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HUMAN RIGHTS COUNCIL  
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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,  
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL  
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the Special Rapporteur on the right of everyone to  
the enjoyment of the highest attainable standard of physical  
and mental health**

**Preliminary note on the mission to Ecuador and Colombia**

**Addendum\***

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\* The present note was submitted late in order to reflect the most recent information.

## Annex

### MISSION TO ECUADOR AND COLOMBIA: PRELIMINARY NOTE

#### I. INTRODUCTION

1. At the fourth session of the Human Rights Council, in March 2007, the Government of Ecuador extended an invitation to the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The Special Rapporteur undertook a mission to Ecuador from 14 to 18 May 2007.
2. At the invitation of the Government, the Special Rapporteur visited Colombia from 20 to 22 September 2007.
3. The mission was undertaken with the objective of examining, from the viewpoint of the right to the highest attainable standard of health, the impact of the aerial spraying of glyphosate, combined with additional components, by Colombia along the Ecuador-Colombia border.<sup>1</sup>
4. In Ecuador, the Special Rapporteur had consultations with civil society organizations on other issues concerning the right to the highest attainable standard of health in Ecuador. As previously agreed, these additional issues on the right to health are the subject of public correspondence between the Government of Ecuador and the Special Rapporteur, and are not part of the mission report.
5. The Special Rapporteur visited New York and discussed the issue of aerial spraying with the United Nations Department of Political Affairs. Furthermore, he visited Washington, DC and discussed the issue with representatives of the Organization of American States (OAS) and of the Pan American Health Organization.
6. During the mission in Ecuador, the Special Rapporteur met with the Ministers for Foreign Affairs and Coordination for Internal and External Security, as well as with senior officers in both ministries. He also met the Scientific Commission of Ecuador, the Ombudsperson, senior officials in the Ministries of Finance and Health, the Governors of Sucumbios and Orellana, senior public officials in Lago Agrio and the United Nations country team. The Special Rapporteur also visited three communities in the northern border zone and met with many representatives of civil society.
7. The Special Rapporteur also sought to discuss aerial spraying with the Government of Colombia, and was extended an invitation to visit Colombia in September 2007. While in Bogotá, the Special Rapporteur met the Vice-President, the Deputy Minister for International Relations, the Deputy Minister for Health, the Director of the Anti-Narcotics Police, and representatives of United Nations agencies and civil society organizations. The Special Rapporteur also undertook a field trip to San José de Guaviare.

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<sup>1</sup> In the present note, the term “glyphosate” will be used to denote a combination of glyphosate and additional components.

8. The Special Rapporteur is grateful to the Governments of Ecuador and Colombia for the invitation to undertake a mission and for the support and information provided before, during and after the mission.

9. In the present note, the Special Rapporteur outlines the mission and provides some preliminary observations. When the Special Rapporteur submits his mission report to the Human Rights Council in September 2008, however, he will go beyond the observations presented in the present note.

## II. AERIAL SPRAYING OF GLYPHOSATE

10. The focus of the Special Rapporteur's mission to Ecuador and Colombia was the aerial spraying of glyphosate along the Ecuador-Colombia border. The mission did not take samples or conduct laboratory tests, because it was not a scientific mission. Rather, the Special Rapporteur reviewed the existing scientific evidence, received personal testimonies and consulted with experts, then examined all this material from the viewpoint of the right to the highest attainable standard of health.

11. The right to the highest attainable standard of physical and mental health includes access to both medical care and the underlying determinants of health, such as safe water, adequate sanitation and a safe environment.

12. The aerial spraying of illicit coca crops with glyphosate is carried out as part of Plan Colombia, adopted in 1999. Supported by the United States of America,<sup>2</sup> the plan, inter alia, addresses the financing of illegal armed groups and drug trafficking. Aerial spraying is one of several complementary techniques aimed at the eradication of coca crops. Colombia is the only country in the world using aerial spraying for the eradication of coca. The Special Rapporteur recognizes that illicit coca cultivation gives rise to a range of extremely grave issues that the Government of Colombia, in accordance with its international commitments, takes very seriously.

13. The aerial spraying of coca in the border zone with Ecuador (the provinces of Narino and Putumayo) began in 2000 and was conducted periodically until December 2005, when the Government of Colombia agreed to temporarily suspend spraying within the 10-km border zone. When Colombia then recommenced spraying (until February 2007), Ecuador brought the issue before the Permanent Council of OAS. There were allegations that Colombian airplanes continued spraying when turning around over Ecuadorian territory. Additionally, it was alleged that the spray drifted from Colombian airspace into Ecuador and adversely affected the health and crops of people living on the border in Ecuador.

14. The issue has been the subject of various multilateral and bilateral initiatives and studies, such as the United Nations inter-agency report of 2004 and the Inter-American Drug Abuse Control Commission study of 2005. The Governments of Ecuador and Colombia established the Binational Scientific Commission to look into the issue and submit a report. The Commission

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<sup>2</sup> See website of the U.S. Department of State at [www.state.gov](http://www.state.gov).

met in April and July 2007 but, regrettably, was unable to reach a consensus. Thus, each commission published its own report: the Ecuadorian commission in April 2007 and the Colombian one in September 2007.

15. The Special Rapporteur took note of the stark differences of opinion between the Governments of Ecuador and Colombia (and scientific commission members) and emphasized the need to carry out independent, reliable studies that have the confidence of both parties.

16. The Special Rapporteur welcomes the fact that aerial spraying of coca crops in the 10-km border zone ceased in February 2007, and appreciates that manual eradication, as an alternative method of eradication, has been accelerated. The Special Rapporteur also welcomes the Colombian Vice President's statement confirming that manual eradication tends to be more effective than aerial spraying, although it can be more hazardous to those carrying it out. The Rapporteur also welcomes the increasing recognition of the vital importance of measures to promote effective, alternative, sustainable development as part of a strategy to eradicate the illicit cultivation of coca.

17. While in Ecuador, the Special Rapporteur's preliminary view was that there was credible and reliable evidence that the aerial spraying of glyphosate along the border damages the physical and mental health of people living in Ecuador. The Special Rapporteur's preliminary conclusion was that the evidence provided during the mission was sufficient to call for the application of the precautionary principle and that, accordingly, Colombia should not recommence aerial spraying in the 10-km border zone with Ecuador, thus ensuring conformity with its international human rights responsibilities.

18. While in Colombia, the Special Rapporteur had the opportunity to discuss some of his preliminary views with the authorities. He notes the position of the Government of Colombia that there is no scientific uncertainty about the impact on human health of glyphosate, which is routinely used in both Colombia and Ecuador, and that the precautionary principle does not apply in this situation. The Special Rapporteur notes that the use of glyphosate in Ecuador (direct and manual) is different from the method used on the border by Colombia (aerial spraying). Furthermore, as the composition and concentration of the spraying appear to differ between Ecuador and Colombia, the suggested equivalence between Ecuadorian and Colombian practice is misleading.

19. In some quarters, the glyphosate aerial spraying issue has become deeply politicized. When an issue becomes politicized in this way, human rights are always among the first victims. The health and lives of ordinary people, especially the most disadvantaged and poor, are often forgotten or obscured.

20. It is imperative that, when considering this very important issue, the human right to health, and thus the well-being of disadvantaged individuals and communities, is placed at the centre of all decision-making.

### III. NORTHERN ZONE AND PLAN ECUADOR

21. In order to assess the degree to which the right to the highest attainable standard of health has been taken into account, the aerial spraying of glyphosate along the northern border has to be seen in the context of the conditions of the people - refugees, indigenous peoples, Afro-Ecuadorians, internally displaced persons and other disadvantaged groups - living in the northern zone.

22. Plan Ecuador, launched in 2007, is an integrated development plan for the northern provinces of the country in response to the historic neglect of the area and to the problems generated by the Colombian conflict, such as the movement of refugees from Colombia into the northern zone. Projected until 2018, and informed by the United Nations inter-agency report, the plan includes activities regarding institution-building and cooperation, improvement of basic infrastructure, sustainable management of natural resources and so on. It is financed through budget reallocations and international cooperation. The Special Rapporteur urges the Government to reinforce the integration of human rights into Plan Ecuador. This multisectoral plan, with its emphasis on enhanced coordination, represents a huge stride in the right direction and the Special Rapporteur highly commends the Government for recognizing the gravity of the situation and for adopting Plan Ecuador.

23. When visiting the northern zone, the Special Rapporteur was alarmed by the seriously inadequate health system available to individuals and communities.

24. It is very important that the Government allocate adequate funds for Plan Ecuador, otherwise it will become merely a paper exercise. Further elaboration of the Plan and its implementation should be as inclusive and participatory as possible. Also, the Special Rapporteur strongly urges the development partners of Ecuador to provide matching funds and technical assistance for Plan Ecuador, consistent with their human rights responsibilities of international assistance and cooperation.

25. The Special Rapporteur recommends that the Government establish an accountability mechanism for the Plan, namely, an independent unit that monitors whether the Plan is reaching its targets and achieving its objectives. Such an independent mechanism would help to identify where the Plan is working and where there are difficulties; it might report annually to the Government but, to be credible, the mechanism should be independent of it.

### IV. CONCLUSIONS

**26. The Special Rapporteur will carefully consider all information received before taking a final stance regarding the issue of aerial spraying and the right to the highest attainable standard of health and before submitting his report to the Human Rights Council on the issue.**

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