically by the ministry of foreign affairs. As of yet, a formal response has not been submitted.³⁶

Members of CIF whose organizations specialize in legal actions have developed legal cases on damages to Ecuadorian border communities and territory. Two cases have been taken to the national-level Administrative Dispute Tribunal soliciting court protection of the constitutional rights (*amparo*) of those affected within specific border communities. The *amparo* repeats the need for the Foreign Affairs Ministry to solicit the 10 km buffer zone from Colombia. It also petitions the court to require that the ministry of public health provide more coverage for the specific health problems arising from the fumigations as well as to undertake more research into

their effects on health. It asks the court to require that the welfare ministry initiate food aid programs in the border region as well as evaluate the effects of fumigations on the health and welfare of border communities and finally, that the agriculture and environment ministries take the necessary precautions to avoid further contamination of water and food crops and to recover damaged soils.

The Administrative Dispute Tribunal ruled in favor of both cases, aided in part by the resolution submitted by the national ombudsman. However, both cases have been appealed by the aforementioned ministries, who have asserted that they are already doing all that they can in reference to the situation on the border and the complaints regarding the effects of fumigation. The first appeal won in the Constitutional Supreme Court, and the second is currently under consideration.

Next steps

There is a history of formal, legal and public requests to Colombia (or to the Ecuadorian government to repeat its 2001 request to Colombia) to respect a 10 km buffer zone. According to some members of CIF, these requests may not make good scientific sense, but should be pursued for political reasons. According to one CIF member, if Colombia agrees to a 10 km buffer zone it is then tacitly, if not formally, recognizing that the chemicals used in fumigation do indeed cause damage. This CIF representative also argues that if a solely scientific approach is taken, fumigation would be permitted to continue until scientific studies are concluded and accepted by all sides, during which time significant damage could be done.³⁷

The CIF membership has agreed to continue its work on fumigation in the legal, scientific and advocacy arenas. They have proposed forming stronger and more active partnerships with Brazil, Venezuela and Peru in their work against fumigation. They are also discussing the possibility of forming a high-level scientific team to examine the effects of fumigation on Ecuador's border in a study rigorous enough for international acceptance. Also, CIF wants to strengthen coverage of the issue as it has affected Ecuador in the national and international media.

Meanwhile, the CCTE continues to conduct its scientific studies and wrestle with the frustrations produced by having a very different vision of their work than do their counterparts on the Colombian commission. The CCTE's president stated that they are developing a proposal calling on the Colombian government to implement their fumigation program by the generally accepted norms for aerial spraying, as described above. The Colombian government will undoubtedly argue that because it is implementing its fumigation program in the midst of armed conflict, its planes cannot fly as low or in the direct patterns recommended for pesticide application in normal agriculture. Yet such an argument contradicts the Colombian claim to be complying with the recommendations of the manufacturers of the spray ingredients, and should be seen as strengthening CCTE's case.

Finally, there is the question of the political will of the present Ecuadorian government to take a strong stand on the U.S.-funded fumigation program and its potential effects on Ecuador. Although the ministry of foreign relations is sponsoring the CCTE, the public impression given

by the Gutiérrez administration is one of support for the status quo in reference to both U.S. and Colombian policy in the region. Some analysts believe that the establishment of the CCTE is one way for the government to appear to be dealing with the fumigation issue without really doing so—fumigation is continually being researched while political support for concrete recommendations for addressing the issue is sorely lacking.

In March 2004, *El Comercio*, one of Ecuador's principal newspapers, wrote a front-page editorial entitled "An Open Letter to the Country," which voiced the editorial board's concerns that they have yet to see a clear strategy presented by the Gutiérrez government in response to Colombia's internal conflict and the U.S.-backed Plan Colombia. The letter stated:

*The United States has its strategy for the Andean zone, the military component of which is covered under Plan Colombia. Washington knows that its project is severely questioned in the region and is highly politically volatile and socially unstable ... the [Ecuadorian] government should demand compensation for the costs [of Plan Colombia] on Ecuador's northern border over the last years—the effects of fumigations, uncontrolled immigration, the high costs of mobilizing military troops to the northern border and the deterioration of internal security which has been exclusively caused by the internal problems of the neighboring country.*³⁸

The letter was followed by weeks of coverage in *El Comercio* and other national newspapers on public perceptions of Plan Colombia from various sectors of civil society. Many in Ecuadorian society not only have grave concerns regarding the consequences for Ecuador of Plan Colombia, including the fumigation program, but also have the impression that Gutiérrez' government is simply going along with both the Bush and Uribe administrations with little acknowledgement of Ecuador's interests.³⁹

Due to his complete about-face on many key economic and political issues (including Plan Colombia), major mistakes he has made as an inexperienced politician and his lack of current or past relationships with the traditional political parties now controlling Congress, Gutiérrez has faced calls for his resignation from several sectors in Ecuadorian society as well as members of Congress. Because of the regional threats posed by Colombia's internal conflict and the fallout from activities implemented under Plan Colombia, a journalist and ex-ambassador of Ecuador states, "Nothing compares to this moment in Ecuador. It is one of the most dangerous moments in history ... and the present administration does not have the capacity to develop an adequate response. ..."⁴⁰

In the face of this present political reality, the efforts made by Ecuadorians with respect to fumigation must have more international participation, coordinating with advocates working on this issue in other countries. CIF is now beginning to attempt this. However, the work being done on this issue in Ecuador has not been acknowledged by many outside of Ecuador. It is important that both the effects of fumigation on Ecuador as well as the work done regarding those effects be recognized by others working on this issue and that Ecuador be included within US policy debates. In addition, scientific studies must continue, baseline studies for health and environmental monitoring undertaken, and multilateral, independent monitoring systems established. A strong and unified international call for total transparency must be made to Colombia and the

United States on the implementation of this still-controversial policy that has had such questionable results and fearful consequences.

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Notes

¹ Fumigation is only one piece of the United States' overall drug control policy. That policy is partly based on U.S. policymakers' conviction that drug use in the United States can be reduced or eliminated by destroying the raw materials that go into making the drugs, especially cocaine and heroin. One of the many arguments against the policy is the phenomenon where crops that are wiped out in one spot are inevitably planted in new places by new participants—current reports show new increases in coca cultivation in Peru and Bolivia. Please see WOLA's web page for links to documents and sites that provide a fuller discussion of U.S. international drug policy in Latin America.

² *El Comercio*, "Lucio Gutiérrez se Solidariza con Uribe," 24 Aug 2003; idem, "Gutiérrez es Colaborador: Alvaro Uribe, Presidente de Colombia," interview with President Uribe, 18 Oct 2003; idem, "El Conflicto Colombiano no Puede Pasar Desapercibido por Nuestros Vecinos: Uribe," 23 May 2004, where Uribe is quoted as saying he has profound affection for Gutiérrez.

³ When shown the public decree on fumigation developed under the Noboa administration but signed by Gutiérrez directly after his election, officials in the present Ministry of Foreign Relations as well as experts working with them on the issue of fumigation stated that they had never seen it.

⁴ Betsy Marsh, "Going to Extremes: The U.S.-Funded Aerial Eradication Program in Colombia," The Latin America Working Group Education Fund, Mar 2004, p. 2 and 15.

⁵ These include Acción Ecológica, Acción Creativa, Clínica de Derechos Humanos de la PUCE (Universidad Católica), Comité Andino de Servicios (CAS/AFSC), Comisión Ecuémica de Derechos Humanos (CEDHU), Fundación Regional de Asesoría en Derechos Humanos (INREDH), Centro de Derechos Económicos y Sociales (CDES), Plan País, Red Contra el Uso de Plaguicidas en América Latina (RAPAL-Ecuador), Servicio Paz y Justicia (SERPAJ-Ecuador), Equipo del Centro de Salud de Pacayacu (Sucumbios), Centro de Salud de General Farfán, La Confederación de Nacionalidades Indígenas del Ecuador (CONAIE), and the Federación de Organizaciones Campesinas del Cordón Fronterizo Ecuatoriano de Sucumbios (FORCCOFES).

⁶ *Misión de Verificación, Impactos en el Ecuador de las Fumigaciones Realizadas en el Departamento del Putumayo dentro del Plan Colombia*, Jul 2003. Participating as contributors: Ministry of Agriculture, Ministry of Environment, National Indigenous Ombudsman's Office, Provincial Council of Sucumbios, the mayor of Lago Agrio, the national congressman representing Sucumbios, National Federation of Farmers, Indigenous and Afro-Ecuadorians (FENOCIN), Council of Evangelical Indigenous Peoples and Communities (FEINE), National Confederation of Affiliates of the Farmers' Social Security and representation of CIF membership organizations.

⁷ *Impactos en Ecuador de las Fumigaciones a Cultivos Ilícitos en Colombia, Amicus Curiae*. Compiled by: Adolfo Maldonado of Acción Ecológica; Fernanda Carrillo y César Duque, CEDHU; Ramiro Avila, Plan País and Clínica de DDHH de PUCE; Wilfredo Acuña and Rodrigo Trujillo, INREDH; and David Cordero, Clínica de DDHH de PUCE, Dec 2003.

⁸ *Misión de Verificación*, conclusions, p. 45–50.

⁹ *Ibid.*

¹⁰ *Impactos en Ecuador*, p. 22.

¹¹ *El Comercio*, “Sucumbíos Opta por un Corredor Fronterizo,” 17 May 2004.

¹² *Impactos en Ecuador*, p. 51–53.

¹³ *Impactos en Ecuador*, p. 60.

¹⁴ The Ecuadorian province of Sucumbios neighbors on the Putumayo province of Colombia, where the first fumigations under Plan Colombia began.

¹⁵ Melania Yopez, interview with the author, 25 May 2004.

¹⁶ Public decree regarding the protection of Ecuadorian environment and citizens; Official Register No. 238, 23 Dec 2003.

¹⁷ It is not stated in the oficial communication where Dr. Moeller got this information—only that he based his comments on the information he had received regarding the chemical makeup of the fumigation spray.

¹⁸ Communication from Heinz Moeller, Ministry of Foreign Relations, No. 55445/2001- GM/SO1/SSSN, 2 Jul 2001.

¹⁹ Report from the Ecuadorian Ministry of Environment to the Ecuadorian Ministry of Foreign Relations on the seminar “Erradicación de Cultivos Ilícitos,” Bogotá, Colombia, 13–15 Feb 2002.

²⁰ *Ibid.*, p. 9, number 3, under Conclusions, “3. Del compromiso de Colombia.”

²¹ U.S. State Department, Bureau for International Narcotics and Law Enforcement Affairs, *International Narcotics Control Strategy Report 2003*, “South America.”

²² Melania Yopez, interview with the author, 25 May 2004.

²³ *Ibid.*; communication from Heinz Moeller, 2 Jul 2001.

²⁴ *El Comercio*, “La Cancillería calla ante el convenio de fumigaciones,” 26 Aug 2003.

²⁵ The Ecuadorian Scientific and Technical Commission includes professionals from the following institutions and organizations (the commission members do not necessarily represent their organizations): Fundación Natura, Ministerio de Salud Pública, Ministerio de Agricultura y Ganadería, Servicio Ecuatoriano de Sanidad Agropecuaria, Instituto Izquieta Pérez, INIAP, Universidad San Francisco, Universidad Central del Ecuador, Organización Panamericana de Salud, and the Comisión Ecuatoriana de Energía Atómica.

²⁶ The Colombian Scientific and Technical Commission included Colonel Dr. Luis Alfonso Plazas, the head of the Dirección Nacional de Estupefacientes; Gen. Jaime Vega, director of Antinarcotics; Colonel Narváez of the eradication program; Capt. Miguel Troyano, also a member of the eradication program; a colonel from a regional commission on drug eradication; Dr. Alvaro Valencia of the Drug Observatory; Dr. Camilo Uribe, consultant; and Dr. Botero, consultant in pharmacology.

²⁷ Here and in following paragraph, author interview with Juan Carlos Palacios, 22 Apr 2004. Mr. Palacios, an environmental engineer, was president of the CCTE at the time of the interviews with the author but resigned from the commission on 18 May 2004.

²⁸ *Ibid.*

²⁹ *Ibid.*, and author interview with Diego Vallejo, 27 Apr 2004.

³⁰ Ibid.

³¹ Information taken from two instruction manuals by the Syngenta company in Ecuador, *Aplicaciones: Técnicas y Principios*, 2003; and *La Correcta Aplicación Aérea de Pesticidas*.

³² The Ecuadorian commission has received drawings of the flight patterns of fumigation planes from the Colombian commission.

³³ *Frontera: Daños Genéticos por las Fumigaciones del Plan Colombia; Investigación Noviembre de 2003 y Primeras Reacciones Oficiales: Defensoría del Pueblo y Congreso Nacional*, edited by Acción Ecológica and Comité Andino de Servicios in collaboration with member organizations of CIF and staff of the Pacayacu Health Center (Sucumbios) and the General Farfan Health Center (Sucumbios), Mar 2004.

³⁴ The methodology and findings of the Maldonado study have been questioned by scientists in the United States as well as U.S. NGOs who are documenting the harm caused by the U.S.-funded fumigation program. It is widely thought within U.S. NGOs doing advocacy on this issue that there is enough evidence to support the consideration that fumigation poses health risks and causes environmental damage without including Maldonado's study, around which some controversy has developed. At the same time, Maldonado's study has played an important role in the advocacy done by CIF in Ecuador.

³⁵ Ibid., pp. 33–48.

³⁶ Edwin Johnson, vice-chancellor, in interview with author, 3 May 2004.

³⁷ Author interview with Luis Saavedra, communications director for INREDH and member of CIF, 26 May 2004.

³⁸ *El Comercio*, "Transparencia frente al Plan Colombia," 5 Mar 2004.

³⁹ *El Comercio*, "El País Debate el Plan Colombia," 6 Mar 2004.

⁴⁰ Author interview with Mauricio Gándara, editorialist, doctor of jurisprudence, Ecuadorian ambassador to Great Britain, the Vatican, Ghana and the Ivory Coast, 20 Apr 2004.