

13 SEPTEMBER 2013

ORDER

AERIAL HERBICIDE SPRAYING

(ECUADOR v. COLOMBIA)



ÉPANDAGES AÉRIENS D'HERBICIDES

(ÉQUATEUR c. COLOMBIE)

13 SEPTEMBRE 2013

ORDONNANCE

INTERNATIONAL COURT OF JUSTICE

YEAR 2013

**2013
13 September
General List
No. 138**

13 September 2013

**AERIAL HERBICIDE SPRAYING
(ECUADOR v. COLOMBIA)**

ORDER

The President of the International Court of Justice,

Having regard to Article 48 of the Statute of the Court and to Article 89, paragraphs 2 and 3, of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 31 March 2008, whereby the Republic of Ecuador instituted proceedings against the Republic of Colombia in respect of a dispute concerning “Colombia’s aerial spraying of toxic herbicides at locations near, at and across its border with Ecuador” which “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”,

Having regard to the Order of 30 May 2008, by which the Court fixed 29 April 2009 and 29 March 2010 as the time-limits for the filing, respectively, of the Memorial of Ecuador and the Counter-Memorial of Colombia,

Having regard to the Memorial and the Counter-Memorial duly filed by the Parties within the time-limits thus fixed,

Having regard to the Order of 25 June 2010, whereby the Court fixed 31 January 2011 and 1 December 2011 as the time-limits for the filing, respectively, of the Reply of Ecuador and the Rejoinder of Colombia,

Having regard to the Reply duly filed by Ecuador within the time-limit thus fixed,

Having regard to the Order of 19 October 2011, whereby the President of the Court extended to 1 February 2012 the time-limit for the filing of the Rejoinder of Colombia,

Having regard to the Rejoinder duly filed by Colombia within the time-limit thus extended;

Whereas, by a letter dated 12 September 2013 and received in the Registry on the same day, the Agent of Ecuador, referring to Article 89 of the Rules of Court and to an Agreement between the Parties dated 9 September 2013 “that fully and finally resolves all of Ecuador’s claims against Colombia” in the case, notified the Court that his Government wished to discontinue the proceedings in the case;

Whereas a copy of that letter was immediately communicated to the Government of Colombia, which was asked, pursuant to Article 89, paragraph 2, of the Rules of Court, to inform the Court, by a letter to be transmitted at the meeting which the President had called with the Agents of the Parties for 12 September 2013, if Colombia objected to the discontinuance;

Whereas, by a letter dated 12 September 2013, handed in at the above—mentioned meeting, the Agent of Colombia informed the Court that his Government made no objection to the discontinuance of the case as requested by Ecuador;

Whereas, according to the letters received from the Parties, the Agreement of 9 September 2013 establishes, *inter alia*, an exclusion zone, in which Colombia will not conduct aerial spraying operations, creates a Joint Commission to ensure that spraying operations outside that zone have not caused herbicides to drift into Ecuador and, so long as they have not, provides a mechanism for the gradual reduction in the width of the said zone; and whereas, according to the letters, the Agreement sets out operational parameters for Colombia’s spraying programme, records the agreement of the two Governments to ongoing exchanges of information in that regard, and establishes a dispute settlement mechanism,

Places on record the discontinuance by the Republic of Ecuador of the proceedings instituted by its Application filed on 31 March 2008; and

Directs that the case be removed from the List.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this thirteenth day of September two thousand and thirteen, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of Ecuador and the Government of the Republic of Colombia, respectively.

(Signed) Peter TOMKA,
President.

(Signed) Philippe COUVREUR,
Registrar.
