

INTERNATIONAL COURT OF JUSTICE

**CASE CONCERNING
AERIAL HERBICIDE SPRAYING**

**ECUADOR
v.
COLOMBIA**

REPLY OF ECUADOR

VOLUME IV
ANNEXES

31 JANUARY 2011



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Annex 52

Steve Salisbury, "Pray and Spray: SOF With Coke-Bustin' Broncos",
SOLDIER OF FORTUNE (July 1998)



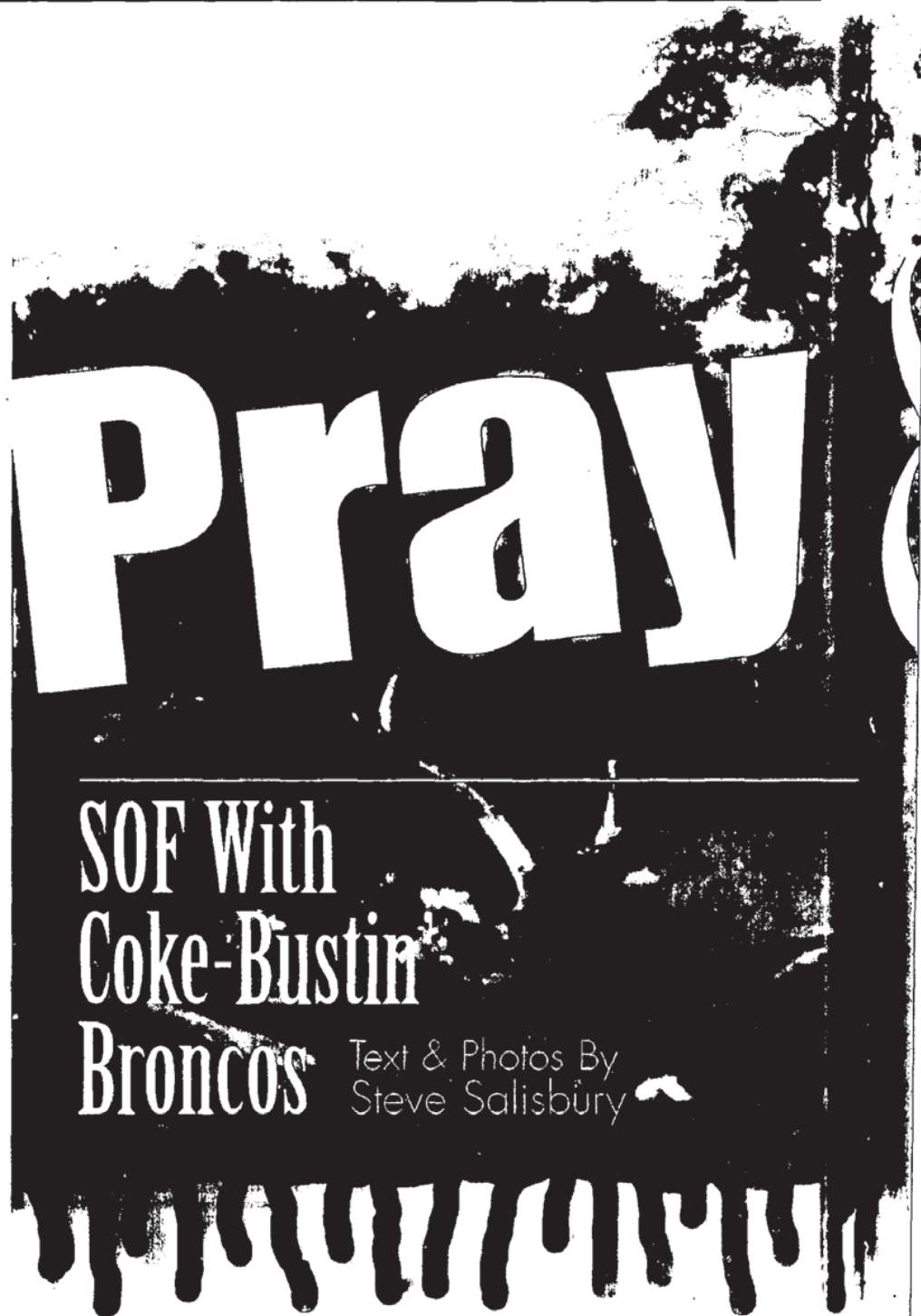
C O L O M B I A

Major Horacio Galeano Salcedo stared out from one of the open side doors and scanned the jungle and clearings 2,000 feet below as we sat in an old green UH-1H Huey, part of an armed five-helicopter escort for three twin-engine OV-10 Bronco airplanes. The doorunner on the right side cocked his mounted M60D general purpose machine gun, and faces turned serious. Dressed in olive-green fatigues and equipped as light infantry, the major and his two other men could have been mistaken for an army unit. Instead, they were Colombian National Police. And the OV-10s weren't flying reconnaissance. This was an aerial eradication mission in the heart of coca country in the south-central Colombian province of Guaviare.

There is a new experiment taking place in the war on drugs in Colombia: Five OV-10 Bronco airplanes have been introduced in the role of spraying coca crops. They were delivered to Colombia last year as part of the U.S. company Dyncorp's contract with the U.S. State Department's National Anti-Narcotics Section (NAS) to support the Colombian national police. This Vietnam-era aircraft — originally designed for reconnaissance and light-attack support for ground troops — joins a small fleet of 11 Dyncorp U.S.-built Turbo Thrushes, which have been the mainstay of Colombia's aerial eradication efforts of coca, amapola and marijuana. Colombian and American law-enforcement officials say the introduction of the OV-10s is not intended to replace the Thrushes, but is a test to see whether the OV-10s can be an effective addition for spraying in lowlands, where coca and marijuana are illegally cultivated. The bulk of coca plantations are in southern and eastern Colombia, mostly in Guaviare province, according to police maps. On the maps, in fact, a green splotch representing coca fields covered almost the entire province.

Danger: Narco-Guerrillas Ahead

"Go there and see for yourselves," Colombian National Police Chief General Rosso Jose Serrano said. He was speaking to



Colombian Jungle Command police standby in coca field as a Dyncorp Turbo Thrush swoops down to spray herbicide. A fleet of 11 Turbo Thrushes are the mainstay of Colombia's aerial eradication efforts of coca, amapola and marijuana. (left) An OV-10 Bronco sprays Glyphosate herbicide on coca field in Guaviare Province. The OV-10, originally designed for recon, has been adapted as a spray plane for anti-drug efforts.

me and Andy Messing, Jr., executive director of the National Defense Council Foundation during a private meeting with his senior officers and a former U.S. embassy anti-narcotics official who is now a private consultant. "But it's very dangerous. There are lots of narco-guerrillas there."

Of the some 11,000 to 15,000 guerrillas operating in Colombia, a police anti-narcotics report estimates some 3,155 guerril-



& Spray

las are involved in protecting drug crops, laboratories and airstrips, as well as collecting "war taxes" from those associated with the drug business. The largest guerrilla faction, the *Revolutionary Armed Forces of Colombia*, known as FARC by its Spanish acronym, protects the majority of these narco-properties (almost all of the coca plantations). A smaller ally of the Simon Bolivar Guerrilla Coordinator Coalition, the

National Liberation Army (ELN), protects amapola fields in the western highlands.

General Serrano wasn't exaggerating the danger. From early January 1994, to 18 November 1997, three police light airplanes and five helicopters had been shot down, while planes had been hit by gunfire on 67 separate occasions and helicopters on 74, according to police statistics.

During that same period, at least five

pilots were among the 44 anti-narcotics personnel killed and 72 wounded. Considering the modest size of the Colombian Police Air Service, even a few casualties can affect operations. The Police Air Service has some 132 uniformed and 29 civilian contract pilots (about 40 to 60 of whom fly fixed-wing) for an inventory that consists of some 70 helicopters (49 UH-1H Hueys, 12 Bell 206s, seven Bell



(left) Major Galeano stands in front of a Dyncorp Turbo Thrush. During Colombian drug eradication missions, the planes are flown by Dyncorp pilots, most of whom are Americans. American law-enforcement officials say introduction of the OV-10s (above) is not intended to replace the Thrushes in Colombia's drug war, but to test whether the OV-10s can be an effective addition in the spraying of lowlands. Colombian police pilots say the OV-10 may not fly slow enough for accurate spraying, but American tests show otherwise.

212s, and at least two McDonnell-Douglas 500s) and at least eight planes along with the Thrushes and OV-10s (two DC-3s, two Twin-Otters, two Cessna Caravan 208s, one single-engine C-99 Beechcraft, and one single-engine King-300).

On 14 October, the day after we talked with Gen. Serrano, Andy and I were joined by Jamie Dettmer, of *Insight* magazine, and took off from the police anti-narcotics area of El Dorado Airport, outside Bogota, in a Cessna Caravan 208. The plane was loaded with 14 wooden crates of small-arms ammo. Our destination: the police's most important front-line air base, at San Jose de Guaviare, the capital of Guaviare province. Just minutes after leaving Bogota and flying over the

Eastern Cordillera mountain offshoot of the Andes mountains, Lt. Oscar Rodriguez, the copilot, turned around and shouted above the plane noise, "Many guerrillas are down there." He fluttered his index finger as if pulling a trigger and pointed down, out the window, at a rolling landscape of different shades of green. Between swaths of forest and fields, brown dirt roads twisted with no or little traffic. "People are afraid of being stopped by the guerrillas." And we were still far from the heart of guerrilla country.

Cherries On Whipped Cream

An hour and 15 minutes later, San Jose de Guaviare came into view among the vast plains of bush and fields known as Los

Llanos. It was a sleepy, small town of shacks with tin roofs alongside the Guaviare river. On its outskirts was the air base. Lieutenant Rodriguez turned around again and shouted for us to buckle up and hold on. "This is where we are most vulnerable to gunfire." Captain Guiliano Marin wheeled the controls and swerved our white-and-emerald-green Caravan into a sharp turn and landed onto the asphalt airstrip. We taxied past a few Hueys toward a parking lot where a handful of gray Thrushes and OV-10s — one deep-Corsair blue, the others black — were receiving maintenance.

For such a key air base, we were astonished to observe that, except for a few sentries, guard towers, bunkers, several dozen



A Colombian Police doorgunner, armed with an M60D machine gun, keeps alert flying over coca fields in Guaviare Province. Clearings of scrubby, green, leafy vegetation pocked the landscape like acne studded Manuel Noriega's face. An estimated 325 acres of coca were sprayed during the mission, as part of a new experiment in Colombia's war on drugs.



A Colombian Jungle Command anti-narcotics police captain watches his troops torch a small, mom-and-pop coca leaf processing shack, known as a *chagra*, in Colombia's Guaviare Province. Thousands of subsistent peasants eke out a living by cultivating small plots of coca plants and processing leaves in *chagras*.

yards of trench-line and a chain-link fence, not much base security was visible. Nor was there a fire truck, to handle emergencies such as plane crashes.

But American mechanics and pilots working for Dyncorp, who are high-priority targets for the *narcotraficantes* and guerrillas, stuck out like cherries on whipped cream. According to the police, between 50 and 80 Americans are on contract to Dyncorp in Colombia, about a third to half of them pilots. The rest are mechanics and technicians. Many of them have shifts of roughly 15 days on, 13 days off in San Jose de Guaviare, where there are up to 30 Dyncorp personnel.

Police Lt. Carlos Currea, who met us at the plane, dressed in a military-style olive-drab uniform, as were most police on base, was happy to talk with us. A smile seeped over the angular face of this well-built, medium-height officer, as he told us that he used to be a Colombian Marine. He said that in the Marines he had experienced three fire fights against guerrillas, but said he had never seen as many fire fights until after he began his police duty in San Jose de Guaviare. The Miraflores detachment, part of San Jose's area of operations, some 80 kilometers southeast, had been overrun in 1995 and has been a frequent target of guerrilla harassment ever since.

Lonely Narco Agents

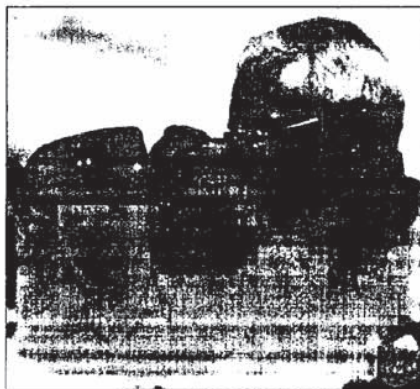
Major Horacio Galeano Salcedo, then the base commander, entered the spacious living room where we sat with Lt. Currea in patio-style chairs, and underscored what Currea said. "Last night, they [the guerrillas] wounded one of my men. Twenty days ago, they shot down a helicopter — completely destroyed. We spent two days fighting there."

But the work for Maj. Galeano and his men never ends. In fact, they are swamped. The maps and projections that Galeano put on the wall gave context to the enormity of the coca problem. The San Jose de Guaviare base is responsible for south-central and eastern Colombia — an area about the size of France and the European lowland countries combined. According to Maj. Galeano's statistics the population in this vastly undeveloped region is a little more than a million people. Yet, there are 5,417 police stationed in this area, and only 178 anti-narcotics agents.

Nevertheless, on a monthly operating budget of \$9,400, the region's anti-narcotics police have had their share of victories. Colombian anti-narcotics police broke all prior eradication records in 1997, spraying more than 41,000 hectares of coca plants and more than 6,900 hectares of ampola, based on police statistics. At current rates, 1998 will be another record year. What size of dent this is making in the drug business is unclear, and police statistics can provide only a glimpse of the situation. For instance, the 41,000 sprayed hectares of coca fields are about two-thirds of the total 67,000 coca hectares identified by police. However, how many more unidentified hectares of coca



Colombian Jungle Command anti-narcotics police, armed with (front) South African MGL 40mm grenade launcher and (back) M16A2 rifle with an M203 grenade-launcher, await orders to raid a cocaine lab complex. Colombia's largest guerrilla faction, the *Revolutionary Armed Forces of Colombia* (FARC), protects the majority of narco-properties, while the smaller *National Liberation Army* (ELN) protects amapola fields in the western highlands. (below) General Barry McCaffrey (right), the U.S. Anti-drug Czar, stands with Colombian National Police Chief Rosso J. Serrano in San Jose de Guaviare.



fields exist is anybody's guess. Also, there's a catch: Sometimes the herbicide is washed off by flash tropical rains. Even if the herbicide dries up the coca — a sturdy plant which can yield two or three crops a year — peasant farmers can recultivate it on the same land. The 358,201 kilos of coca leaf and 10,141 kilos of pure cocaine destroyed or confiscated from January to October 1997, represent only about 1% and 3% of the 53,760 tons of coca leaf and 322.56 tons of pure cocaine Colombia's anti-narcotics intelligence branch estimates have been produced in Colombia during the same period. Narrowing the gap is made all the more difficult by mechanical problems and bad weather sometimes grounding aircraft.

But Maj. Galeano wasn't trying to break down the statistics as three UH-1H Hueys and two Bell 212s revved their engines along the airstrip. Four were armed with M60D GPMGs and the remaining chopper, flown by base air-wing XO, Capt. Gustavo Garzon, bristled with electrically fired

7.62mm mini-guns in each door. Toting an M16A2 rifle with an M203 grenade-launcher, Maj. Galeano led me, Andy, and Jamie into a green Huey, where a door gunner sat in the corner of the right side. A couple of police troops were on the other side, sitting opposite each other on benches made of green canvass stretched over pipe frames. One had a belt of 7.62x54mm ammo draped around his shoulders for his M60, which he cradled in his lap. The other, with his back to the pilots, carried an M79 grenade launcher. Galeano crossed himself, we buckled up, and within minutes the Huey lifted off, leaving the hot humidity and smell of grass and grease behind.

Like Noriega's Acne

Our chopper shuddered and flapped in the sunny azure of a partly cloudy sky, and the landscape below looked like an endless carpet of all shades of green, as tracts of jungle and fields intertwined. Here and there, spots of gray and black looked like enormous cigarette burns. Some of these seemed to have been fields burned by *campesinos* for soil replenishment after harvesting legal crops, such as corn, beans or yucca. But there were also plenty of brown, parched clearings, where dead yellow trees reached toward us like fingers stripped to the bone. "Coca used to be there," shouted the major over the rotor din. They had been sprayed.

It wasn't long before we started spotting clearings of a scrubby, green, leafy vegetation.

"Coca!" the major shouted. These clearings pocked the landscape like acne studded Manuel Noriega's face. "In about a minute, the spraying will begin," shouted the major, about a half-hour after take-off. As the other helicopters — some military green, others in white-and-emerald-green — circled in and out of our view, three dark OV-10s with red trimming their twin-tails appeared below. Curving into tail formation, one plane after another swooped from about 1,000 feet down to just over tree-top level, and let loose streaks of Glyphosate from nozzles under their wings.

The herbicide (found in the commercial weed-killer Roundup) streaked in swaths of about 75 to 100 meters, until the OV-10s abruptly soared upwards, as a technique against potential gun fire, leaving puffs of engine smoke and Glyphosate. The chemical mist changed hues from white to gray to blue, as it descended in twisting fashion, and often was still lingering as the planes made another pass. After several passes in column, the planes would break off to spray targets individually. In layered security, the helicopters took turns flying at different altitudes, sometimes alongside the OV-10s, sometimes above, just in case ground fire erupted. But today there was no gun fire. After an hour or so, we headed back to base.

An estimated 325 acres of coca were sprayed during the mission. About average for a day's work, according to police. It was

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Pray & Spray

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time for the OV-10 pilots — all Dyncorp-contracted Americans, except for one Colombian — to go over the day's work. A U.S. government official involved in the anti-drug war, says "One advantage of the OV-10 is that it has two engines, and if one is shot out, it can still fly — if it's flying fast enough. The Thrush, having only a single engine, would have no chance with its engine gone."

But, according to another American, who is part of the Colombian anti-narcotics operation, the Thrush's engine is protected by reinforced armor, and is virtually impervious to 7.62x54mm gunfire. The only time a Thrush was shot down by a bullet penetrating its engine, he says, was when one entered through the plane's nose cone.

OV-10 Too Fast?

Colombian police pilots, who haven't flown the plane, don't hide their doubts about the OV-10s in a spraying role. With the OV-10 unable to match the slow-down speed of the Thrush, one pilot says, "The OV-10s fly so fast that the air turbulence doesn't allow the herbicide to fulfill its purpose. The herbicide is blown into a scatter and vanishes. The OV-10 may be good for reconnaissance and being armed. But it isn't as accurate as the Thrush for spraying."

Americans who have flown both the Thrush and OV-10 dispute this notion, saying they have done tests that showed the air turbulence left by the OV-10 is actually less than by the Thrush. They mention that the OV-10 sprays more evenly than the Thrush, and that one doesn't have to fight the steering controls in an OV-10, as is often the case in a Thrush. However, Americans and Colombians agree the Thrush is normally much cheaper than the OV-10 (about a million dollars for a new Thrush compared to some 10 million for an OV-10, according to some estimates), that it requires less maintenance, and that there are more pilots who already know how to fly the Thrush than the OV-10.

Why, then, were the OV-10s sent to the Colombian police? A congressional staffer visiting Colombia thought it might have been because there were no Thrushes immediately available and the OV-10s were. But says a high-ranking Colombian police aviator, "You'll have to ask Dyncorp."

According to a couple of knowledgeable sources familiar with Dyncorp, who prefer to remain anonymous, the company obtained the OV-10s cheap from a surplus collecting dust in the bone yards of U.S. federal agencies in Maryland and Virginia.

One thing is for sure, no matter what planes are based at San Jose de Guaviare: If the air base is not provided with resources to beef up security, one day it may be surprised by guerrilla sappers and have no aircraft to fly.

SOF Senior Foreign Correspondent Steve Salisbury is based in Guatemala City. ☒

Combat Weaponcraft

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company-grade officer in WWII in the famous Merrill's Marauders that operated behind Japanese lines for an extended period with devastating effect. He was a gun crank, hunter, and highly successful service-rifle competitor before the war, so all of his writing is from the perspective of someone highly knowledgeable about guns. Prior to joining the Marauders he had seen considerable action at Guadalcanal where he had personally helped more than a few Japanese soldiers die for their country.

In his words, "The M1 Carbine turned out to be the ace weapon of the war, as far as I am concerned. It was light and handy, powerful, and reasonably accurate. ... The cartridge was powerful enough to penetrate several thicknesses of helmet, and to perforate the plates of the Japanese bullet-proof vest, which would only be dented by .45-auto slugs. It was flat shooting enough to have practical accuracy at more than 200 yards. ... For many types of offensive fighting, such as sneak raids and infiltration tactics, it was often superior even to the M1 [Garand], penetration being the only point of difference."

Late in WWII, a selective-fire version of the M1 Carbine was introduced as the M2 Carbine. These saw little use in WWII but were extensively used in Korea. In my opinion, most of the accounts about the ineffectiveness of the .30 Carbine round come from misuse of the M2 Carbine on full auto. Most of the accounts I have encountered where the .30-Carbine cartridge is criticized stem from soldiers or marines that dumped a full magazine on full auto at a charging enemy and simply missed him. It has been my experience firing the M2 that if the first shot does not hit, none of the following shots will either because the weapon will climb off target, particularly with a long burst. The idea that anyone could absorb a magazine full of .30 Carbine bullets through the chest and keep coming is a myth born of bad shooting.

When this weapon is used using modern expanding bullets its effectiveness against soft targets is increased considerably. The single best .30-Carbine load that I have used is the Winchester Hollow Soft Point. It is very accurate and expands superbly and reliably.

The M1 Carbine is too good a gun to be overlooked. Several hundred thousand of them are in circulation and many can be purchased at very reasonable prices. Many more are standing offshore waiting to be imported into the United States, something unlikely to happen under the current administration. I have to admit that for fighting purposes I prefer the AR15 or M16 to the M1 Carbine, but out where the rubber meets the road I would prefer the M1 Carbine to any submachine gun or semiautomatic pistol-caliber carbine on the market except where noise suppression was an issue.

It's that good! ☒

Annex 53

Tod Robberson, "2 U.S. Pilots Die on Colombian Anti-Narcotics Mission",
DALLAS MORNING NEWS (Dallas, 29 July 1998)



The Dallas Morning News: Document Display Page 1 of 1**The Dallas Morning News**

July 29, 1998

2 U.S. pilots die on Colombian anti-narcotics mission*Tod Robberson South America Bureau of The Dallas Morning News*

Two American pilots working for the U.S. government on an anti-narcotics-related mission died when their airplane went down in a battle-scarred region of southeastern Colombia, the U.S. Embassy said Tuesday.

The pilots were identified as Wayne Harley Mulgrew of Napa, Calif., and Gary Clyde Chestnut of Leesburg, Ala. Both were 46.

The embassy said in a prepared statement Tuesday that the two men were killed Monday when their Thrush turboprop crop-dusting aircraft went down near a military base at San Jose del Guaviare, 200 miles southeast of Bogota.

Colombian and U.S. military sources said the base is in a chief cocaine-producing region of southeastern Colombia and is usually surrounded by leftist guerrillas, who frequently try to shoot down government aircraft on illicit-crop eradication missions.

The embassy termed the deaths an accident, although it said the cause of the crash was still under investigation. The statement said there were "no indications of hostile activity during the accident."

The embassy statement added that one of the pilots was training the other pilot on how to conduct training exercises when their plane went down.

The last death involving a government-contracted anti-narcotics pilot occurred in January 1997, when Robert Martin, 35, flew his crop-dusting aircraft into a tree while on an eradication mission only one day after arriving in the country.

Mr. Mulgrew and Mr. Chestnut were providing training to Colombian anti-narcotics pilots under a State Department contract with East Inc., based in Chantilly, Va. A company spokesman declined to comment and referred all inquiries to the State Department.

East Inc. and DynCorp Aerospace Technologies, a Fort Worth-based company, provide more than 100 aircraft pilots and maintenance technicians to work in dangerous areas of Colombia where, in many cases, U.S. law restricts the activities of U.S. military personnel.

Their work has become so dangerous in recent months -due mainly to anti-aircraft fire from guerrillas and other gunmen protecting illicit-crop fields and drug laboratories -that earlier this year, they began conducting eradication missions at night to make their aircraft harder to target, a U.S. official said.

The night missions, however, entail a higher accident risk because of the need for pilots to fly at low altitudes to ensure their crop dusters hit their targets with herbicide spray.

In addition, the Colombian National Police, which conducts most anti-narcotics operations, has been forced to ground the bulk of its U.S.-supplied helicopter fleet twice in recent months because of mechanical problems.

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Annex 54

Larry Rohter, “To Colombians, Drug War is Toxic Enemy”, THE NEW YORK TIMES
(New York, 1 May 2000)



The New York Times

To Colombians, Drug War Is Toxic Enemy

By LARRY ROHTER

Published: May 1, 2000

RIOBLANCO DE SOTARA, Colombia— The children and their teachers were in the schoolyard, they say, playing soccer and basketball and waiting for classes to begin when the crop-duster appeared. At first they waved, but as the plane drew closer and a gray mist began to stream from its wings, alarmed teachers rushed the pupils to their classrooms.

Over the next two weeks, a fleet of counternarcotics planes taking part in an American-sponsored program to eradicate heroin poppy cultivation returned here repeatedly. Time and time again, residents charge, the government planes also sprayed buildings and fields that were not supposed to be targets, damaging residents' health and crops.

"The pilot was flying low, so there is no way he could not have seen those children," said Nidia Majin, principal of the La Floresta rural elementary school, whose 70 pupils were sprayed that Monday morning last June. "We had no way to give them first aid, so I sent them home. But they had to cross fields and streams that had also been contaminated, so some of them got sick."

In fact, say leaders of this remote Yanacona Indian village high in the Andes, dozens of other residents also became ill during the spraying campaign, complaining of nausea, dizziness, vomiting, rashes, blurred vision and ear and stomach aches. They say the spraying also damaged legitimate crops, undermining government efforts to support residents who have abandoned poppy growing.

Such incidents are not limited to this village of 5,000, say critics in Colombia and the United States, but have occurred in numerous parts of Colombia and are bound to increase if the fumigation program is intensified, as the Clinton administration is proposing as part of a \$1.6 billion emergency aid package to Colombia.

Critics say they frequently receive reports of mistakes and abuses by the planes' Colombian pilots that both the American and Colombian governments choose to ignore.

State Department officials deny that indiscriminate spraying takes place, with an American Embassy official in Bogota describing the residents' claims of illnesses as "scientifically impossible."

But to local leaders here the situation brought on by the spraying remains one of crisis. "The fumigation was done in an indiscriminate and irresponsible manner, and it did not achieve its objective," said Ivan Alberto Chicangana, who was the mayor when the spraying occurred.

"The damage done to the physical and economic well-being of this community has been serious," he said, "and is going to be very difficult for us to overcome."

He and other local leaders say that people were sick for several weeks after the spraying, and in interviews a few residents complained of lasting symptoms. Three fish farms with more than 25,000 rainbow trout were destroyed, residents said, and numerous farm animals, mostly chickens and guinea pigs, died, while others, including some cows and horses, fell ill.

In addition, fields of beans, onions, garlic, potatoes, corn and other traditional crops were sprayed, leaving plants to wither and die. As a result, community leaders here say, crop-substitution projects sponsored by the Colombian government have been irretrievably damaged and their participants left impoverished.

The spraying around this particular village has since stopped, residents say, though they fear that it could resume at any time, and it continues in neighboring areas, like nearby Guachicono, and year-round elsewhere in Colombia.

Peasants in the coca-growing region of Caqueta, southeast of here, last year complained to a reporter that spray planes had devastated the crops they had planted after abandoning coca, and similar reports have emerged from Guaviare, another province to the east.

Indeed, American-financed aerial spraying campaigns like the one here have been the principal means by which the Colombian government has sought to reduce coca- and opium-poppy cultivation for nearly a decade. The Colombian government fleet has grown to include 65 airplanes and helicopters, which fly every day, weather permitting, from three bases. Last year, the spraying effort resulted in the fumigation of 104,000 acres of coca and 20,000 acres of opium poppy.

Yet despite such efforts, which have been backed by more than \$150 million in American aid, cocaine and heroin production in Colombia has more than doubled since 1995.

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In an effort to reverse that trend and weaken left-wing guerrilla and right-wing paramilitary groups that are profiting from the drug trade and threatening the country's stability, the Clinton administration is now urging Congress to approve a new aid package, which calls for increased spending on drug eradication as well as a gigantic increase for crop-substitution programs, to \$127 million from \$5 million.

Critics, like Elsa Nivia, director of the Colombian affiliate of the advocacy organization Pesticide Action Network, see the eradication effort as dangerous and misguided. "These

pilots don't care if they are fumigating over schools, houses, grazing areas, or sources of water," she said in an interview at the group's headquarters in Cali.

"Furthermore," she added, "spraying only exacerbates the drug problem by destabilizing communities that are trying to get out of illicit crops and grow legal alternatives."

Those who have been directly affected by the spraying effort here also argue that fumigation is counterproductive. In this cloud-shrouded region of waterfalls, rushing rivers, dense forests and deep mountain gorges, poppy cultivation was voluntarily reduced by half between 1997 and 1999, to 250 acres, said Mr. Chicangana, the former mayor.

He said it was well on its way to being eliminated altogether when the spraying began. "We were collaborating, and now people feel betrayed by the state," he lamented.

"The fumigation disturbs us a bit," said Juan Hugo Torres, an official of Plante, the Colombian government agency supervising crop-substitution efforts, who works with farmers here. "You are building trust with people, they have hopes, and then the spraying does away with all of that."

In an interview in Washington, R. Rand Beers, the American assistant secretary of state for international narcotics and law enforcement affairs, said aerial spraying flights are strictly monitored and targets are chosen carefully.

The fumigation program is devised so that pilots "shouldn't be anywhere close to alternative development projects," he said, since "officials in the air and on the ground should be equipped with geographic positioning devices that pinpoint where those activities are taking place."

"If that happened, the pilot who flew that mission should be disciplined," Mr. Beers said referring to the accusations made by residents here. "That shouldn't be happening."

But the area fumigated here is wind-swept mountain terrain where illicit crops and their legal alternatives grow side by side, making accurate spraying difficult. And in some other places, pilots may be forced to fly higher than might be advisable, for fear of being shot at by the guerrillas, whose war is fueled by the profits of the drug trade.

As for the complaints of illness, the American Embassy official who supervises the spraying program said in an interview in Bogota that glyphosate, the active ingredient in

the pesticide used here, is "less toxic than table salt or aspirin." Calling it "the most studied herbicide in the world," he said it was proven to be harmless to human and animal life and called the villagers' account "scientifically impossible."

"Being sprayed on certainly does not make people sick," the official said, "because it is not toxic to human beings." Glyphosate "does not translocate to water" and "leaves no soil residue," he added, so "if they are saying otherwise, to be very honest with you, they are lying, and we can prove that scientifically."

But in an out-of-court settlement in New York state in 1996, Monsanto, a leading manufacturer of glyphosate-based herbicides like Roundup, though not necessarily identical to those used here, agreed to withdraw claims that the product is "safe, nontoxic, harmless or free from risk." The company signed a statement agreeing that its "absolute claims that Roundup 'will not wash or leach in the soil' is not accurate" because glyphosate "may move through some types of soil under some conditions after application."

In the United States, the Environmental Protection Agency has approved glyphosate for most commercial uses. But the E.P.A.'s 1993 recertification study noted that "in California, where physicians are required to report pesticide poisonings, glyphosate was ranked third out of the 25 leading causes of illness or injury due to pesticides" over a five-year period in the 1980's, primarily causing eye and skin irritation.

In addition, labels on glyphosate products like Roundup sold in the United States advise users to "avoid direct application to any body of water." Directions also warn users that they should "not apply this product in a way that will contact workers or other persons, either directly or through drift" and caution that "only protected handlers may be in the area during application."

The doctor in charge of the local clinic here, Ivan Hernandez, recently was transferred and could not be reached for comment about the impact of the spraying on the health of residents. Gisela Moreno, a nurse's aide, refused to speak to a visiting reporter, saying, "We have been instructed not to talk to anyone about what happened here." When asked the origin of the order, she replied: "From above, from higher authorities."

Here in Rioblanco de Sotara, half a dozen local people say they felt so sick after the spraying that they undertook a 55-mile bus trip to San Jose Hospital in Popayan, the capital of Cauca Province, for medical care. There, they were attended by Dr. Nelson

Palechor Obando, who said he treated them for the same battery of symptoms that more than two dozen residents described to a reporter independently in recent interviews.

"They complained to me of dizziness, nausea and pain in the muscles and joints of their limbs, and some also had skin rashes," he said. "We do not have the scientific means here to prove they suffered pesticide poisoning, but the symptoms they displayed were certainly consistent with that condition."

Because this is an area of desperate poverty where most people eke out a living from subsistence agriculture, there is no stigma attached to growing heroin poppies, and those who have planted the crop freely admit it. Yet even those who claim never to have cultivated poppies say that their fields were also sprayed and their crops were destroyed.

"They fumigated everywhere, with no effort made to distinguish between potatoes and poppies," complained Oscar Ceron, a 32-year-old farmer. "We could even hear their radio transmissions on the FM band, with the ground command referring to us in a vulgar fashion."

Other farmers said the air currents constantly swirling down from the 14,885-foot Sotara volcano, on whose flank this town sits, blew the herbicide over fields planted with legal crops.

"A gust of wind can carry the poison off to adjacent fields, so that they end up more badly damaged than the field that was the original target, which sometimes is left completely intact," explained Fernando Hormiga.

In the United States, glyphosate users are specifically warned not to spray by air "when winds are gusty or under any other condition that favors drift." The instructions also say that "appropriate buffer zones must be maintained" to avoid contaminating surrounding areas.

Once word got out about the illnesses that followed the spraying here, prices for milk, cheese and other products that are a mainstay of the local economy dropped by more than half. "The rumors are that the land is contaminated, so we no longer get orders from outside, and the middlemen can now name their own price," said Fabian Omen, a farmer and town councilman.

Worse still, government and private creditors are nonetheless demanding that the loans made for crop-substitution projects like the fish farms must still be repaid, even though the enterprises themselves have been destroyed.

Asked about the lack of an integrated policy that implies, Alba Lucia Otero, the Plante director for Cauca Province, expressed frustration. "The state is a single entity, but we work on one side while those doing the fumigation work on another," she said. "There should be coordination, but they take their decision at the central level, and we are not consulted."

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Annex 55

“The Void of the Fumigations”, EL TIEMPO (Bogotá, 28 May 2000)



EL TIEMPO
28 MAY 2000

THE VOID OF THE FUMIGATIONS

In Puerto Guzmán, Puerto Caicedo and Mocoa (Putumayo) peasants and even authorities speak of the death of Anderson Iván Mejía every time you address the issue of the fumigation of illicit crops.

They cite the case of child, who was under 2 years of age, and say that after suffering from vomiting, diarrhea and fever, he died in the village of Campo Rojas late last year. However, there is no scientific evidence that links either his case or the other two deaths recorded in official reports to spraying with glyphosate. In order for the herbicide to be mortal, one must drink two liters, ensures the Narcotics Department.

What does exist is recent evidence in Putumayo of plantain, cassava and maize being literally burned in the passage of aircraft, contaminated water sources and areas of less than three hectares fumigated, even though the law forbids it.

In fact, only a few weeks ago, based on hundreds of such complaints, the Regional Corporation of the Amazon (Corpoamazonia) suspended through a single broad stroke, that national security policy, stranding the fleet of antinarcotics aircraft Turbo Trush of the Antinarcotics Police for six days.

Corpoamazonia's decision, which the Ministry of Environment repealed as unlawful, generated institutional friction that has been kept secret but, above all, exposed gaps in the spray program, a program to which the U.S. has contributed more than 60 aircraft and about 300 million dollars annually and the monitored results closely.

While the country hopes to achieve the goals set in terms of hectares destroyed, Corpoamazonia is ready to challenge again the presidential directives if faults persist.

The position of defiance, which senior government officials attribute to pressure from guerrillas and paramilitaries, the great masters or custodians of illicit crops.

Violations in everything, EL TIEMPO found that there is evidence of violation of technical standards for fumigation, legal crops affected and observers who do not supervise the fumigation.

Even when the chief of police, Gen. Jose Rosso Serrano, attributed the attempts to discredit the program and stop its aircraft to the drug traffickers, there is another perception among a committee comprised of officials from the Attorney General, the Comptroller and regional Ombudsman after following the tracks.

In the countryside, reporters from this newspaper confirmed the destruction of plantain plants and corn, as well as expanses of virgin forest.

The plane came and sprayed everything. Here, there was but one hectare of coca planted, reported Victor Pantoja, farmer, Puerto Guzmán. I burned an acre of corn, said Felipe Ortega, another local farmer.

Although there are growers of up to three acres of Peruvian coca in that area, at least 300 signed complaints, supported by a national ID, signature or fingerprint, in order to attest to what is happening.

The testimonies are buried in a folder on the Ombudsman's Office of Puerto Guzmán. The last two months I have not done anything other than receive complaints, explains Ombudsman Yazmin Cruz.

And while farmers await government commissions with solutions, their claims are used by the front 32 of the FARC to encourage them to participate in a new coca growers' march, similar to that of 1996.

The first week of May that front summoned farmers to a meeting in Puerto Caicedo in which they announced to the peasants that they needed a person per family to participate in the march. The only condition: this time they should be armed.

Beyond the manipulation by the guerrilla, to Corpoamazonia and even officials of the Ministry of Environment and control agencies it is clear that in some areas the spraying is being performed indiscriminately.

There are signs that spraying is being performed on areas that are less than two hectares of coca, a practice prohibited by resolution 001 of 1994, which dictates the parameters for fumigation.

Thus, according Corpoamazonia, this is threatening the food safety of indigenous people and settlers. EL TIEMPO was able to witness how farmers in the area ask the mayor of Puerto Guzmán markets sent to them by the network SOLIDARIDAD (*Solidarity*), as their crops were spoiled.

If the allegations are proven for the first time, said Narcotics director, Gabriel Merchán, we will compensate those affected.

However, he warns that it is difficult to prove that the damage occurred as a result of glyphosate, since its remnants disappears in 15 days.

Moreover, Corpoamazonia never turned over to Narcotics the complaints on which it based its suspension of the fumigation and Police has said to possess evidence that farmers planted bananas, cocoa and cane next to the coca in order to denounce abuses and counter the program.

But the complaints are so many that on April 26, the Ministry of Environment requested that a Narcotics technical committee of the military, administrative and judicial authorities be convened to study the effects of fumigation.

Moreover, it was decided that a treatment program and a program to process complaints would be designed, which is now under legal review. This program confirms that there are no human or technical means to verify claims and to control the proper fumigation process.

Only Glyphosate?

We assume the good intentions of the people. That is the mechanism used by the Ministry of Environment, according to the minister, to ensure that spraying is only carried out with glyphosate and certify that the mixtures are adequate.

The poison that is being fumigated is now stronger than before. The plants are dying faster, reported the Ombudsman of Puerto Guzmán, Marino Klinger Barreiro, on May 3rd.

A complaint that would be insignificant except for the fact that, with the assistance of the Universidad de los Andes, the Ombudsman was able to verify the use of a prohibited substance: Imazapyr, a granulated substance that cannot be used even in an experimental stage due to its high degree of toxicity.

After fumigation, the Office collected four samples in the village of La Pradera (Puerto Guzmán) which were handed over to the Andes for analysis. Via the importation of technology, weeks later, it was certified that it contained the prohibited granules.

Coincidentally, that day of the fumigation, July 1998, 53 children from the school of La Pradera temporarily lost their vision.

However, both the director general of Narcotics and general Serrano deny the use of a substance other than glyphosate. They agree that farmers use a product with Imazapyr to plant coca and clean it.

How did the peasants climb the papaya tree and sprinkle the granules that were found? The Ombudsman asks itself in order to counter the claims of anti-drug officials.

Stopped Observers.

Add to this the fact that the Ministry of Environment has suspended its Committee for the Verification Technique for Eradication of Illicit Crops for almost two years. Although it will start operating once again, as announced by the minister Juan Mayr. No one has explained why it was disabled.

We observed the spraying activities with certain regularity, the minister says, for who what is even more serious is the deforestation of the jungle, which is now over a million hectares.

The Agrarian Ombudsman is another of the control entities. However, even the leader of that office, Julio César Rodas, recognizes that he has neither the staff nor the expertise to verify complaints.

Sometimes they send prosecutors or ombudsmen to the area, but they are high risk areas for the public order, the cases are filed two months after they occurred. We do not even have a laboratory, he said.

Therefore, to Rhodes, the least we can do is indemnify the people and he let Narcotics know this.

Meanwhile, the Environmental Management Plan, the main tool for control and minimization of the impacts of fumigation, turns seven years on paper without having been approved in its final form.

Narcotic Drugs submitted the document, but last December, the Ministry of Environment and the ICA asked that it complement the plan with sensitive topics such as the height at which the chemical would be sprayed, the aircraft speed and even the composition of the chemical mixture used. In addition, toxicological studies complement effects on aquatic organisms and soil. The only authority that is working properly is the Environmental Audit paid by the Police, with funding provided by United States, and which, in its opinion, everything is being done correctly.

Manual eradication. In the international hearing with the FARC, which has been suspended by the Government and whose new date has yet to be set, visits are scheduled to areas of drug crops and to hear the proposals of the farmers to find a strategy for eradicating the 116,000 hectares of coca planted in Colombia today.

So less than a month ago farmers in nine municipalities in Putumayo and 37 thousand indigenous peoples, including some from the Cauca boot, met together to devise an eradication plan that they already handed to the Government.

The aim is to destroy coca crops by hand. What is being attempted is that no further legal crops are affected and that we are given a real opportunity to replace them, says the indigenous governor Aureliano Garreta Chindoy.

The only requirement made by the farmers and indigenous peoples alike is that, while the new crops grow and prosper, the government will subsidize them with a kind of salary equivalent to less than half of what one hectare eradicated with glyphosate costs today.

The proposal became known to the Plan for Substitution of Illicit Crops (Plante), who prefers to stay out of the discussion on the spraying program as it deems that it is not within its jurisdiction.

While ecological solutions are sought, the fumigation plan strengthens, and has arrived in Catatumbo, where farmers and paramilitaries began to complain about its effects this week. This is compounded by the imminent activation of an anti-narcotics battalion of one thousand men and the arrival of another 60 aircraft if the so-called Plan Colombia is approved.

Along with the huge investment, the figures of the Counter Narcotics Police and the U.S. Department of State show that the phenomenon of drug crops is growing wildly (see chart).

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LOS VACÍOS DE LA FUMIGACIÓN

En Puerto Guzmán, Puerto Caicedo y Mocoa (Putumayo) campesinos y hasta autoridades hablan de la muerte de Anderson Iván Mejía cada vez que abordan el tema de la fumigación de cultivos ilícitos.

Mencionan el caso del pequeño de 2 años y dicen que luego de sufrir de vómito, diarrea y fiebre murió en la vereda Campo Rojas a finales del año pasado. Sin embargo, ni en su caso ni en el de otros dos muertos registrados en reportes oficiales y vinculados a la aspersión con glifosato, existe prueba científica que los relacione. Para que el herbicida sea mortal se deben beber dos litros, asegura la Dirección de Estupefacientes.

De lo que sí existe reciente evidencia en el Putumayo es de cultivos de plátano, yuca y maíz literalmente quemados al paso de las avionetas, de fuentes de agua contaminadas y de áreas menores a tres hectáreas fumigada, aunque la ley lo prohíbe.

De hecho, hace solo unas semanas, basada en centenares de esos reclamos, la Corporación Regional del Amazonas (Corpoamazonía) suspendió de un solo plumazo esa política de seguridad nacional, dejando en tierra durante seis días la flotilla de aviones Turbo Trush de la Policía Antinarcóticos.

La decisión de Corpoamazonía, que el Ministerio del Medio Ambiente derogó por antijurídica, generó roces institucionales que se han mantenido en secreto pero, sobre todo, dejó al descubierto vacíos dentro del programa de fumigación, al que Estados Unidos ha aportado más de 60 aeronaves y cerca de 300 millones de dólares anuales y cuyos resultados supervisa con lupa.

Mientras ese país espera obtener las metas fijadas en hectáreas destruidas, Corpoamazonía está dispuesta a desafiar de nuevo las directivas presidenciales si persisten las fallas.

Una postura desafiante que altos funcionarios del Gobierno atribuyen a presiones de guerrilla y paras, los grandes dueños o custodios de los cultivos ilícitos.

Violaciones Con todo, EL TIEMPO verificó que hay pruebas sobre violación de normas técnicas de fumigación, cultivos lícitos afectados y veedores que no supervisan la fumigación.

Aun cuando el director de la Policía, general Rosso José Serrano, atribuye los intentos por desprestigiar el programa y por frenar sus avionetas al narcotráfico, otra es la percepción tras seguir las huellas que recorrió un comité que integraban funcionarios de la Procuraduría, la Contraloría y la Personería regionales.

En pleno monte, reporteros de este diario comprobaron la destrucción de matas de plátano y maíz, al igual que de extensiones de bosque virgen.

El avión pasó y fumigó todo. Aquí no había sembrada sino una hectárea de coca, denunció Víctor Pantoja, campesino de Puerto Guzmán. A mí me quemó una hectárea de maíz, añadió Felipe Ortega, otro campesino de la zona.

Aunque hay cultivadores de hasta tres hectárea de coca peruana en esa zona, al menos 300 quejas con firma, cédula o huella de los campesinos dan fe de lo que está ocurriendo.

Los testimonios reposan en una carpeta en la Personería de Puerto Guzmán. Los últimos dos meses no he hecho otra cosa que recibir quejas, explica la personera Yasmín Cruz.

Y mientras los campesinos esperan comisiones gubernamentales con soluciones, sus reclamos son utilizados por el frente 32 de las Farc para incitarlos a participar en una nueva marcha cocalera, similar a las de 1996.

La primera semana de mayo ese frente citó a una reunión en Puerto Caicedo en la que anunció a los campesinos que necesitaba una persona por familia para participar en la marcha. La única condición: esta vez debían ir armados.

La evidencia Pero más allá de la manipulación guerrillera, para Corpoamazonía e incluso para funcionarios del Ministerio del Medio Ambiente y de organismos de control es claro que en algunas zonas se está fumigando indiscriminadamente.

Hay rastro de que se están regando áreas menores a dos hectáreas de coca, práctica prohibida en la resolución 001 de 1994, que dicta los parámetros de fumigación.

De esa manera, según Corpoamazonía, se está poniendo en riesgo la seguridad alimentaria de campesinos, indígenas y colonos. EL TIEMPO pudo presenciar cómo campesinas de la zona piden a la alcaldía de Puerto Guzmán mercados enviados por la Red de Solidaridad, pues sus cosechas se echaron a perder.

Si se comprueban las denuncias dijo por primera vez el director de Estupefacientes, Gabriel Merchán, indemnizaremos a los afectados.

No obstante, advierte que es difícil demostrar que los daños los produjo el glifosato, pues su rastro desaparece en 15 días.

Por lo demás, Corpoamazonía nunca entregó a Estupefacientes las denuncias en las que sustentó el freno de la fumigación y la Policía dice poseer evidencias de que campesinos siembran plátano, cacao o caña al lado de coca para denunciar atropellos y contrarrestar el programa.

Pero son tantas las quejas, que el pasado 26 de abril el Ministerio del Medio Ambiente pidió a Estupefacientes convocar a una comisión técnica de autoridades militares, administrativas y judiciales para que se estudiaran los efectos de la fumigación.

Es más, se decidió diseñar un proyecto de atención y trámite de quejas, que hoy se encuentra en revisión jurídica. Programa que confirma que no existen medios técnicos ni humanos para verificar las denuncias y para controlar el correcto proceso de fumigación. Solo glifosato? Nosotros partimos de la buena fe de la gente . Ese es el mecanismo que utiliza el Ministerio del Medio Ambiente, según su ministro, para garantizar que sólo se fumiga con glifosato y certificar que las mezclas son las adecuadas.

El veneno con el que se está fumigando ahora es más bravo que el anterior. Las matas se mueren más rápido , denunció ante la Personería de Puerto Guzmán Marino Barreiro Klinger, el 3 de mayo pasado.

Una denuncia que sería insignificante de no ser porque, con la ayuda de la Universidad de los Andes, la Defensoría del Pueblo pudo comprobar la utilización de una sustancia prohibida: Imazapyr, un granulado que no se puede usar ni en etapa experimental por su alto grado de toxicidad.

Luego de una fumigación, la Defensoría recogió cuatro muestras en la vereda La Pradera (Puerto Guzmán) que se entregaron a los Andes para su análisis. Importando tecnología, semanas después, se certificó que se trataba del granulado prohibido.

Coincidentalmente, el mismo día de esa fumigación julio de 1998 53 niños de la escuela de La Pradera perdieron temporalmente la visión.

Sin embargo, tanto el director de Estupefacientes como el general Serrano niegan el uso de una sustancia diferente al glifosato. Coinciden en señalar que los campesinos utilizan un producto con Imazapyr para sembrar y limpiar coca.

Cómo hicieron los campesinos para subirse a los papayos y a los árboles a esparcir el granulado que encontramos? , se pregunta la Defensoría para contrarrestar las afirmaciones de los funcionarios antidroga.

Veedores frenados A esto se suma que el Ministerio del Medio Ambiente desde hace casi dos años tiene suspendida su Comisión Técnica de Verificación de Erradicación de Cultivos Ilícitos. Aunque volverá a operar, según lo anunció el ministro Juan Mayr, aún nadie ha explicado por qué se desactivó.

Con alguna periodicidad acompañamos las tareas de fumigación , dice el Ministro, para quien lo grave es la depredación de selva que va en más de un millón de hectáreas.

La Procuraduría Agraria es otro de los entes de control. No obstante, el propio jefe de ese despacho, Julio César Rodas, reconoce que no tiene ni personal ni capacidad técnica para verificar esas quejas.

A veces se desplazan procuradores o personeros al lugar, pero son zonas de alto riesgo por orden público, además, los casos nos llegan dos meses después de haber ocurrido. Ni siquiera contamos con un laboratorio , dice.

Por eso, para Rodas, lo menos que se puede hacer es indemnizar a la gente y así se lo hizo saber a Estupefacientes.

Entre tanto, el Plan de Manejo Ambiental, principal instrumento para controlar y minimizar los impactos de la fumigación, cumple siete años en el papel sin que se haya aprobado en definitiva.

Estupefacientes ya entregó el documento, pero en diciembre pasado el Ministerio del Medio Ambiente y el ICA le solicitaron que lo complementara en temas tan sensibles como la altura a la que se fumiga, la velocidad de las aeronaves y hasta la composición de la mezcla química utilizada. Además, complementar estudios toxicológicos sobre efectos en organismos acuáticos y en el suelo.

La única instancia que está funcionando es la Auditoría Ambiental pagada por la propia Policía, con fondos entregados por Estados Unidos, y para quien todo se está haciendo correctamente.

Erradicación manual En la audiencia internacional con las Farc suspendida por el Gobierno y cuya nueva fecha de realización aún no ha sido fijado se tiene previsto visitar zonas de narcocultivos y escuchar las propuestas de los campesinos para buscar una estrategia que permita erradicar las 116.000 hectáreas de coca sembradas hoy en Colombia.

Por eso, hace menos de un mes campesinos de nueve municipios del Putumayo y 37 mil indígenas incluidos los de la bota caucana se reunieron para diseñar un plan de erradicación que ya le entregaron al Gobierno.

El objetivo es destruir los cultivos de coca en forma manual . De lo que se trata es de que no se sigan afectando las siembras lícitas y de que nos dé una verdadera oportunidad de sustitución , asegura el gobernador indígena Aureliano Garreta Chindoy.

La única exigencia de campesinos e indígenas es que mientras prosperan los nuevos cultivos, el Gobierno les subsidie una especie de salario que equivaldría a menos de la mitad de lo que hoy vale erradicar una hectárea con glifosato.

La propuesta ya la conoció el Plan de Sustitución de Cultivos Ilícitos (Plante), que prefiere mantenerse al margen de la discusión sobre el programa de fumigación por considerar que no es de su competencia.

Mientras se buscan salidas ecológicas, el plan de fumigación arrecia: ya llegó al Catatumbo, donde campesinos y paramilitares comenzaron esta semana a quejarse por sus efectos. A esto se suma la inminente activación de un batallón antinarcóticos de mil hombres y la llegada de otras 60 aeronaves si se aprueba el llamado Plan Colombia.

A la par con la millonaria inversión, las cifras de la Policía Antinarcóticos y del propio Departamento de Estado de Estados Unidos, revelan que el fenómeno de los narcocultivos crece desafortunadamente (ver gráfica).

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Annex 56

“Mayor Denounces Fumigations”, EL UNIVERSO (Guayaquil, 22 Aug. 2000)



EL UNIVERSO

22 August 2000

MAYOR DENOUNCES FUMIGATIONS

Nueva Loja. (Elio Ortega). –Bolívar Botina, mayor of the population of Puerto Guzmán, department of Putumayo, Colombia, denounced, in an interview to radio Sucumbíos, that at least seven persons had died as a result of fumigations that are carried out in his jurisdiction starting four months ago.

Botina declared that in the two preceding weeks, the population's rejection, organizing protest marches and forums, caused the fumigations to cease.

Two children

“They were normal persons, among them, two children under 12 that labored in the field in the beginning of the month of august and after two to three days of the fumigations having been carried out, they started to show fever, vomit and diarrhea and then the sudden death,” Botina affirmed in an interview granted to reporter Ángel Rodrigo Sayo.

He added that, “the autopsies have not been able to carry out, but if it is proven that the deaths were caused by fumigation, we will denounce it to the international courts of justice.

Alcalde denunció fumigaciones



NUEVA LOJA. (*Elio Ortega*). – Bolívar Botina, alcalde de la población de Puerto Guzmán, departamento de Putumayo, Colombia, denunció en entrevista a radio *Sucumbios* que al menos siete personas han muerto a consecuencia de fumigaciones que

se realizan en su jurisdicción desde hace cuatro meses.

Botina declaró que las dos últimas semanas las fumigaciones cesaron ante el rechazo de la población que organizó marchas y foros.

Dos niños

“Eran personas normales, entre ellas dos niños menores de 12 años que hacían labores en el campo a principios del mes de agosto y luego de dos a tres días de haberse realizado las fumigaciones comenzaron a sentir fiebre, vómito y diarrea y luego la muerte fulminante”, afirmó Botina en entrevista concedida al periodista Ángel Rodrigo Sayo.

Agregó que “no se han podido realizar las autopsias pero de comprobarse que las muertes son por la fumigación lo denunciaremos a las cortes de justicia internacionales.

La cita en Colombia

El presidente Gustavo Noboa tiene previsto viajar mañana a las 07h00 a Bogotá, acompañado por los Ministros de Relaciones Exteriores, de Comercio Exterior, Defensa, y Agricultura.

A las 11h00 se reunirá con su homólogo colombiano Andrés Pastrana, y allí seguramente tratará las implicaciones para el Ecuador del Plan Colombia. A las 11h30, ambos mandatarios colocarán una ofrenda floral en el monumento a Simón Bolívar.

A las 12h00, el presidente Noboa se reunirá con diplomáticos y representantes de ONG's. A las 13h00 Noboa y Pastrana almorzarán con exportadores. A las 15h00, el mandatario ecuatoriano recibirá las llaves de la ciudad. A las 09h00 del jueves, Noboa firmará convenios bilaterales y a las 12h00 retornará.

Annex 57

“In Mataje the Implementation of Plan Colombia Causes First Ravages”, LA HORA
(Quito, 18 Sept. 2000)



LA HORA

18 September 2000

**IN MATAJE IMPLEMENTATION OF
PLAN COLOMBIA CAUSES FIRST RAVAGES**

Plan Colombia is in the midst of implementation; our fellow Ecuadorians have begun to feel its first ravages. A commission was set up to monitor the plan.

The implementation of the famous Plan Colombia, apparently, has started to have negative consequences on the inhabitants of northern populations in our country which border our neighboring Colombia. Many individuals from the Mataje parish, border community with Colombia, are suffering its first ravages.

“At this moment, skin infections, ongoing diarrhea and eye irritations have been caused, seemingly as consequence of the fumigation of cocaine crops conducted by airplanes from our neighboring country”, emphasized Paulina Nazareno Vivero, councilmember of the Atacames district.

COMMISSION HAS BEEN SET UP

She added that, for this reason, the District Council of San Lorenzo proceeded to constitute a commission which would monitor Plan Colombia as its mission, to try and avoid the population from being largely affected by this action.

The Commission is presided by Paulino Nazareno Vivero and Aldermen Roland Cabezas Caicedo and Domingo Quintero Valencia form part of it as well.

“We possess certain information in the sense that the inhabitants of Mataje, in recent days, have been suffering from skin infections, ongoing diarrhea and eye irritation. For this reason, we decided to move ourselves to said area to gain knowledge about the reality of that which is occurring and, in effect, both the parish nurse as well as the Political Lieutenant confirmed what has already been noted,” assured Nazareno Vivero.

He affirmed that the inhabitants of Mataje expressed that Colombian helicopter and airplane over-flights are frequent. “Of course, these are conducted on the other side of the river, that is, on the Northern Country, but since this covers one same area, the harms of the fumigations are affecting Ecuadorians,” he stated.

MIGRATION EXISTS

He added that Colombian peasants, populations belonging to the San Lorenzo district, have started to arrive in communities such as San Francisco del Bogotá and Ricaurte.

“The concern is great among people from San Lorenzo because Plan Colombia will affect the tourism and hospitality sectors, as well as the people dedicated to digging clams,” he exclaimed.

He said that although it is true that the arrival of Colombians will increase the work force, the sources of work will diminish, creating true social chaos. Taking into account easily deducible consequences, the result is that people will not have enough income and will resort to delinquency.

HOSPITAL WILL BE EQUIPPED

Additionally, the councilmember stated that Hospital Divina Providencia of San Lorenzo will be equipped with an investment of 175 thousand dollars in equipment, computers, and additional medical and paramedic personnel.

“The resources will be channeled by an Implementation Unit led by the Naval Base, Captain Lenin (*illegible*), who informed *La Hora* that the improvements will be made with utmost promptness, since the refurbishment of the hospital has the nature of “(*illegible*) people”, Nazareno Vivero repeated.

The councilmember of San Lorenzo, Paulino Nazareno, concluded by stating that “Ombudsmen from the Provincial Red Cross visited San Lorenzo last Saturday, aiming to engage in dialogue with said district. The issues that they addressed had to do with discussions regarding first aid, construction of (*illegible*), etc.”

EN MATAJE

Ejecución de Plan Colombia provoca primeros estragos

El Plan Colombia está en plena ejecución, nuestros compatriotas ecuatorianos han empezado a sentir los primeros estragos. Se conformó una comisión de seguimiento al plan.

LA EJECUCIÓN del famoso Plan Colombia, al parecer ha empezado a repercutir negativamente en los habitantes de poblaciones norteñas de nuestro país, limítrofe con nuestra vecina Colombia. Varias personas de la parroquia Mataje, comunidad fronteriza con Colombia, están sufriendo los estragos.

"En este momento se ha producido infección a la piel, diarreas permanentes e irritación de los ojos, al parecer como consecuencia de la fumigación a las plantaciones de cocaína que llevan adelante aeronaves del vecino país", dijo enfáticamente Paulino Nazareno Vivero, concejal del cantón Atacames.

CONFORMAN COMISIÓN

Agregó que por este motivo, el Concejo Cantonal de San Lorenzo, procedió a constituir una comisión que tendrá la misión de hacer un seguimiento al Plan Colombia, para tratar de evitar que la población se vea afectada en gran porcentaje por esta acción.

La Comisión la preside Paulino Nazareno Vivero y forman parte además los ediles, Roland Cabezas Caicedo y Domingo Quintero Valencia.

"Teníamos cierta información en el sentido de que los moradores de Mataje en los últimos días estaban sufriendo de infecciones a la piel, diarreas permanentes e



EN LAS comunidades fronterizas, especialmente Mataje, están apareciendo enfermedades.

irritación en los ojos, por lo que decidimos trasladarnos a dicho lugar para conocer la realidad de lo que estaba sucediendo y en efecto, tanto la enfermera de la parroquia y la Teniente Política confirmaron lo ya anotado", aseguró Nazareno Vivero.

Afirmó que los habitantes de Mataje expresaron que los sobrevuelos de helicópteros y avionetas colombianas son frecuentes, "claro que lo hacen al otro lado del río, es decir en el País del Norte, pero como se trata de una misma zona, los estragos de las fumigaciones están afectando a los ecuatorianos", acotó.

EXISTE EMIGRACIÓN

Añadió que en comunidades como San Francisco del Bogotá y Ricaurte, poblaciones pertenecientes al cantón San Lorenzo, han comenzado a llegar campesinos colombianos.

"La preocupación es mayúscula en los san lorenceños porque con el Plan Colombia se afectarán los sectores del turismo, hotelero y qué decir de las personas que se dedican a la extracción de la concha", exclamó.

Dijo que si bien es cierto que la llegada de los colombianos aumentará la mano

de obra, las fuentes de trabajo disminuirán, creando un verdadero caos social que la gente al no tener ingresos recurrirá a la delincuencia, con las consecuencias fáciles de deducir.

EQUIPARÁN HOSPITAL

El concejal dio conocer además que el hospital Divina Providencia de San Lorenzo será equipado por lo que se hará una inversión de 175 mil dólares en equipos, computadoras, incremento de personal médico y paramédico.

"Los recursos serán canalizados por la Unidad Ejecutora que dirige el comandante de la Base Naval, capitán Lenín Salazar, quien informó que las mejoras se harán a la brevedad posible, ya que el presupuesto del hospital tiene el carácter de urgente", reiteró Nazareno Vivero.

"Personeros de la Cruz Roja Ecuatoriana estuvieron el sábado anterior en San Lorenzo, con la finalidad de dialogar con el personal del cantón. Los aspectos que se abordaron tenían que ver con charlas de primeros auxilios, construcción de módulos de Educación Cívica, Educación Física y Educación Matemática", finalizó señalando el concejal Paulino Nazareno.

COOPERATIVA DE TRANSPORTES URBANOS

"LAS PALMAS"



CONVOCATORIA A LICITACIÓN

PARA LUBRICANTES EN LA PRESENTACIÓN DE CANECA DE 5 GALONES; CON LAS DESCRIPCIONES DE SAE 40, EP140 Y 15W40 EN LA CIUDAD DE ESMERALDAS.

De acuerdo con lo resuelto por el Consejo de Administración de la Cooperativa de Transporte Urbano "Las Palmas", de Esmeraldas, en sesión realizada el 25 de agosto del 2000, se convoca a las personas jurídicas nacionales y/o consorcios de firmas nacionales o nacionales con extranjeras, domiciliadas en el país y legalmente capacitadas para ejercer actividades comerciales en el Ecuador, para que presenten sus ofertas en la Licitación N° 002/2000 para LUBRICANTES EN LA PRESENTACIÓN DE CANECAS 5 GALONES; CON LA DESCRIPCIONES EN SAE 40, EP-140 Y A 5W40. Plazo probable de ejecución veinte (15) días calendario.

LAS CONDICIONES GENERALES DE ESTA CONVOCATORIA SON LAS SIGUIENTES:

- Las ofertas se presentarán por la totalidad de sus actividades, que son:
 - Canecas 5 Glns. En la presentación de SAE40, cantidad de 300 unidades.
 - Canecas 5 Glns. En la presentación de EP-140, cantidad de 100 Unidades.
 - Canecas 5 Glns. En la presentación de 15W40, cantidad de 100 Unidades.
- Condiciones de pagos y/o cancelación, tiempo de crédito y/o plazo de cancelación de lo antes requerido.
- Los documentos precontractuales pueden presentarse en la Secretaría de la Cooperativa de Transporte Urbano "LAS PALMAS", ubicadas en las calles Pedro Vicente Maldonado # 1033 y Av. Olmedo en la ciudad de Esmeraldas, las cuales se recibirán hasta 18h00 del día 29 de Septiembre del 2000.

Esmeraldas, 12 de septiembre del 2000

Sr. David Galván Gracia
GERENTE

Farc nuevamente alerta al Ecuador

LAS FUERZAS Armadas Revolucionarias de Colombia-Ejército del Pueblo como ellos se denominan alertaron nuevamente al Ecuador sobre la ejecución del Plan Colombia.

En un comunicado que fue entregado a las autoridades de las provincias Fronterizas con Colombia, las Farc dice que ellos están interesados en aclarar una serie de tergiversadas y maliciosas informaciones que se han vertido a la opinión pública del Ecuador en los últimos meses.

"Hacemos esta alerta con dolor al ver la trama en la que se insertan estas acusaciones, trama que desemboca, equivocadamente en la implementación por parte del Gobierno de los Estados Unidos y de sectores de extrema derecha del Ecuador, que se han convertido en testafierros de criminales intereses

para regionalización del conflicto colombiano hacia los países fronterizos", agrega el comunicado.

Acotan que están indignados por lo que han visto que en todos los problemas que enfrenta el Ecuador, los colombianos quieren involucrar.

"Reiteradamente hemos manifestado nuestro respeto a la soberanía, integridad y terminación e integridad del Ecuador. La proclama ahora lo volvemos a hacer a pesar de que hemos con claridad meridiana que quien fuertemente el gobierno de los Estados Unidos decidió sacrificar al Ecuador para que se le diera un espacio para que se extendiera el conflicto colombiano hacia la región, prueba de ello la presencia de profesores norteamericanos no solamente en la base de Manta, sino en Lago Agón y Esmeraldas", se refiere al comunicado de las FARC.

Annex 58

“44 Affected by the Fumigations”, EL COMERCIO (Quito, 22 Oct. 2000)



EL COMERCIO

22 October 2000

44 AFFECTED BY THE FUMIGATIONS

In view of the fact that she is the wife of the president of Parish Junta, Beatriz Arroyo was able to travel in the cabin of the dusty white truck, which makes two daily runs to transport the population from San Lorenzo over to Mataje; her baggage consisted of two sacks of potatoes, vegetables and legumes which are not available in her hometown, “well, over there, there is plentiful conch, fish, and fresh water shrimp the coconut...”.

After crossing a narrow road, one reaches the parochial center of Mataje with a population of 150 inhabitants. A military detachment which has been under construction for three months is located one and one half kilometers away from the center. The inhabitants of Mataje do not know the cause for this “however, most likely it has to do with Plan Colombia,” says Beatriz Arroyo.

As is the case for the rest of the people living along the border, there are no law enforcement authorities in these areas. There has never been police protection.

The San Lorenzo military eventually got around to guarding the area. However, for those in uniform, the construction of the unit is a routine procedure provided for in domestic security activities. Upon reporting an emergency, the community is completely unprotected. The Naval Base and the Port authorities are an hour away. The town has no telephone service or any other means of communication.

Until the Plan Colombia announcement, there was no need for control, as the bonds of friendship and family shared by the bordering towns have ancestral roots. According to land owners, there has never been any danger, “because the neighboring populations have been trading their products in Ecuador due to close proximity and since the express way was built.”

The president of the Parrochial Junta, Jorge Cortéz, says that so far, “no risky situations or the presence of guerrilla members, or problems generating mistrust have arisen.”

In the outskirts of town, the Mataje health center, inaugurated last September 15th, has been offering assistance to Ecuadorians and Colombians as a result of its strategic location.

Over a month ago, after the first fumigation of the coca plantations was carried out in Colombian territory the health center funded by the World Bank, experienced a whirlwind of activity. Reddened eyes, itching, and irritation, vomiting, and diarrhea, were the symptoms, assured María Cevallos the area’s nurse. “After four days, the epidemic disappeared, and apparently they have not fumigated again, which is why the epidemic has not reappeared.”

The exact cause for these diseases is not known precisely, but it has been attributed to the Colombia Plan because Mataje is an arm of the Mira river in Colombia. The results of the

water sample testing by the San Lorenzo Naval Base, and dispatched to Guayaquil however, have still not been determined.

The medical report reveals that those affected were 26 children: 15 boys and 11 girls, and 18 adults. Twenty-nine other people were given assistance for the same problem in scattered communities.

On September 22nd there was also a report involving water-poisoning killing fish and other species close to the Molina bridge area before Mataje. “This could have been the fate of the population/have spread to the population which is forced to drink water out of the river because potable/drinking water is not available to them. Fortunately, they detected it in time/it was detected in time,” says Cevallos.”

Esmeraldas • La población de Mataje espera los resultados de los exámenes 44 afectados por las fumigaciones

Luego de la rociada de fincas cocaleras en Colombia aparecieron los primeros síntomas. Se reportaron afecciones en la piel, irritaciones, diarrea y vómito.

Redacción Esmeraldas
Por ser la esposa del Presidente de la Junta Parroquial, Beatriz Arroyo pudo viajar en la cabina del polvoriento camión blanco, que cumple diariamente dos turnos para transportar a la población desde San Lorenzo hasta Mataje. Su equipaje eran dos fundas de papas, verduras y legumbres, que no se consiguen en su pueblo, "pues allá lo que abunda es la concha, el pescado, el camarón de agua dulce el coco..."

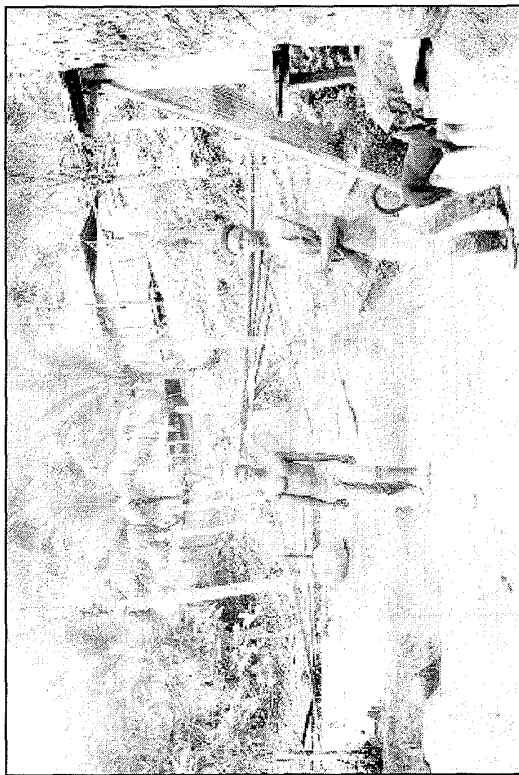
Luego de atravesar un camino estrecho, se llega al centro parroquial de Mataje, donde viven 150 personas. A un kilómetro y medio de la parroquia se construye, desde hace 3 meses, un destacamento militar. Los pobladores de Mataje no conocen las causas, "pero seguramente está relacionado con el Plan Colombiano", dice Beatriz Arroyo.

Al igual que en el resto de poblaciones del cordón fronterizo, en esta parroquia no hay ninguna autoridad. Nunca ha existido resguardo policial. Los militares de San Lorenzo son los que eventualmente custodian la zona. Sin embargo, para los uniformados la construcción de la unidad es un procedimiento de rutina, contemplado dentro de las actividades de seguridad interna. Al reportarse una emergencia, la comunidad está totalmente desprotegida. La Base Naval y la Capitania de Puerto están a una hora de distancia. En el poblado no existe servicio telefónico ni otro medio de comunicación.

Hasta el anuncio del Plan Colombia, no hizo falta control, pues la amistad y parentesco entre los pueblos fronterizos es ancestral. Según los comuneros, nunca ha existido peligro, "pues las poblaciones vecinas, por la cercanía y más aún desde que existe la carretera negocian sus productos en el Ecuador". El presidente de la Junta Parroquial, Jorge Cortéz dice que hasta ahora "no se han registrado situaciones de riesgo, ni presencia de guerrilleros, o problemas que generen desconfianza".

En las afueras del poblado, el centro de salud de Mataje, inaugurado el 15 de septiembre pasado, brinda atención a ecuatorianos y colombianos, por su ubicación estratégica.

Hace un mes, el centro de salud, que se construyó con fondos del Banco Mundial, registró un gran movimiento, luego de la primera fumigación de las



EL COMERCIO
UN CACERÍO DESOLADO • Los pobladores de Mataje no cuentan con energía eléctrica, servicio telefónico u otra comunicación.

154 habitantes en Mataje

Las 154 personas que habitan las 27 viviendas del centro parroquial de Mataje no disponen de luz. Hace más de un año se colocaron los postes para el alumbrado, pero las redes no han sido instaladas. Frente al asentamiento ecuatoriano de Mataje, se ubican tierras colombianas con una pequeña población del mismo nombre. Una vivienda de madera y cata, y techo de zinc, se observa directamente.

Las mismas características tienen los poblados vecinos como Pulbi Alto y Bajo, asentados a una hora y media de camino y Restrepo, a 2 horas, en territorio colombiano. Del puente de la carretera internacional, en Ecuador, a la Panamericana Pasto-Tumaco, hay 13 kilómetros que no están construidos, pues su trazado se quedó en estudios.

En los alrededores de Mataje se ubican los recintos Las Delicias, con 78 habitantes, Campanita, con 130, y Chanul, Valverde y El Pan, donde no hay un dato actualizado sobre su población.

Venta • La AGD evalúa el tema SÍTV atrae el interés de los empresarios

Redacción Guayaquil

Al interior del gremio de industriales en Guayaquil se afina una propuesta para sacar a la venta, el Sistema Integrado de Televisión, SÍTV.

Francisco Alarcón, presidente de la Cámara de Industrias de Guayaquil, dice que no hay una propuesta definida, aunque reconoce que se reunieron con los directivos de la Agencia de Garantías de Depósitos (AGD). "Hasta el momento solo existen dos conversaciones de por medio". Una con Rafael Lecaro, gerente del canal, y otra con Luis Villacís, gerente de la AGD, y acreedor de SÍTV por una deuda del canal con el Banco del Progreso. (unos USD 16 millones). El viernes pasado, Luis Villacís declaró en una entrevista matutina con Ecuavisa acerca de la posibilidad de llevar a cabo la propuesta hecha por la Cámara de Industrias "para administrar el canal".

Villacís señaló que según un avalúo hecho en mayo pasado, el precio de SÍTV es de alrededor de 5 millones de dólares, entre inventarios y activos. Esta cifra no alcanza a cubrir ni la tercera parte de las deudas de SÍTV con el Banco del Progreso, y del cual la AGD es su representante legal.

Alarcón dice que la propuesta es iniciativa de un grupo de empresarios que no están relacionados con medios de televisión, y que vienen de diversos sectores. Sin embargo, Alarcón aclara que la Cámara no persigue administrar el canal indefinidamente, porque su función no es, sino viabilizar la venta a fin de "preservar fuentes de trabajo y la inversión hecha en esa empresa". La transición a la venta, dice, puede incorporar una administración temporal que logre un acuerdo con anunciantes de publicidad.

"Atrás no hay nada. Todo es transparente", dice Alarcón, quien cree que puede lograrse con una oferta pública de acciones a través de la Bolsa de Valores. Ahí se limitará inicialmente la compra de más del 5 por ciento del capital social.

Entre lunes y martes, Alarcón prevé recabar la información tanto de directivos del canal como de la AGD. A partir del análisis de dichos documentos se decidirá si es factible o no, para la Cámara, seguir con el proyecto. El problema en estos días para SÍTV es que estaría a pocos días de cerrarse porque no tiene con qué mantenerse, según versiones recogidas por Alarcón de la gerencia de SÍTV.

Annex 59

“No To Fumigation: Governors”, EL TIEMPO (Bogotá, 15 Jan. 2001)



EL TIEMPO

15 January 2001

NO TO FUMIGATION: GOVERNORS

The governors of the departments of Caquetá, Cauca, Huila, Nariño, Putumayo and Tolima are not in favor of the fumigation of illicit crops and therefore propose to the National Government that the eradication of these crops should be effected manually.

[...]

Their proposal comes at a time in which the communities of southern Putumayo and several political leaders in that department ask that the aerial spraying which began on December 22 be suspended. The farmers complain that cassava, plantain and pepper crops were affected by these operations.

Regional leaders argue that aerial spraying not only destroys the illicit crops, but also causes severe damage to other plantations that grow in adjacent properties which have nothing to do with illegal activities.

They also propose the creation of an oversight committee integrated by national and international persons to monitor the process of manual eradication.

The governors of Huila, Juan de Jesus Cardenas, and Tolima, Guillermo Alfonso Jaramillo, revealed that the proposal was discussed during a meeting of the six leaders and that the final text is ready for the summit of thirty governors in mid-February.

When only one crop is sprayed, 50 or 100 farms in the vicinity of the sprayed crop are affected, this means that the harming other crops is caused for one single crop, said the Huilan leader.

The governors believe that the reaching of agreements with farmers for manual eradication, as is currently occurring in Putumayo, is a good alternative for the regions.

Covenants still remain in place.

Meanwhile, the presidential adviser for Convivencia and Seguridad Ciudadana (*Cohabitation and Citizen Safety*), Gonzalo de Francisco, denied that the government has violated its commitment not to fumigate the Putumayo areas where communities expressed their intention to accept manual eradication programs.

He noted that the spraying has been made in areas of Puerto Leguizamo, Guamués Valley and San Miguel, where communities expressed their willingness to cooperate with the eradication after the aerial spraying operations were initiated.

The Government reaffirms its willingness to reach agreements with all communities in the Putumayo, including those areas, said De Francis, noting that last Friday a new covenant was established with indigenous leaders of the department to eradicate illicit crops.

Gilbert Latin, a spokesman for the indigenous people of the Lower Putumayo, expects this agreement to suspend the fumigations, he said, which have been indiscriminate and resulted in disease to animals and damage to subsistence crops.

De Francisco said the government promised the Indians to see if legal crops were affected. If that situation is indeed found, we have offered to help recover these agricultural projects, he said.

We hope that aid will be immediate. We also hope that the agreements to avoid spraying include the entire department and not a part of it, said the Chamber representative, Jorge Eliecer Coral.

Fumigation has also raised speculation that the FARC are preparing a new armed strike in response to such operations. Amidst this scenario, a Government commission today travels to Puerto Asis to endorse their willingness to establish crop substitution agreements and meet the concerns of communities.

The committee shall be present at the signing of third voluntary eradication covenant with more than 760 families in the department. This agreement will eliminate about 1,620 hectares of coca.

PHOTO:

Amid rumors of a new armed strike by the FARC, the Government today signed a new pact of voluntary eradication in Putumayo.

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NO A FUMIGACIÓN: GOBERNADORES

Los gobernadores de los departamentos del Caquetá, Cauca, Huila, Nariño, Putumayo y Tolima no son partidarios de la fumigación de los cultivos ilícitos y por eso propondrán al Gobierno Nacional que la erradicación de dichas siembras se efectúe a través del método manual.

Los gobernadores de los departamentos del Caquetá, Cauca, Huila, Nariño, Putumayo y Tolima no son partidarios de la fumigación de los cultivos ilícitos y por eso propondrán al Gobierno Nacional que la erradicación de dichas siembras se efectúe a través del método manual.

Su propuesta se conoce en momentos en que las comunidades del sur del Putumayo y varios líderes políticos de ese departamento piden que se detengan las fumigaciones aéreas que se iniciaron el 22 de diciembre. Los campesinos denuncian que cultivos de yuca, plátano y pimienta fueron afectados por esas operaciones.

Los mandatarios seccionales sostienen que la fumigación aérea no solo acaba con el cultivo ilícito, sino que también provoca severos daños a otros plantíos que crecen en predios adyacentes y que nada tienen que ver con actividades ilegales.

Igualmente propondrán la conformación de una veeduría integrada por personalidades nacionales e internacionales para que efectúe el seguimiento sobre la forma cómo se cumple el proceso de erradicación manual.

Los gobernadores del Huila, Juan de Jesús Cárdenas, y Tolima, Guillermo Alfonso Jaramillo, revelaron que la propuesta fue analizada durante una reunión de los seis mandatarios y que su texto final quedará listo para la trigésima cumbre de gobernadores, a mediados de febrero.

Cuando se fumiga un solo cultivo se afectan 50 o 100 fincas que se encuentran en los alrededores del cultivo fumigado, eso quiere decir que por un solo cultivo se están perjudicando las demás siembras, declaró el mandatario huilense.

Los gobernadores consideran que la concertación de pactos con los cultivadores para erradicar manualmente, tal como sucede en el Putumayo, es una buena alternativa para las regiones.

Pactos siguen en pie.

Entre tanto, el consejero presidencial para la Convivencia y Seguridad Ciudadana, Gonzalo de Francisco, negó que el Gobierno haya incumplido su compromiso de no fumigar en las zonas del Putumayo en donde las comunidades expresaron su voluntad de acogerse a programas de erradicación manual.

Señaló que las fumigaciones se han efectuado en zonas de Puerto Leguizamo, Valle del Guamués y San Miguel, en donde las comunidades manifestaron que estaban dispuestas a concertar la erradicación después de que se iniciaron las operaciones aéreas.

El Gobierno ratifica su voluntad de firmar acuerdos con todas las comunidades del Putumayo, incluidas las de esas zonas, añadió De Francisco, al señalar que el pasado viernes se estableció un nuevo pacto de erradicación con líderes indígenas del departamento.

Gilbert Latín, vocero de los indígenas del Bajo Putumayo, espera que con este acuerdo se suspendan las fumigaciones que, según él, han sido indiscriminadas y han provocado enfermedades en los animales y daños en cultivos de pan coger.

De Francisco dijo que el Gobierno se comprometió con los indígenas a averiguar si hubo sembrados legales afectados. Si se comprueba esa situación, se ofrecerá ayuda para recuperar esos proyectos agrícolas, dijo.

Esperamos que la ayuda sea inmediata. También esperamos que los acuerdos para evitar las fumigaciones incluyan a todo el departamento y no a una parte de él, dijo el representante a la Cámara, Jorge Eliécer Coral.

Las fumigaciones también han despertado las versiones de que las Farc preparan un nuevo paro armado en respuesta a esas operaciones. En medio de ese panorama, una comisión del Gobierno viaja hoy a Puerto Asís para refrendar su disposición de establecer los pactos de sustitución de cultivos y conocer las inquietudes de las comunidades.

La comisión estará presente en la firma del tercer pacto de erradicación voluntaria con más de 760 familias del departamento. Este acuerdo permitirá eliminar unas 1.620 hectáreas de coca.

FOTO:..

En medio de los rumores sobre un nuevo paro armado de las Farc, el Gobierno firma hoy un nuevo pacto de erradicación voluntaria en el Putumayo.

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Annex 60

Juan Forero, "No Crops Spared in Colombia's Coca War", THE NEW YORK TIMES
(New York, 31 Jan. 2001)



The New York Times

No Crops Spared in Colombia's Coca War

By JUAN FORERO

Published: January 31, 2001

SANTA ANA, Colombia, Jan. 29 — With considerable training and financing from the United States, the Colombian Army has begun an aggressive land and air assault on the country's coca-growing heartland, claiming to have killed a quarter of all coca crops there in the last six weeks.

Low-flying aerial spray planes -- protected from groundfire by two elite battalions that are dropped into coca fields -- have blanketed four regions of Caquetá and Putumayo Provinces, spraying herbicide over 65,785 acres as of Sunday, according to newly released military estimates. The two provinces are believed to produce three-quarters of Colombia's coca, the leaves of which are used to make cocaine.

Although aerial defoliation of coca has been used across Colombia for 10 years, government officials here say this is the first serious effort in this isolated region. The effort is a centerpiece of President Andrés Pastrana's Plan Colombia, a multibillion-dollar effort to cut Colombia's coca crop in half by 2005 and, with it, a crucial revenue source for leftist guerrillas who are active in the area.

To reduce the supply of drugs, the United States has pledged \$1.1 billion toward that plan, mostly in the form of transport helicopters and training for antinarcotics troops. Their role is to protect spray planes and destroy coca-processing laboratories in the jungle.

The aerial eradication has not come without a price. Farmers in the Valley of Guamuez in northwestern Putumayo, a swath containing the largest concentration of coca, have complained that legal crops like plantains and yucca were destroyed along with coca. The farmers are typically poor, and some, caught in a violent world between rebels and paramilitaries, turned to coca to eke out a better subsistence.

"I have the proof to show that it wasn't just the coca farmers who have suffered," said Carlos Alberto Palacios, secretary of human development in the town of La Hormiga.

"We believe people will go hungry," said Mr. Palacios, an expert on the coca trade. "They've fumigated everything, fields and plantain rows and yucca and everything that people need to live on." Farmers have also complained of vomiting, rashes and other side effects.

On a half-hour helicopter flight with Gen. Mario Montoya over what was once Colombia's most bountiful coca-producing region, fields that once were bright green with coca and other plants were a pale brown, wiped free of vegetation for miles around.

The tin roofs of farmers' huts stood out, shining in the sun in a sea of drab brown. Military figures show that 45,551 acres of coca had been eradicated in that area -- a triangle comprising the towns of La Hormiga, San Miguel and the western edge of Puerto Asís -- as of Sunday.

"This is the only way," the general said, taking a look through the window of the copter. "We don't have another way."

General Montoya, who is in charge of the effort, said as much as 250,000 acres in the two provinces was dedicated to coca before spraying began Dec. 19, a figure far higher than an estimate last January of 185,000.

United States officials, who provide the Colombian authorities with satellite maps that help pinpoint coca fields, confirmed General Montoya's assessments. American officials also said the spraying -- using glyphosate, a powerful chemical found in many pesticides -- is at least 90 percent effective in first-time use, wiping out fields within a few weeks. General Montoya said that once a field has been sprayed, it takes three months before farmers can replant.

Mr. Palacios, the coca trade expert, and other town officials said farmers did cultivate coca, but also a host of legal crops, as well as cattle and other livestock. The defoliation, Mr. Palacios said, has prompted many farmers and their families to abandon their homes.

The health department of Putumayo is in the process of collecting testimony from farmers whose lands were sprayed, said Nancy Sánchez, who is supervising the effort as coordinator of the department's human rights section. The affidavits will be presented to doctors studying the effects of the defoliation, as well as the Colombian government.

"There's complaints about intoxication, diarrhea, vomiting, skin rashes, red eyes, headaches," Ms. Sánchez said. "In the children, above all, there are ill effects on their skin."

American officials dispute such reports, insisting that numerous tests on glyphosate have demonstrated that the pesticide cannot cause harm to humans or animals.

Nonetheless, directions on the application of glyphosate products in the United States warn users not to use "this product in a way that will contact workers or other persons, either directly or through drift."

The Colombian government, which is concerned about how aerial spraying will be viewed overseas by potential financial backers, points out that the farmers whose fields were sprayed had ample opportunity to sign pacts that would have prevented aerial eradication.

Under a program that already has 2,000 signatories across Putumayo, the farmers in the Valley of Guamuez could have agreed to yank their coca plants in return for up to \$1,000 worth of livestock and food per family. Although many farmers across Putumayo remain suspicious about the government's promises, the government has pledged to those who sign that markets for legal crops are being developed.

"The people from this zone had not shown up," said President Pastrana's point man on Putumayo, referring to the farmers in the Valley of Guamuez. The official, Gonzalo de Francisco, added, "These people can't be angry with the fumigation; they were doing something outside legal norms."

Mr. de Francisco has also noted that destroying coca farms prevents the use of millions of gallons of pesticides and precursor chemicals needed to produce cocaine annually. Eduardo Gamarra, an expert on the coca trade at Florida International University in Miami, said the damage from coca farming and the processing of coca leaves has "some very serious environmental implications."

Annex 61

“The Drama of Fumigations”, EL UNIVERSO (Guayaquil, 10 July 2001)



EL UNIVERSO

10 July 2001

THE DRAMA OF FUMIGATIONS**GUSTAVO ABAD**

Sucumbíos - When Rosa Altamirano saw that the Finalín pills she kept at her bedside had run out, she had a panic attack.

How was she able to relieve the headache and chills of her six children? What would she do when the youngest began to burn with a fever? The only medication she had left was a nearly empty tube of Benzoderma, which served only to relieve the itching of her youngest, Robinson, barely 6 months old, who had been afflicted by a rash.

Rosa recently turned 41 years old, 15 years of which she has lived in the 10 de Agosto community, a few kilometers from the border with Colombia, north of Sucumbíos, where residents say that the aerial fumigation carried out on coca plantations as part of Plan Colombia, has made them sick, since three or four months ago, most residents have reported suffering from headaches, dizziness, breathing difficulties, skin irritations and stomach pains.

Edith, one of Rosa's daughters, as well as her friend Gisella, both 5 years old, play holding hands in the town's Cayambe school playground. Spots and lacerations are evident on their respective skins, a product of infections that never heal.

The teacher, Luis Quezada, who has lived in the area for 25 years, is certain that it has all been caused by the fumigations. "Look, I will not say we never had diseases here, because we have, but three months ago things worsened. The children, who previously only played in the classroom, now fall asleep on their desks with fatigue and heaviness of the body, and they complain of stomach pains..."

At 10 de Agosto, we rarely see a health team, and the villagers are forced to attend the Vinicio Iza de Nueva Loja hospital, where the number of patients with respiratory problems, skin irritations, gastrointestinal diseases, acute diarrhea, febrile syndromes, urinary tract disorders and so on, has increased in the last semester according to statistical records.

However, 10 de Agosto is not the only population affected, so are the majority of populations within 10 kilometers of the border line, from the vicinity of La Bermeja to the surrounding area of Puerto El Carmen, according to testimonies from villagers

A deadly spray

Several kilometers to the east and only 3 from the boundary line is La Charapa, an agricultural cooperative operated by the Association of Afro-Ecuadorians in Sucumbíos ("*Asociación de Negros de Sucumbíos*") (Asone), where crops have been almost reduced to zero.

Daniel Alarcon, a black 51 year old from Esmeraldas, president of the association, remembers how, four or five months ago, a strange rain was swept onto his crops by the wind, and an unbearable smell hung in the air.

“That was a sign that they were fumigating in front_ as he points to the San Miguel River area, which forms the border. From here, when we could not see them, we could at least hear the noise of the planes. This is what made us sick, killed the plants as well as our animals...” says Daniel, bare-chested, with machete in hand and big rubber boots to get around the marshes.

In La Charapa, everyone is scared. Over 130 chickens used to be in María Reyna’s farm, now there aren’t even 20 because the rest died as a result of seizures with their peaks still on the ground. Of the ten pigs they had, there is not one left, the last one died last week and its owners were unable to find any remedy.

“How could we save the animals if we ourselves were about to die...?” says Daniel, a lifelong farmer, as he shows the burnt banana bunches, as if a flamethrower had been used to burn everything.

Beyond that, corn crops were left half-grown, the ears of corn died before the grains were fully formed. The rice field, usually green, is now yellow and its grains failed to develop.

EL UNIVERSO

10 de julio del 2001

El drama de las fumigaciones

GUSTAVO ABAD

Sucumbíos- Cuando rosa Altamirano vio las pastillas de Finalín que guardaba junto a su cama se habían terminado, tuvo un ataque de desesperación.

¿Y ahora como iba a calmar el dolor de cabeza y los escalofríos de sus seis hijos? ¿Que haría cuando los mas pequeños comenzaran a arder en fiebre? La única medicina que le quedaba era un tubo de Benzoderma a punto de terminarse, que no le servia mas que para aliviar la picazón de la piel de Robinson, el mas pequeño, de apenas 6 meses, atormentado por el salpullido.

Hace poco Rosa cumplió 41 años, 15 de los cuales los ha vivido en la comunidad de 10 de Agosto, a pocos kilómetros de la frontera con Colombia, al norte de Sucumbíos, donde los pobladores aseguran que las fumigaciones aéreas que se realizan sobre las plantaciones de coca momo parte del Plan Colombia, los ha enfermado, pues hace tres o cuatro meses la mayoría comento a sufrir dolores de cabeza, mareos, dificultades para respirar, irritaciones de la piel y dolores estomacales.

Edith, una de las hijas de Rosa, y su amiga Gisella, ambas de 5 años, juegan tomadas de las manos en la escuela Cayambe de la población. Sobre su piel son evidentes las manchas y laceraciones que les dejo la infección que no termina de curarse.

El profesor Luis Quezada que vive hace 25 años en la zona, esta seguro que todo ha sido provocado por las fumigaciones. “Mire, no voy a decir que nunca hubo enfermedades aquí, pues si las hay, pero hace tres meses las cosas se agravaron. Los niños, que antes solo jugaban en clases, ahora se quedan dormidos sobre los pupitres; tienen cansancio y pesadez del cuerpo, y se quejan de dolores de estomago...”

A 10 de Agosto casi nunca llega una brigada de salud, y los pobladores se ven forzados a acudir al hospital Vinicio Iza de Nueva Loja, donde el numero de pacientes con problemas respiratorios, irritaciones a la piel, enfermedades gastrointestinales, cuadros diarreicos, síndromes febriles, afecciones al aparato urinario y otros, ha aumentado en el ultimo semestre, de acuerdo al registro estadístico.

Pero 10 de Agosto no es la única población afectada, lo son la mayoría de las que se encuentran a menos de 10 kilómetros de la línea de frontera, desde las cercanías de La Bermeja hasta las inmediaciones de puerto El Carmen, según testimonios de los pobladores.

Una rociada mortal

Varios kilómetros hacia el Oriente y solo 3 de la línea de frontera esta La Charapa, una cooperativa agrícola manejada por la Asociación de Negros de Sucumbíos (Asone), donde los cultivos han quedado reducidos casi a cero.

Daniel Alarcon, un negro esmeraldeño de 51 años, presidente de la asociación, recuerda como hace cuatro o cinco meses una extraña lluvia llegaba arrastrada por el viento hasta sus huertas, y un olor insoportable se instalaba en el aire.

“Esa era señal de que al frente_ señala hacia la zona del río San Miguel, que delimita la frontera- estaban fumigando. Desde aquí, cuando no podíamos verlas, por lo menos escuchábamos el ruido de las avionetas. Eso fue lo que nos enfermó, mató las plantas y eliminó nuestros animales...”, dice Daniel, con el torso desnudo, machete en mano y enormes botas de caucho para burlar las ciénagas.

En La Charapa todos están asustados. En la finca de María Reyna había mas de 130 gallinas, ahora no quedan ni 20, porque el resto murió con el pico a tierra en medio de convulsiones. De los diez chanchos que tenia ya no queda ni uno; el ultimo murió la semana pasada, sin que sus dueños atinaran remedio alguno.

“¿Y cómo íbamos a salvar a los animales si nosotros mismos estábamos a punto de morir...?”, dice Daniel, agricultor de toda la vida, y muestra los racimos de plátano quemados, como si un lanzallamas los hubiera alcanzado a todos.

Mas allá, la plantación de maíz se quedo a medio crecer, las mazorcas se murieron antes de formar por complete los granos. La cementera de arroz, normalmente verde, ahora se ve amarillenta y los granos no llegaron a formarse.

Annex 62

“Fumigation Dispute”, EL TIEMPO (Bogotá, 22 July 2001)



EL TIEMPO

22 July 2001

FUMIGATION DISPUTE

In the highlands everyone was fighting to get even a drop of water. The farmers in the agricultural town of the “Macizo caucano” ran last Saturday with pots, buckets and cans to collect water in streams other than the stream near the “El Oso” ravine, which feeds the aqueduct.

The uproar was caused by the mayor’s (Miller Cerón) announcement, who gave the order to suspend the consumption of water from the watershed, since the fumigation of illicit crops in Cauca and Nariño would begin that day.

Cerón said that he would not jeopardize the health of the 1,800 inhabitants of 14 villages who get water from the ravine, as he claimed last year that the spraying of glyphosate contaminated the water source and people suffered from poisoning, gastric problems, and eye and skin rashes. In this county, there are only 15 poppy hectares, so I think the government should suspend the spraying, claimed the mayor.

But the order was not reversed. Last Monday, President Andres Pastrana told the governors of Cauca, Floro Tunubalá, and Nariño, Parmenio Cuellar, who traveled to Bogotá on behalf of six departments in the south, that spraying would not be stopped.

And although the aircraft had already begun to spray illegal crops in eleven municipalities in southern and eastern Cauca, governors still maintain the hope that the Government will accept manually eradicating the crops in six months and stop the spraying. For now, the Counter Narcotics Police reported the destruction of 366 hectares of poppies, of the existing 1,800 and 655 of the 2,570 coca hectares.

Critical week

Due to the protests over the spraying, the government's eradication program had a critical week. Whilst the Ombudsman, Eduardo Cifuentes, and the controller, Carlos Ossa, demanded that the government immediately stop the spraying, the Ministry of Environment defended them and said they had the support of that Agency, and the U.S. ambassador, Ann Patterson, said they would not be suspended.

Gabriel Merchan Benavides, head of the National Narcotics Directorate (DNE), the state entity responsible for the eradication plan, came out in defense of the glyphosate program and stated that it is proving effective in reducing crops.

It wields statistics from the Integrated System of Illicit Crop Monitoring (SIMCI) as evidence, comprised by the UN, the anti narcotic police and the Colombian Agency for International Cooperation (ACCI), that the illicit crops grew only by 2 percent, as opposed to previous years where the increase was 25 percent annually.

The satellite images show that while in 1999 there were 160,000 hectares of coca crops, these crops grew to 163,000 hectares last year.

Merchán stated that the criticisms and protests by Southern governors and other sectors are unfounded, because of the total hectares, 65 percent (about 63,000 hectares) are made up of industrial crops, in other words, more than 3 hectares, and those are the only ones that are fumigated.

Aerial spraying is carried out based on satellite photos and maps, in other words, in very specific areas, so that subsistence farmers crops need not be affected, maintains Merchán.

He argues that complaints about the harmful effects of glyphosate on the environment, humans and animals have no scientific basis. (See box).

Regional Complaints.

But Cauca farmers do not agree. Although the director of the Narcotics Police, Gustavo Socha, said that they have not contaminated any tributary and that everything is a conspiracy by drug traffickers who are against the spraying, they say that several people have reported health problems.

Hernán Molano, a health technician at Balboa Hospital, said that several people had been admitted into the center this week with nausea, headaches and stomach problems, apparently due to the effects of glyphosate. Meanwhile, communities of La Vega, in the south of Cauca, reported the deaths of hundreds of fish from an indigenous fish farm.

For farmers in northern Colombia, where the crops have already been sprayed, the negative consequences of these sprays are continuing.

The eradication of 35,000 coca crop hectares in seven municipalities of southern Bolívar, where spraying began on February 17 for nearly two months, has left serious consequences.

People are distressed because the losses were many, the pastures and the licit crops were destroyed, said a farmer, who has been unemployed since March.

And in Manaure (Cesar), in the highlands of Perija, where the police have sprayed 500 hectares this year, there is disagreement. The Secretary of the Interior of the municipality, Jose Maria Anez, said glyphosate fumigations have caused the loss of more than 100 hectares of tree tomato, “lulo” and onion. In addition, he said 70 families have left the Highlands, on the border with Venezuela, and have come to the main municipality.

The situation is similar in Sardinata and Tibú (Norte of Santander), where 7,000 hectares of coca were sprayed between May and June in “La Gabarra” and “Las Mercedes”. Rafael Arciniegas, a community leader in “La Gabarra”, said that the spraying left unemployment and hunger, because aside from the coca plants, the poison burned plantain, cassava and cane.

Is there a substitute?

The protest is not only against the alleged damages caused by glyphosate, but also against crop substitution programs.

Spokesmen for the National Alternative Development Plan (Plante) claim that there has been support and affirm that substitution programs this year have benefited over 15,300 families with more than 5,000 hectares of production projects and 47,000 people with health and education services.

However, protests are being heard from senior officials to farmers. The Ombudsman said in a letter to the Minister of Justice that there is no real substitution program, apart from the attempts that are being pursued in Putumayo.

Farming associations from Cantagallo, San Pablo, Simiti, Santa Rosa, Morales, Rio Viejo Arenal, municipalities in southern Bolívar, say that at least 20,000 people who made a living from farming, scraping and processing coca paste are out of work and claiming government aid. Many of those displaced have returned to their farms to collect what little they have left, others remained on their land and continued to cultivate coca leaf, as crop substitution projects have not started running in the region.

Crop substitution was also the main request of the pickers who protested for eight days in the urban area of Tibu. There, the alternative program has not started, although Plante executives assured the governor of North Santander, Juan Alcides Santaella, that it would begin in July. Whilst this debate goes on, ranging between high-ranking government officials to communities, the farmers of the highlands will continue to keep water in pots, until anti-narcotic aircrafts no longer fly over the area.

PHOTO:

1. The government says that the aerial spraying of glyphosate will not stop, but will consider any cases of small farmers in Cauca and Nariño.

Glyphosate in sight.

The Round Up or Glyphosate is a herbicide liquid for weed control which, according to the production company, Monsanto, and the Ministry of Health of Colombia, is slightly toxic. Its use is widespread in agriculture, especially to mature sugar cane.

Those who advocate for the product, among which are the National Narcotics Directorate (DNE), say that 85 percent of glyphosate that reaches Colombia is used on legal crops. It is only 15 percent which is used for spraying coca leaf and opium poppy crops, said Gabriel Merchan Benavides, head of the DNE.

Merchán bases his comments on the study entitled Evaluation of Safety and Risk to Humans in the use of Round Up, which has 186 research cases involving glyphosate. These studies conclude that glyphosate absorption in humans is low and is eliminated before metabolizing, with no genetic effects, cancer or fertility problems, he adds.

Meanwhile, Marcos Alvarez, of the Ministry of Health of Ecuador, where it appears spraying could extend to, claims that glyphosate exposure causes irritation of mucous membranes, blood disorders, it reduces the oxygen content and causes neurological changes that prevent muscle contractions.

He also says it may produce carcinogenic substances when in contact with the land.

Warning on chemicals used by coca growers

Research conducted by the Center for Information, Training and Research for the Amazon Service (Cifisam) and UNICEF, in April 1997, published last year, said that conditions in children and adults in areas of coca leaf crops are due to the use of chemicals by growers.

The chemicals used in coca cultivation (sulfuric acid, caustic soda, permanganate, gasoline, ether, acetone and cement, among others), are highly flammable, toxic and / or irritants, says the research.

According to the study, the effects on children and people who handle these chemicals include the emergence of progressive allergies, facial disfigurement the destruction of tissue, airway poisoning and destruction of ocular tissue.

During the second half of 96, in the medical center of Cartagena del Chaira, two cases were detected of children born with birth defects. One of the newborns had no nasal septum and the other had a defect in the skull and spine.

Doctors presume they are directly related to the mothers staying in areas of illicit crops.

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TEMPESTAD POR FUMIGACIÓN

En La Sierra todos luchaban por conseguir siquiera una gota de agua. Los campesinos de este municipio agrícola del Macizo caucano corrían el sábado pasado con ollas, baldes y canecas para recoger el líquido en otros riachuelos diferentes a la quebrada El Oso, que alimenta al acueducto.

En La Sierra todos luchaban por conseguir siquiera una gota de agua. Los campesinos de este municipio agrícola del Macizo caucano corrían el sábado pasado con ollas, baldes y canecas para recoger el líquido en otros riachuelos diferentes a la quebrada El Oso, que alimenta al acueducto.

El alboroto fue ocasionado por el anuncio del alcalde, Miller Cerón, quien ordenó suspender el consumo de agua que se toma de la microcuenca, pues ese día comenzaba la fumigación de los cultivos ilícitos en Cauca y Nariño.

Cerón aseguró que no pondría en riesgo la salud de los 1.800 habitantes de 14 veredas que se abastecen de esa quebrada, pues, según él, el año pasado las fumigaciones con glifosato contaminaron la fuente hídrica y la gente padeció de intoxicaciones, problemas gástricos, en los ojos y brotes epidérmicos.

En este municipio solo hay 15 hectáreas con amapola, por eso creo que el Gobierno debe suspender las fumigaciones, clamó el Alcalde.

Pero la orden no tenía reversa. El pasado lunes, el presidente Andrés Pastrana les dijo a los gobernadores de Cauca, Floro Tunubalá, y Nariño, Parmenio Cuéllar, que viajaron a Bogotá en representación de seis departamentos del sur, que la fumigación no se detendría.

Y aunque los aviones ya comenzaron a fumigar los cultivos ilícitos, en once municipios del sur y el oriente del Cauca, los gobernadores aún conservan la esperanza de que el Gobierno acepte erradicar manualmente en seis meses y suspenda la aspersión.

Por ahora, la Policía Antinarcóticos reporta la destrucción de 366 hectáreas de amapola, de las 1.800 existentes, y 655 hectáreas de coca, de las 2.570.

Semana crítica.

Debido a las protestas que generaron estas fumigaciones, el programa gubernamental de erradicación tuvo una semana crítica.

Mientras el defensor del Pueblo, Eduardo Cifuentes, y el contralor, Carlos Ossa, exigieron al Gobierno suspender inmediatamente las fumigaciones, el Ministerio del Medio Ambiente la defendió y aseguró que tenían el aval de esa cartera, y la embajadora de E.U., Ann Patterson, dijo que no se suspenderán.

Gabriel Merchán Benavides, jefe de la Dirección Nacional de Estupefacientes (DNE), entidad encargada del plan estatal de erradicación, salió en defensa del programa con glifosato y afirmó que ya está demostrando que es eficaz para disminuir los cultivos.

Esgrime como pruebas las estadísticas del Sistema Integrado de Monitoreo de Cultivos Ilícitos (Simci), integrado por la ONU, la Policía Antinarcóticos y la Agencia Colombiana de Cooperación Internacional (Acci), los cultivos ilícitos crecieron un 2 por ciento, cuando el incremento en los últimos años fue de 25 por ciento anual.

Las imágenes satelitales muestran que mientras en 1999 había 160.000 hectáreas de cultivos de coca, el año pasado esos sembrados crecieron a 163.000 hectáreas.

Merchán aseguró que las críticas y protestas de los gobernadores del sur y de otros sectores no tienen fundamento, porque del total de hectáreas sembradas, 65 por ciento (unas 63.000 hectáreas) corresponde a cultivos industriales, es decir, más de 3 hectáreas, y esas son las únicas que se están fumigando.

La aspersión aérea se hace con base en fotos de satélite y en mapas, es decir en áreas muy específicas, por lo que los cultivos campesinos de subsistencia no tienen por qué afectarse, sostiene Merchán.

Agrega que las denuncias sobre los efectos dañinos del glifosato en el medio ambiente, el ser humano y los animales no tienen asidero científico. (ver recuadro).

Quejas regionales.

Pero los campesinos del Cauca no opinan lo mismo. Pese a que el director de la Policía Antinarcóticos, Gustavo Socha, dice que ellos no han contaminado ningún afluente y que todo se trata de un complot de narcotraficantes contra la fumigación, ellos dicen que varias personas han presentado problemas de salud.

Hernán Molano, técnico de saneamiento del hospital de Balboa, informó que durante esta semana ingresaron a ese centro varias personas con náuseas, dolor de cabeza y problemas estomacales, al parecer por los efectos del glifosato. Entre tanto, las comunidades de La Vega, en el sur del Cauca, denunciaron la muerte de cientos de peces de una cooperativa piscícola indígena.

Para los campesinos del norte de Colombia, donde ya se fumigó, las consecuencias negativas por estas aspersiones no se han acabado.

La erradicación de 35.000 hectáreas de cultivos de hoja de coca en siete municipios del sur de Bolívar, iniciadas el 17 de febrero y durante casi dos meses, dejaron graves consecuencias.

La gente está angustiada porque los perjuicios fueron muchísimos; los potreros y los cultivos lícitos fueron arrasados, afirmó un campesino, sin trabajo desde marzo pasado.

Y en Manaure (Cesar), en la Serranía del Perijá, donde la Policía ha fumigado este año 500 hectáreas, hay inconformismo. El secretario de Interior de ese municipio, José María Añez, afirmó que las fumigaciones con glifosato han ocasionado la pérdida de más de 100 hectáreas de cultivos de tomate de árbol, lulo y cebolla. Además, aseguró que unas 70 familias han salido de la Serranía, en la frontera con Venezuela, y han llegado a la cabecera municipal.

La situación es similar en Sardinata y Tibú (Norte de Santander), donde se fumigaron, entre mayo y junio, 7.000 hectáreas de hoja de coca en La Gabarra y Las Mercedes. Rafael Arciniegas, líder comunal de La Gabarra, asegura que las fumigaciones dejaron desempleo y hambre, porque además de las matas de coca, el veneno quemó cultivos de plátano, yuca y caña.

Hay sustitución?

Pero las protestas no solo se remiten a los presuntos daños causados por el glifosato, sino a los programas de sustitución de cultivos.

Voceros del Plan Nacional de Desarrollo Alternativo (Plante) aseguran que sí ha habido ayuda y afirman que con los programas de sustitución se han beneficiado este año más de 15.300 familias con más de 5.000 hectáreas de proyectos productivos y 47.000 personas con servicios de salud y educación.

Sin embargo, las protestas van desde altos funcionarios hasta los campesinos. El Defensor del Pueblo le dijo en una carta al Ministro de Justicia que no existen verdaderos programas de sustitución, salvo los intentos que se están adelantando en Putumayo.

Asociaciones de campesinos de Cantagallo, San Pablo, Simití, Santa Rosa, Morales, Río Viejo y Arenal, municipios del sur de Bolívar, aseguran que al menos 20.000 personas que vivían de cultivar, raspar y procesar pasta de coca se quedaron sin trabajo y reclaman ayuda gubernamental.

Muchos desplazados regresaron a sus fincas a recoger lo poco que les quedó, otros permanecieron en sus terrenos y siguieron cultivando hoja de coca, pues los proyectos de sustitución de cultivos aún no ha empezado a ejecutarse en la región.

La sustitución de cultivos también fue la principal petición de los raspachines que durante ocho días protestaron en la zona urbana de Tibú. Allí, el programa de sustitución no ha empezado, pese a que directivos del Plante le aseguraron al gobernador de Norte de Santander, Juan Alcides Santaella, que empezaría en julio.

Mientras se aclara este debate, que va desde el alto Gobierno a las comunidades, los campesinos de La Sierra siguen guardando el agua en ollas, mientras dejan de pasar por su tierra los aviones de antinarcóticos.

FOTOS:

1. El Gobierno dice que la aspersión aérea con glifosato no se detendrá, pero que estudiarán los casos de pequeños cultivadores en Cauca y Nariño.

Archivo EL TIEMPO.

Glifosato, en la mira.

El Round Up o glifosato es un herbicida líquido para control de malezas, que según su casa productora Monsanto y el Ministerio de Salud de Colombia es ligeramente tóxico.

En Colombia su uso es muy extendido en la agricultura, sobre todo como madurante en los cultivos de caña de azúcar.

Los defensores del producto, entre los que se cuentan la Dirección Nacional de Estupefacientes (DNE), afirman que 85 por ciento del glifosato que llega a Colombia se usa en cultivos legales.

Apenas un 15 por ciento lo utilizamos para la fumigación de cultivos de hoja de coca y amapola, afirma Gabriel Merchán Benavides, jefe de la DNE.

Merchán se basa en el estudio titulado Evaluación de la Seguridad y el Riesgo para Humanos en el uso del Round Up, en el que aparecen 186 investigaciones sobre glifosato.

Esos estudios concluyen que la absorción del glifosato en el ser humano es baja y se elimina sin que haya metabolismo; no tiene efectos genéticos, ni cancerígenos ni sobre la fertilidad, agrega.

Por su parte, Marcos Alvarez, del Ministerio de Salud del Ecuador, donde se asegura que las fumigaciones se podrían extender al ese territorio, afirma que la exposición al glifosato causa irritación de las mucosas, alteración de la sangre, disminuye el contenido de oxígeno y produce cambios neurológicos que impiden la contracción de los músculos. Además, dice, puede producir sustancias cancerígenas en contacto con los suelos.

Advierten sobre químicos usados por coccaleros.

Una investigación realizada por el Centro de Información, Formación e Investigación para el Servicio Amazónico (Cifisam) y Unicef, en Abril de 1997, publicada el año pasado, dice que las afecciones en niños y adultos en las zonas de cultivos de hoja de coca obedecen al uso de químicos por parte de los cultivadores.

Las sustancias químicas que se utilizan en los cultivos de coca (ácido sulfúrico, soda cáustica, permanganato, gasolina, éter, acetona y cemento, entre otros), son altamente inflamables, tóxicas y /o irritantes, afirma la investigación.

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Según el estudio, los efectos en niños y personas que manipulan esos químicos, incluyen la aparición de alergias progresivas, la desfiguración del rostro y destrucción de tejidos, la intoxicación por vía respiratoria y la destrucción del tejido ocular.

Durante el segundo semestre de '96 se detectaron en el centro de atención médica de Cartagena del Chaira, dos casos de niños que nacieron con malformaciones. Uno de los recién nacidos no tenía tabique nasal y el otro presentaba malformaciones en el cráneo y la columna vertebral.

Los médicos presumen que se encuentran relacionados directamente con la permanencia de las madres en zonas de cultivos ilícitos.

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Annex 63

“Colombia Drug Czar to Keep Spraying”, THE NEW YORK TIMES (New York, 31 July 2001)





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July 31, 2001

Colombia Drug Czar To Keep Spraying

BOGOTÁ, Colombia, July 30— The chief of Colombia's antinarcotics forces said today that he intended to continue aerial spraying to destroy drug crops, contending that a court-ordered suspension of spraying only applied to select Indian lands.

Gen. Gustavo Socha Salamanca said the Bogotá court's ruling on Friday only applied to the indigenous communities involved in the case, places he said his team was not spraying.

"We are spraying both coca and poppy crops," General Socha said.

The court ruling, by Judge Gilberto Reyes Delgado, ordered "the immediate suspension of the entire fumigation project with spraying of glyphosate."

He made no mention of any specific area of Colombia and told the government to provide studies on glyphosate's effects on the environment and human health.

Opponents contend that glyphosate causes harm to people and other crops in the areas sprayed.

A forced end to aerial spraying of coca, the raw ingredient in cocaine, would deliver a major blow to President Andrés Pastrana's American-assisted antidrug offensive.

The United States, a staunch supporter of aerial spraying, is pouring more than \$1 billion in mostly military aid into Mr. Pastrana's antinarcotics program. Glyphosate is commonly used as a weed killer throughout the world. Colombia has been spraying glyphosate for years but vastly increased the effort in 2000. Farmers argue that the spraying kills legitimate crops, makes people sick and damages the environment.

Annex 64

“Colombia Denounces Indiscriminate Spraying in Putumayo”, EL COMERCIO
(Quito, 10 Jan. 2002)



EL COMERCIO

10 January 2002

COLOMBIA DENOUNCES INDISCRIMINATE SPRAYING IN PUTUMAYO

La Hormiga

Anti narcotic agents from Colombia and the United States sprayed indiscriminately over the past two months some 10,500 hectares of coca plantations and 33,000 of licit crops in the municipality of "La Hormiga" (800 km south of Bogotá), local officials and farmer leaders denounced today.

"The spraying has affected 43,000 of 78,000 hectares of fertile land in "La Hormiga", AFP told Jairo Rivera, the engineer of the municipal office in charge of protecting the ecosystem.

Rivera said the spraying of glyphosate reached, as well as the cultivation of coca -the raw material of cocaine-, the plantings of cassava (manioc), plantains, citrus, corn and cocoa, as well as natural forest sources and water sources in the department of Putumayo, where "La Hormiga" is located, also known as "Valle de Guamuez".

For its part, the Representative (Ombudsman) of La Hormiga, Leandro Romo, confirmed that the aircraft have launched sprayed large quantities of herbicides on legal and illegal crops in the last two months.

Romo added that following these fumigations, some 7,000 farmers and indigenous people, including women and children, suffer from health problems and hunger and lack resources. Some 3,500 of these labourers were forced to leave their land destined for other locations in Putumayo -bordering Ecuador and Peru-, or the neighbouring department of Nariño, said Joaquín Merino Romo.

The community leader in turn said that the spraying also damaged pastures and contaminated rivers and streams, and that due to this, pets are dying.

Colombian government representatives in Bogota had previously confirmed that in the last 60 days there has been spraying in the Putumayo department, -which accounts for 50% of over 160,000 hectares of illegal crops in Colombia, the world's largest producer of coca and cocaine- and that U.S. experts advise local authorities in charge of the spraying. AFP

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(10:45) Colombia denuncia fumigaciones indiscriminadas en Putumayo

10/1/2002

La Hormiga.

Agentes antidrogas de Colombia y Estados Unidos fumigaron indiscriminadamente en los últimos dos meses unas 10 500 hectáreas de plantaciones de coca y 33 000 de cultivos lícitos en el municipio de La Hormiga (800 km al sur de Bogotá), denunciaron hoy funcionarios locales y líderes campesinos.

"Las fumigaciones han afectado a 43 000 de las 78 000 hectáreas de tierras fértiles de La Hormiga", dijo a la AFP el ingeniero Jairo Rivera, de la oficina municipal encargada de la protección del ecosistema.



Rivera indicó que las aspersiones de glifosato alcanzaron, además de los cultivos de coca -la materia prima de la cocaína-, a los plantíos de yuca (mandioca), plátanos, cítricos, maíz y cacao, así como al bosque natural y las fuentes de agua del departamento de Putumayo, donde se localiza La Hormiga, municipio llamado también Valle de Guamuez.

Por su parte, el Personero (Defensor del Pueblo) de La Hormiga, Leandro Romo, confirmó que las avionetas han lanzado en los últimos dos meses grandes cantidades de herbicida sobre los cultivos lícitos e ilícitos.

Romo añadió que, a raíz de esas fumigaciones, unos 7 000 campesinos e indígenas, incluidos mujeres y niños, padecen problemas de salud y hambre y carecen de recursos.

Unos 3 500 de esos labriegos debieron abandonar sus parcelas con destino a otras localidades de Putumayo -fronterizo con Ecuador y Perú- o al vecino departamento de Nariño, dijo Romo.

El líder comunal Joaquín Merino declaró a su vez que las aspersiones también dañaron los pastos y contaminaron los ríos y quebradas, por lo que los animales domésticos se están muriendo.

Funcionarios del Gobierno colombiano confirmaron previamente en Bogotá que en los últimos 60 días se han efectuado fumigaciones en Putumayo -departamento que concentra el 50% de las más de 160 000 hectáreas de cultivos ilícitos existentes en Colombia, el mayor productor mundial de coca y cocaína- y que expertos estadounidenses asesoran a las autoridades locales encargadas de la aspersión. AFP

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Annex 65

“Binational Meeting of Indigenous Communities— Plan Colombia terrorizes the communities”,
LA HORA (7 Apr. 2002)



LA HORA

7 April 2002

**BINATIONAL MEETING OF INDIGENOUS COMMUNITIES— PLAN COLOMBIA
TERRORIZES THE COMMUNITIES**

Indigenous peoples from Colombia and Ecuador scheduled a meeting in the Súa baths, Atacames county, Esmeraldas to address issues related to Plan Colombia and its social, political and economic impact on ancestral villages.

The First Binational Meeting of Indigenous Tribes from the Ecuadorian and Colombian Coast was recorded with complete success last week, in the Súa baths, Atacames county.

The encounter was organized by the Confederación de Nacionalidades y Pueblos Indígenas de la Costa ("*Confederation of Coastal Nationalities and Indigenous Tribes*") – CONAICE -, in order to analyze the effects of Plan Colombia on the indigenous peoples of Colombia and the Ecuadorian boundary fringe.

Fifty delegates representing the indigenous tribes of Colombia: Awa, Páez, Eperas and Totoray, as well as Awa, Chachi, Epera, Tsáchila, Manta, Wankavilka, Quichua de la Costa, Unión de Organizaciones Campesinas de Esmeraldas ("*Union of Farming Organizations of Esmeraldas*")- UOCE- and CONAICE leader of Ecuador, were the main participants of the encounter.

The topics addressed covered the suffering of the indigenous tribes through the years and to which Plan Colombia is now added as yet another social problem that the ancestral tribes must face.

The discussions continued on to manifest their discontent due to the state of abandonment and the lack of fulfillment of Human Rights.

The people who committed to the meeting in Súa expressed that Plan Colombia is not a peace plan, nor is it a plan for control of drug trafficking or development. Rather, it is a program of war for large-scale armed confrontations, fumigations that will affect the health and nature, with massacre deaths of civilians, permanent food insecurity and, at the same time, they assured that despite the ongoing terror that beats on the lives of the indigenous tribes, the indigenous tribes will continue resisting with organization, initiatives and courage.

Over the next few days, the definitive resolutions that arose from the Binational Meeting of Indigenous Communities will recognize the same Human Rights organisms across the world.

ENCUENTRO BINACIONAL DE PUEBLOS INDÍGENAS

El Plan Colombia aterriza a las comunidades

Indígenas de Colombia y Ecuador, se dieron cita en el balneario de Súa, cantón Atacames, Esmeraldas para abordar temáticas relacionadas con el Plan Colombia y su impacto social, político y económico en los pueblos ancestrales.

CON PLENO ÉXITO se registró el Primer Encuentro Binacional de Indígenas de la Costa Ecuatoriana y de Colombia, en el balneario de Súa, cantón Atacames, la semana anterior.

La cita fue organizada por la Confederación de Nacionalidades y Pueblos Indígenas de la Costa - CONAICE-, con el objetivo de analizar los efectos del Plan Colombia en la población indígena de Colombia y el cordón fronterizo de Ecuador.

Cincuenta delegados en representación de los pueblos indígenas de Colombia: Awa, Páez, Eperas y Totoroy, al igual que Awa, Chachi, Epera, Tsáchila, Manta Wankavilka, Quichua de la Costa, Unión de Organizaciones Campesinas de Esmeraldas - UOCE-, y dirigente de la CONAICE, del Ecuador, estuvieron como prota-

gonistas del encuentro.

Los tópicos tratados abordaron el sufrimiento de los pueblos indígenas, a través de los años, y al cual le agregan hoy el Plan Colombia, como uno más de la problemática social de los pueblos ancestrales.

Las discusiones fueron más allá para manifestar su descontento por el abandono de los estados y la falta de cumplimiento de los Derechos Humanos.

Los mismos comprometidos con la reunión en Súa, manifestaron que el Plan Colombia no es un plan de paz ni de control del narcotráfico ni de desarrollo, que más bien es un programa de guerra para mayores enfrentamientos armados, fumigaciones que afectarán la salud, la naturaleza con muertes masacres de civiles, inse-



EL ENCUENTRO Binacional de Pueblos Indígenas en Súa, cantón de Atacames, Esmeraldas sirvió para alertar las consecuencias del Plan Colombia, en áreas comprometidas con este programa.

guridad alimentaria y permanente, y al mismo tiempo aseguran que este es un permanente terror que golpea la vida de los pueblos indígenas, pero que apesar de todo con organización, iniciativas y valentía, los indígenas continuarán resistiendo.

Las resoluciones definitivas que salieron de este encuentro Binacional de Comunidades Indígenas, se darán a conocer en los próximos días a los organismos de Derechos Humanos y a todo el mundo.

"OCP debe reparar daño": Min. Ambiente

LA MINISTRA de Ambiente, Lourdes Luque de Jaramillo, dijo que espera que la empresa OCP-Ecuador cumpla su ofrecimiento de reparar el daño ambiental causado en el noroeste.

El Ministerio de Ambiente sancionó el mes pasado a OCP-Ecuador por daños al ecosistema y le suspendió la licencia ambiental para una zona de construcción de un oleoducto que mide unos 500 kilómetros.

El consorcio internacional "ha ofrecido para esta semana que va a tener lista las reparaciones que tiene que hacer en el sector de Guarumos para poderle autorizar que continúe la construcción del oleoducto", señaló la ministra en una entrevista.

Recordó que OCP-Ecuador fue sancionada porque no realizó obras de prevención para evitar deslaves en Guarumos.

Luque, que el pasado jueves realizó un sobrevuelo por la ruta desde Quito hasta Esmeraldas, en la costa del Pacífico, aseguró que las instalaciones de OCP-Ecuador cumplen con los requisitos impuestos por el Plan de Manejo Ambiental.

Este consorcio esta conformado por Alberta Energy Corp (Canadá), Pérez Companc (Argentina), Repsol YPF (hispano-argentina), Techint (Argentina) y Agip (Italia).

El objetivo de OCP es construir una tubería a través de 503 kilómetros entre los campos petrolíferos de la Amazonía y los puertos de embarque en el océano Pacífico.

Vía San Lorenzo - Ibarra

LA CONTRUCCIÓN de la carretera San Lorenzo - Ibarra, esta punto de concluirse, precisó Armijos Velasco, presidente de la Asociación de Juntas Parroquiales de San Lorenzo.

Los trabajos para la terminación de la vía se han venido ejecutando de manera acelerada, lo que permitirá culminar la obra dentro del tiempo establecido para la misma, aseguro Velasco.

En cuanto al compromiso adquirido por la compañía Hidalgo & Hidalgo, el tramo San Lorenzo - La Pastora, irá hasta el mes de julio próximo. Sin embargo, la tarea esta ad portas de su terminación.

A su turno, Velasco precisa que en la vía San Lorenzo - Ibarra y todo lo que se relaciona con el tramo de la provincia de Esmeraldas, está terminada en cuanto al asfalto. "Solo hace falta la construcción de los puentes sobre los ríos Chuchubí y Piguambí, que se están construyendo hace más de 7 años por parte del contratista Wilson Zambrano y hasta la presente no los ha terminado" denuncia Velasco, quien además sostuvo que en reiteradas ocasiones se le ha pedido al Ministro de Obras Públicas, que le exija al contratista de es-

tos puentes la terminación de los mismos porque está causando perjuicios a toda la región norte del Ecuador.

Mientras que el alcalde de San Lorenzo, Pablo Vergara Arroyo, se muestra a decir que es orgullo para los habitantes de este cantón, poder contar con esa vía, pero que según él permitirá explotar todos los recursos que posee la región.

Sin embargo, el burgomaestre señaló que es necesario que la compañía Hidalgo & Hidalgo, termine los trabajos desde el punto cero, como dice el contrato firmado y no desde el kilómetro cuatro hasta donde han llegado las obras, acotó Vergara Arroyo.

Queremos que se cumpla con lo estipulado de este mencionado contrato por eso hemos conformado una comisión presidida por los ediles, para que se trasladen a Quito y soliciten la terminación de la vía hasta el kilómetro cero, es decir hasta el ingreso de la Ciudad" dice el alcalde, que además recalca que esta comisión planteará al Ministro de Obras Públicas que exija al contratista de los puentes sobre los ríos Chuchubí y Piguambí su inmediata terminación.

**CARLOS WASHINGTON
GAVILANES GAVILANES**

Annex 66

“Between Faith and Fumigations”, EL TIEMPO (Bogotá, 10 May 2002)



EL TIEMPO

10 May 2002

BETWEEN FAITH AND FUMIGATION

It's a serious Tuesday in Orito. Farmers drenched with sweat and full of mud, due to hours-long walk from the villages, take turns in front of the Ombudsman to lament about the same thing: A spraying had taken place and it wiped out everything. Tears come to some of their eyes. (SEE MAP: WHERE THERE ARE RANGERS)

They are former coca growers who have converted to being rangers and they speak about the return of the aircrafts and the light glyphosate rain dropped on these coca crops. They reappeared in the sky on March 9th, after six months of absence.

This time, they say that cassava, sugarcane, banana and corn crops were also sprayed. These cultivations had replaced the illegal plants, pursuant to a promise to the president Alvaro Uribe and in order to receive the 833,333 pesos that would be given to them every two months for having manually eradicated coca.

Those gringos do not distinguish a coca plant from a cassava plant and those satellites are no good at all. The Ombudsman records and promises to forward each complaint to the narcotics police.

It was in this population of Putumayo, in the harsh heat and sudden downpours, that the government began its program last year to recover strategic coca crop ecosystems, protect those at risk and combat the drug trafficking that has made the guerrillas and paramilitaries so powerful.

Official figures say that 2.2 million hectares of natural forest have been destroyed in the country in the last 10 years as a result of illegal crops. But, that 553,000 have been kept free of coca since the rangers have been there, either because it has been eradicated or because the land has been protected from planting.

Being a ranger is an act of will. So while San José del Guaviare is one of the municipalities that is most affected by cocaine, it was in Orito where the State first found farmers willing to change their life.

Fifty-six of the 120 villages in this population embraced the program. Today, 3,406 families are paid every two months to maintain land free of illegal crops. Of the total hectares that are now free of illegal crops in the country, about 55,000 belong to this population.

In the same manner that will has, the fumigations exerted pressure on the village. They were sprayed and everything was ruined. One would cut the coca plant quite small and wash it with milk so as make it re-sprout, but after 15 days the aircrafts would pass and spray again so any work that was done was futile. The animals were in pain and children had stomach aches from drinking contaminated water.

The confession is from Enrique Cucardo, who was responsible for manual eradication in the Falklands. Of the 45 families in the village, 30 agreed to being rangers.

Mr Enrique, a planter of coca for four years, earned up to six million pesos quarterly from the three hectares he cultivated. Today he prefers to earn 800,000 pesos every two months as long as he is not sprayed.

The market, of course, is no longer the same. When there was coca in the earnings (the market) was for big amounts. Now it is 80 thousand to 100 thousand pesos. Before they would allow us to pay later for goods and waited for the harvest. Now they don't. They say that soon the government will end the program.

Among the agonizing cassava crop, attributable to the recent spraying of glyphosate, he regrets the fact that other legal farmers and he paid the 15 rebels in the village.

FAITH THREATENED

Mr Enrique and Anibal Gonzalez, perhaps the largest coca grower in the village of San Juan de los Palmares, are trying to keep the faith among the rangers, threatened with fumigation. It's a bad investment. We are paid to eradicate illegal crops and now they kill our legal crops, they say.

But they do not blame Alvaro Uribe, instead, they blame the Narcotics Police. He is the only president who came directly to us farmers and not via those NGOs that did whatever they wanted with us. He's the only one to have understood the concern of having rangers, and to give us five million per year. The Pastrana government projects are considered a lost cause.

If the Government doesn't spray our crops, we promise to deliver on our promises. We have to fulfill our promises, otherwise the ones who are screwed are us, not them, says one of Mr Enrique's daughters.

She complains of the whole days spent scraping coca leaf, which made her hands bleed. Like many committed farmers, she is worried that failure would show the guerrillas to be in the right. Several eradicated despite front 48 banning uprooting in some villages and preaching that the Government would not keep its end of the bargain. According to some, the guerrilla leader throughout the area, does not preclude them from being rangers, but promises protection to those who do not want to eradicate.

The Rangers now know they will only receive money from the state until December 31, 2006, but by that time they hope to have returned to the soil their agricultural vocation.

The conviction is such that "Kiosko de la Rumba", the bar that was full of drunken Rangers during the first payments, has lost customers. Business for food traders on the other hand, has improved. They say, it appears, that the Rangers are reviving the economy. Money from coca, on the other hand was all going to Cali, for intermediaries and drug traffickers.

Today rangers spend only on food and save what is left in a common fund, as they say, destined to purchase acres. Many are landless.

Greenhouses, cane for sugar mills, cassava for a processing plant and pigsty make up part of the dreams of men like Don Enrique, who are delivering on their promises to Uribe.

Bridges and roads is what we are asking from the government, so as to reach people with our products. The roads today are difficult even for animals.

Traps and penalties

But there are some people who signed up and continued planting coca since 833,000 pesos does not cover what you can afford to pay with the sale of drugs or simply because that money comes from hated gringos who have fuelled spraying and ruin.

Already, there are villages that have been sanctioned for failure to deliver. Some farmers were punished because not only were they enrolled, but their wives were also enrolled, in order to receive twice the income.

They thought that nobody would realize this. People used to say to me: Sign me up to that program, it's not your money. But if you sell out once, you lose the village, you lose the presidency of the board and the job as supervisor of eradication, said Mr Enrique, who roams the liberated areas of coca to verify they are being cultivated, forested, or at least not replanted with illegal crops.

There are other people cheating the program. A woman tells of mechanics, shopkeepers and even a policeman in Orito that have benefited from the subsidy that is intended for poor farmers. There are also those people who eradicated their crops and are dying of hunger because they have not been able to enter the program, while a policeman and his wife, who is also employed, are receiving subsidies using the father in law's farm.

The Government admits there were also those who divided their farms and offered every farmer a hectare on loan for a commission of the money he received from the State. And there were those who took money in order to attract people into the program.

Penalties for these and other reasons caused the program to be left with 3,406 of the 3,908 families registered at its inception in Orito.

Now that the list is refined, the leaders of the eradication hope that the fumigation aircrafts do not need to reappear in the sky.

Only then can the Rangers be kept active, as they already see cedars and passion fruit grow where coca once grew and caused the farmers to live at the margins of the law.

DRAWN UP MAPS

The complaints over fumigation of coca crops in Orito, and in San Miguel and Puerto Asis (Putumayo) as well, were presented last week in Congress by the department's congressperson Eder Jair Sanchez Zambrano and the priest Campo Elías de la Cruz.

This spraying affected production projects, projects of hope on which many have bet on a new life. It may be that the fumigation aircrafts made mistakes, as in the past, when the excuse was that the neighbouring farmer had coca or coca intercropped with food crops, but that eradication was confirmed by the United Nations. Victoria Eugenia Restrepo, director of the Alternative Development Program, says that just a few days ago, the drawing up of a new geographical map was agreed to with the Narcotics Police, such map should indicate the location of the rangers as well as other legal crops.

PHOTO / EL TIEMPO

In the middle of cassava, agonizing due to the spraying, Enrique Cucardo shows a dried root of coca in order to prove that he has fulfilled his promises to the Government of eradication.

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ENTRE LA FE Y LA FUMIGACIÓN

Es martes de alarma en Orito. Campesinos llenos de sudor y barro, por horas de camino desde las veredas, se turnan delante del personero para lamentarse por lo mismo: Paso la fumiga y acabó con todo . A alguno se le aguan los ojos. (VER MAPA: DONDE HAY GUARDABOSQUES)

Es martes de alarma en Orito. Campesinos llenos de sudor y barro, por horas de camino desde las veredas, se turnan delante del personero para lamentarse por lo mismo: Paso la fumiga y acabó con todo . A alguno se le aguan los ojos.

(VER MAPA: DONDE HAY GUARDABOSQUES).

Son antiguos cultivadores de coca convertidos a guardabosques y hablan del regreso de las avionetas y de la lluvia menuda de glifosato que estas dejan caer sobre los cultivos de coca. Reaparecieron en el cielo el 9 de marzo, después de seis meses.

Esta vez, dicen, bañaron también la yuca, la caña, el plátano y el maíz, cultivos con los que remplazaron las matas ilegales para cumplirle al presidente Alvaro Uribe y recibir los 833.333 pesos que les dan cada dos meses por haber erradicado manualmente la coca.

Esos gringos no distinguen una mata de coca de una yuca esos satélites no sirven pa nada . El personero toma nota y promete enviar cada queja a la Policía Antinarcóticos.

Fue en esta población del Putumayo, de calores inclementes y aguaceros repentinos, donde el Gobierno comenzó su Programa Guardabosques que hace un año para recuperar ecosistemas estratégicos cultivados con coca, proteger los que están en riesgo y combatir el narcotráfico que ha fortalecido a guerrilleros y paramilitares.

Dicen las cifras oficiales que 2,2 millones de hectáreas de bosque natural han sido destruidas en los últimos 10 años en el país para cultivar ilícitos. Pero también, que 553.000 han logrado mantenerse libre de coca desde que existen los guardabosques, porque ha sido erradicada o porque las tierras han sido protegidas de la siembra.

Ser guardabosque es un acto de voluntad. Por eso, aunque San José del Guaviare es uno de los municipios más afectados por la coca, fue en Orito donde primero el Estado encontró un campesinado dispuesto a cambiar de vida.

Cincuenta y seis de las 120 veredas que tiene esta población acogieron el programa. Hoy, 3.406 familias reciben pago cada dos meses por mantener la tierra libre de cultivos ilegales. Del total de hectáreas liberadas en el país, cerca de 55.000 están en esa población.

Como la voluntad, jugó la presión de las fumigaciones. Al lado de lo ilegal uno tenía algo de yuca y plátano. Pasaba la fumiga y ahí quedaban. Uno cortaba bajita la coca y la lavaba con leche pa que volviera a retoñar, pero a los 15 días volvían a pasar las avionetas y era trabajo perdido. Los animales se achaqueaban y a los niños se les dañaba el estómago por tomar agua contaminada .

La confesión es de Enrique Cucardo, el que movió la erradicación manual en Malvinas. De las 45 familias de la vereda, 30 aceptaron ser guardabosques.

Don Enrique, sembrador de coca durante cuatro años, ganaba trimestralmente hasta seis millones de pesos con las tres hectáreas que cultivaba. Hoy prefiere 800.000 pesos cada dos meses que vivir fumigao .

El mercado, claró está, ya no es el mismo. Cuando había coca la remesa (el mercado) era por bultos. La de ahora es de 80 mil o 100 mil pesos. Antes nos fiaban y nos esperaban a la cosecha. Ahora no. Dicen que de pronto el Gobierno acaba con el programa .

Entre el cultivo agonizante de yuca por el reciente baño con glifosato, se lamenta de que él y otros campesinos legales hayan pagado por los 15 rebeldes de la vereda.

Fe amenazada.

Don Enrique y Aníbal González, tal vez el mayor cultivador de coca de la vereda San Juan de los Palmares, están tratando de mantener la fe entre los guardabosques, amenazada por la fumigación. Invierten mal. Nos pagan por erradicar y ahora nos matan los cultivos legales , dicen.

Pero no culpan a Alvaro Uribe, sino a la Policía Antinarcóticos. Es es el único presidente que llegó directamente al campesino y no mediante esas ONG que hacían lo que querían con nosotros. El único que salió con esa inquietud de guardabosques, de darnos cinco millones por año . Los proyectos de gobierno de Pastrana, los consideran perdidos.

Se el Gobierno no nos fumiga, le prometemos que le seguimos cumpliendo. Tenemos que cumplirle, el jodido no es él, somos nosotros , dice una de las hijas de Don Enrique.

Reniega de las jornadas enteras raspando hoja de coca, que le herían las manos. Como muchos campesinos comprometidos, está preocupada porque el fracaso le daría razón a la guerrilla. Varios erradicaron a pesar del frente 48, prohibió arrancar en algunas veredas y predicó que el Gobierno no iba a cumplir. Algunos dicen que el jefe guerrillero de toda la zona, según algunos, no impide ser guardabosque, pero promete protección a quienes no quieren erradicar.

Los ahora guardabosques saben que solo recibirán dinero del Estado hasta el 31 de diciembre del 2006, pero para ese tiempo esperan habérles devuelto a los suelos la vocación agrícola.

El convencimiento es tal que ya Kiosco de la Rumba, la cantina que se llenaba de guardabosques borrachos durante los primeros pagos, ha perdido clientes. Los comerciantes de viveres, al contrario, les ha crecido el negocio. Dicen que, al marcar, los guardabosques están reviviendo la economía. La plata de la coca, en cambio, se iba toda para Cali, con los intermediarios y los narcos.

Hoy guardabosques que gastan solo lo del mercado y ahorran lo que les queda en un fondo común, que, dicen, será para comprar hectáreas. Muchos son campesinos sin tierra.

Viveros, caña para trapiches, yuca para una procesadora ya en marcha y marraneras hacen parte de los sueños de hombres como Don Enrique, que le están cumpliendo a Uribe.

Puentes y vías es lo que le piden al Gobierno para poder llegar al pueblo con los productos. Los caminos de hoy son difíciles hasta para las bestias.

Trampas y sanciones.

Pero hay quienes se inscribieron, pero siguieron sembrando coca. Porque 833.000 pesos no alcanzan a cubrir lo que se paga con la venta de la droga o porque esa plata llega del odiado gringo que ha alimentado la fumigación y la ruina .

Ya hay veredas sancionadas por incumplimiento. Algunos agricultores fueron castigados porque se inscribieron ellos y, aparte a sus mujeres, para recibir doble aporte.

Pensaron que nadie se iba a dar cuenta. A mí la gente me decía: métame en el programa que esa no es plata suya. Pero si uno es alcahueta, pierde la vereda y pierde uno como presidente de junta y veedor de la erradicación , dice Don Enrique, que recorren las zonas liberadas de coca para verificar que están siendo cultivadas, reforestadas, o al menos no resembradas con ilícitos.

Hay otras trampas. Una mujer de Orito asegura que mecánicos, tenderos y hasta un policía le han sacado jugo a un subsidio pensado para campesinos pobres. Hay gente que erradicó y se está muriendo de hambre porque no ha logrado entrar al programa, mientras que un policía y su mujer, que también es empleada, están recibiendo subsidio usando la finca del suegro .

Hubo gente, admiten en el Gobierno, que parceló fincas y le ofreció a cada campesino una hectárea en préstamo para obtener una comisión del dinero que le entregaba el Estado. Y no faltó quien cobró plata por conseguir cupos en el programa.

Sanciones por estas y otras razones dejaron en 3.406 las 3.908 familias inscritas al comienzo en Orito.

Ahora que la lista está depurada, los líderes de la erradicación esperan que las avionetas de fumigación no vuelvan a aparecer en el cielo.

Solo así podrán mantener vivos a los guardabosques, que ya ven pelechar cedros y granadillos en donde antes crecía la coca que los hacía campesinos ilegales.

LEVANTAMOS CARTA GEOGRAFICA.

La denuncias sobre fumigación de los cultivos que remplazaron la coca en Orito, pero también en San Miguel y Puerto Asís (Putumayo), fueron hechas la semana pasada en el Congreso por el diputado de ese departamento Eder Jair Sánchez Zambrano y el sacerdote Campo Elías de la Cruz.

Esta fumigación tocó proyectos productivos, proyectos de esperanza con los que muchos le apostaron a una nueva vida. Es posible que se hayan equivocado las avionetas, como en anteriores ocasiones, cuando las disculpas eran que el vecino tenía coca o que el campesino intercalaba la coca con cultivos de pancoger, pero esta erradicación fue verificada por la ONU dijeron. Eugenia Victoria Restrepo, directora del Programa de Desarrollo Alternativo, asegura que justo hace algunos días se acordó con la Policía Antinarcóticos el levantamiento de una carta geográfica que debe indicar dónde están los guardabosques y los cultivos alternativos.

FOTO/EL TIEMPO.

En medio del cultivo de yuca, agonizante por la fumigación, Enrique Cucardo enseña una raíz seca de coca para demostrar que le cumple al Gobierno con la erradicación.

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Annex 67

“Another Controversy Over Fumigation”, EL COMERCIO (Quito, 9 July 2002)



EL COMERCIO

9 July 2002

ANOTHER CONTROVERSY OVER FUMIGATION

Hundreds of farmers from the Colombian department of southern Putumayo are abandoning their lands due to the fumigations with herbicides that Bogota and Washington launched a month ago in the coca-growing region. This was reported yesterday by humanitarian sources and agricultural union leaders.

The Putumayo Ombudsman, Leandro Romo, said that farmers are leaving their farms by the dozens bound for urban centers of the municipalities of Colombia and "to several villages of the neighbouring Ecuador".

According to Romo, the spraying undertaken in Guamuez Valley and the nearby municipality of San Miguel (800 km south of Bogota) has also caused damage to the health of the farmers, as well as licit crops having been removed. "Every day I receive dozens of complaints from farmers who complain of respiratory and skin diseases".

The U.S. State Department said the pesticide used in Putumayo is not harmful, but that adjustments will be made to the formulation, to decrease the current toxicity of grade 3, equivalent to "soft" to a grade of 4 or "mild" (1 being the most toxic).

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Otra polémica por la fumigación

9/7/2002

Cientos de campesinos del departamento colombiano de Putumayo (sur) están abandonando sus parcelas debido a las fumigaciones con herbicidas que Bogotá y Washington emprendieron hace un mes en esa región cocalera. Así lo denunciaron ayer fuentes humanitarias y líderes de los sindicatos agrarios.

El Defensor del Pueblo putumayense, Leandro Romo, afirmó que los campesinos salen por decenas de sus fincas con destino a los cascos urbanos de los municipios de Colombia y "hacia varios pueblos del vecino Ecuador".

Según Romo, las fumigaciones emprendidas en Valle de Guamuez y el cercano Municipio de San Miguel (800 km al sur de Bogotá) también han causado daños a la salud de los labriegos, así como han eliminado los cultivos lícitos. "A diario recibo decenas de denuncias de campesinos que se quejan de enfermedades respiratorias y cutáneas".

El Departamento de Estado de EE.UU. señaló que el pesticida usado en Putumayo no es nocivo, pero que se le harán ajustes en la formulación, para que su toxicidad disminuya del grado 3, equivalente a "suave", al grado 4 o "leve" (el 1 es el más tóxico).

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Annex 68

“Hunger and Misery from Fumigations”, EL UNIVERSO (Guayaquil, 7 Sept. 2002)



EL UNIVERSO

7 September 2002

HUNGER AND MISERY FROM FUMIGATIONS

The fumigation shifts occur daily; they begin at 8 a.m. and last until 4 p.m.

Pablo Madruñero, his wife Bertha, and their three kids had been standing for three hours at the edge of the highway in Puerto Vega, awaiting a car to take them “wherever.”

“We want to run away, we have nothing left, the fumigations have destroyed everything and we have all fallen ill,” said the man while the mother showed her 8-year-old daughter Paula’s body, covered by boils.

“They spray evenly (everything), they not only destroyed the coca, but the bananas, cassava, and pastures as well. We are all in the same situation and we have to leave, I do not know where, but we will die of hunger here,” said Pablo.

Hunger, despair, desolation, scenes similar to those that the Madruñero experienced last Thursday afternoon, occur daily in dozens of villages in the Colombian province Putumayo, near the border with Ecuador, as a result of the aerial spraying that is being conducted by the Colombian Antinarcotics Police these days in order to eradicate coca plantations.

A press team from El UNIVERSO toured these areas, some dominated by the Fuerzas Armadas Revolucionarias de Colombia (“*Revolutionary Armed Forces of Colombia*”) (FARC), others by paramilitaries and others that fall somewhere between these two forces as well as the regular Colombian Army. Hundreds of families leave from here towards cities in the interior of the country.

Damage

The damage is evident. José Ángel, in the village of Agua Blanca, was in despair because his four cows, his only remaining possession of value, were dying due to lack of grass. “They fumigated here about ten days ago and destroyed the pastures, plantain and yucca,” he affirmed. Surrounding his house, in a one-kilometer radius, the soil is desert-like and contrasts with the green of the jungle that can be seen from afar, where fumigations have not yet reached.

About 30 kilometers to the north, at the Y, Carmen Cadena looked inconsolably at her 40 hectares of pastures burnt by the chemicals. “There was a coca plantation in a nearby area but they came and fumigated uniformly, the poison even fell on the roofs of houses, two weeks ago. Since that date, 20 families have left,” she stated.

The dialogue was interrupted because, at around 2:00 p.m., three aircraft appear, escorted by the same number of armed helicopters. “Let’s get into the house, but please don’t run because they might shoot if they think we are an armed group,” said the woman.

A few minutes later, the aircraft vomited streams of poison that settled on trees and on coca, plantain and yucca crops. The chemical provoked a light cough and tearing.

The operation was repeated on five occasions and later continued in Miraflores. El Porvenir, Nueva Granada and Cuembí, Puerto Vega.

The fumigation shifts occur daily; they start at 8 a.m. and last until 4 p.m. The inhabitants of the Ecuadorian villages of la Punta and Puerto Nuevo asserted that at the beginning of last week the aircraft fumigated along the riverbanks of the bordering San Miguel River.



Carlos Barros, enviado especial / EL UNIVERSO

PUERTO VEGA, Colombia.- José Ángel muestra la destrucción de sus plantaciones de maíz, producto de las fumigaciones que realiza el Gobierno colombiano para erradicar los cultivos de coca. Los campesinos afirman que han perdido sus cultivos.

Hambre y miseria por fumigaciones

Las jornadas de fumigación son diarias; comienzan a las 08h00 y se acaban hasta las 16h00.

PUERTO VEGA, COLOMBIA | JOSÉ OLMOSES ENVIADO ESPECIAL

Diego Madruero, su esposa, Bertha, y sus tres hijos tenían tres horas al filo de la carretera Teteyé-Teto Vega a la espera de un camión que los lleve "a donde se van". "Queremos huir, ya no queda nada, las fumigaciones acabaron con todo y nosotros enfermamos", dijo el hombre mientras la madre cubría el cuerpo de su hija, de 8 meses, cubierto por los granos.

Se fumigan parejo (todo), acabaron no solo con la coca sino con el plátano, la yuca, los potreritos. Todos estamos en la misma situación y hay que irse a buscar para dónde, pero aquí no nos morimos de hambre", se lamenta.



Hambre, desesperación, desolación, escenas similares a las que protagonizaba la tarde del jueves pasado la familia Madruero, se viven a diario en decenas de poblados del Putumayo colombiano, fronterizo con Ecuador, a causa de las fumigaciones aéreas que ejecuta en estos días la Policía Antinarcóticos de Colombia para erradicar las plantaciones de coca.

Un equipo de EL UNIVERSO recorrió estos sectores,

unos dominados por las Fuerzas Armadas Revolucionarias de Colombia (FARC), otros por los paramilitares o en disputa entre estos dos bandos y el Ejército regular colombiano. Desde aquí salen cientos de familias hacia ciudades del interior de su país.

Daños

Los daños son evidentes. En la vereda Agua Blanca, José Ángel se desespera porque las cuatro reses, lo único de

valor que le quedaba, agonizaban por falta de pasto. "Aquí fumigarón hace como diez días y acabaron con los potreros, el plátano y la yuca", afirmó. Alrededor de su vivienda, en un radio de un kilómetro el suelo es desértico y contrasta con el verdor de la selva que se divisa a lo lejos, donde aún no ha llegado la fumigación. Unos 30 km al norte, en La Y, Carmen Cadena miraba desconsolada sus 40 h de potreros quemados por los químicos. "Había una plantación de coca en un sector cercano pero vinieron y fumigaron parejo, el veneno cayó hasta en el techo de las casas, hace dos semanas. Desde esa fecha se fueron 20 familias", relató.

El diálogo se interrumpió porque en el cielo a eso de las 14h00 aparecieron tres avionetas, escoltadas por igual número de helicópteros artillados. "Entremos a la casa pero no corran porque pueden disparar al creer que somos de algún grupo armado", dijo la mujer.

Minutos después, los aparatos vomitaban chorros de veneno que se posaba en los árboles y en los cultivos de coca y de plátanos, yuca y maíz. El químico provoca una tos leve y lagrimeos.

La operación se repitió durante cinco ocasiones y continuó después por Miraflores, El Porvenir, Nueva Granada y Cuembí, Puerto Vega.

Las jornadas de fumigación son diarias; comienzan a las 08h00 y se extienden hasta las 16h00. Habitantes de los poblados ecuatorianos de la Punta y Puerto Nuevo afirmaron que a inicios de semana las avionetas fumigaron en las riberas del fronterizo río San

Colombia y Ecuador pedirán ayuda militar a Estados Unidos

QUITO |

Los gobiernos de Ecuador y Colombia acordaron en Bogotá solicitar, conjuntamente, a los Estados Unidos la entrega de recursos para fortalecer la vigilancia en el cordón fronterizo. El Ecuador, sostuvo ayer el ministro de Defensa, Hugo Unda, requiere de manera urgente helicópteros, lanchas, vehículos y equipos de comunicación.

En el encuentro que mantuvieron los cancilleres y los ministros de Defensa, de Gobierno y de Comercio Exterior de las dos naciones, el jueves pasado, se decidió además reforzar la seguridad militar y policial en la frontera común.

Control

Unda explicó ayer, que se establecerán mecanismos de control de las municiones y explosivos: su producción y comercialización será de exclusiva competencia de las Fuerzas Armadas; y se establecerá quiénes son los destinatarios finales de todo tipo de material explosivo.

Los militares de ambos países, entre tanto, intercambiarán información y efectuarán, de manera permanente, patrullajes en ríos, quebradas y pasos ilegales en sus respectivos territorios.

Colombia se comprometió, informó Unda, a incrementar de manera continua la presencia militar y policial a lo largo del río San Miguel, fronterizo con la provincia ecuatoriana de Sucumbios.

Resaltó que lo importante es haber asumido un compromiso político bilateral y "que Colombia está interesada ahora sí en incrementar la presencia militar y policial en el sector de San Miguel".

La parte operativa será discutida por los mandos militares de las dos naciones el 8 de octubre en Quito.

PUNTOS DEL ACUERDO

- FORTALECER**
Fortalecer las medidas de vigilancia, control y seguridad fronteriza en especial en los pasos vecinales.
- CONSOLIDAR**
Consolidar una base de todos los puertos de ingreso y salida de ambos países, con el fin de detectar personas con antecedentes penales.
- TRANSPORTE**
Colombia se comprometió a un ingreso de 150.000 toneladas de arroz ecuatoriano con libertad de transporte entre el 1 de febrero y el junio del 2003. El acuerdo formalizará antes del 30 de septiembre.

- LISTA DE PRODUCTOS**
Se elaborará una lista de productos, de interés para el intercambio comercial para propiciar ruedas de negocios empresariales.

- ALIANZAS**
Se analizarán posibles alianzas estratégicas con terceros mercados, en especial dentro del ATPA, con énfasis en los textiles y algodón.

- COMISIÓN**
La Comisión de Vecinos colombiano-ecuatoriano reunirá antes de la primer quincena de noviembre para formalizar la zona de integración fronteriza y de un plan de desarrollo integral.

- EN OCTUBRE**
El Comité Tripartito Mecanismo de Desplazamiento en la zona fronteriza se reunirá el 3 y 4 de octubre.

Unda descartó que lo acordado entre ambos gobiernos suponga la aplicación de acciones armadas conjuntas.

El ministro de Gobierno, Rodolfo Barniol, aclaró en Bogotá no fue discutido el cierre nocturno del puerto Rumichaca.

Policía y FF.AA. contra narcotráfico

Policía en los controles antinarcóticos.

Unda reconoció que, "constitucional y legalmente, es la Policía la que tiene autoridad en la lucha antidroga". Sin embargo, sostuvo que los militares decidieron involucrarse en esos controles por la magnitud del problema en las provincias fronterizas.

En las operaciones de detección y destrucción de laboratorios y plantaciones de droga participarán elementos policiales y los militares efectuarán patrullajes permanentes y sorpresivos en vías, caminos secundarios y ríos en

QUITO |

Las Fuerzas Armadas intensificarán a lo largo de la frontera las vigilancias aéreas y terrestres para detectar cultivos de droga, anunció ayer el ministro de Defensa, Hugo Unda.

También apoyarán a la

Pongase al día para que pueda seguir hablando.

Fecha de corte

Annex 69

“Farmers Against Fumigations”, EL UNIVERSO (Guayaquil, 19 Sept. 2002)



EL UNIVERSO

19 September 2002

FARMERS AGAINST FUMIGATIONS

Lago Agrio

By Ángel Sallo

More than one hundred farming families from the Pacayacu parish are affected by the Colombian fumigations on coca and poppy crops, carried out on the other side of Río San Miguel, complained Ángel Encarnación, leader of the Ecuadorian farming community Chone 2.

The leader notes that the coca crop fumigations in the Colombian locations of Teteyé, Aguas Blancas, Montañita, La Florida, La Piña, La Pedregosa and La Caucaza also reached Ecuadorian soil and therefore, the effects are notable on plantations, vegetation and domesticated animals.

Encarnación affirmed that six aircraft and eight helicopters work in intense fumigation shifts, a few meters away from Ecuadorian soil.

José Aldaz, leader of Café Paraíso, notes that, as a result of Colombian fumigations, the Ecuadorian cane, corn, plantain, coffee, fruits, and yucca crops, as well as other plants have lost their natural color and have been damaged as a result.

The populations most affected by fumigations are Chone Uno, Chone Dos, la Playera, Chanangué, Puerto Nuevo and Zozoranga.

ÓN GENERAL

luniverso.com

Jueves 19 de septiembre del 2002

Campesinos en contra de fumigaciones

LAGO AGRIO |
ÁNGEL SALLO

Más de un centenar de familias campesinas de la parroquia Pacayacu están afectadas por las fumigaciones colombianas a los cultivos de coca y amapola, que se cumplen al otro lado del Río San Miguel, denunció Ángel Encarnación, dirigente de la comunidad campesina ecuatoriana Chone 2.

El dirigente, señala que las fumigaciones los cultivos de coca en las localidades colombianas de Teteyé, Aguas Blancas, Montañita, La Florida, La Piña, La Pedregosa y La Caucaza también llegaron a suelo ecuatoriano y por lo tanto los efectos son noto-

rios en los sembríos, vegetación y animales domésticos.

Encarnación afirmó que seis avionetas y ocho helicópteros trabajan en jornadas intensas de fumigación a pocos metros de suelo ecuatoriano.

José Aldaz, dirigente de Café Paraíso, señala que a raíz de las fumigaciones colombianas, los sembríos ecuatorianos de caña, maíz, plátano, café, frutas, yuca y otras plantas han perdido su color natural y por lo tanto se han dañado.

Las poblaciones más afectadas por las fumigaciones son Chone Uno, Chone Dos, la Playera, Chanangué, Puerto Nuevo y Zozoranga.

Annex 70

“Ecuadorians Demand Compensation”, LA HORA (Quito, 26 Sept. 2002)



LA HORA

26 September 2002

ECUADORIANS DEMAND COMPENSATION

Inhabitants of the Ecuadorian Amazon region will file an international complaint against the Colombian government demanding compensation for the damages caused by fumigations.

NUEVA LOJA

Approximately one week ago, six aircrafts fumigated the riverbanks of the San Miguel River, but this time, they did so in Ecuadorian territory.

This is the statement made by Victoriano Bravo Caicedo, President of the Asociación de Campesinos Palmeras Fronterizas (“Association of Border Palm Farmers”) located in the province of Sucumbíos, Lago Agrio county, an organization that includes rural workers from the General Farfán parish, Santa Marianita, Monterrey settlements and other villages such as Puerto Mestanza and Puerto Nuevo.

This humble worker, with machete in hand, assures that he has embarked on the fight of his life in denouncing the authorities and public opinion regarding the manner in which his crops and animals perish in his farm, as a result of Plan Colombia fumigations.

The man elaborated a manifiesto and dedicated himself to collecting over three thousand signatures as support, to increase public awareness of the problem. The document was sent to the President of the Republic, Ministers of Government, Foreign Affairs and Defense, as well as Presidential candidates.

Violating Sovereignty

According to the complaint, the presence of a fumigating aircraft belonging to Colombia was observed in Ecuadorian air space approximately one week ago. “In the view and patience of our Armed Forces, it violated our sovereignty and fumigated our crops, causing numerous losses to date.”

Bravo adds that he was accompanied by a group of peasants and representatives of various means of communication, including certain foreign correspondents, who “directly confirmed the damage caused to crops, animals, and the human beings that inhabit this region as a result of the Colombian government fumigating in Ecuadorian territory.”

Without Harvests

In addition, he notes that, due to the start of fumigations one year ago, the fall of the price of coffee was evident and the price decrease in the grain’s commercialization forced farmers to opt for switching crops and dedicate themselves to the planting of corn as a new source of income, but to date, this product has also been devastated in its entirety.

Although it has been repeatedly indicated, Bravo insists that the “type of fumigating agent employed has caused damages to all the vegetation, especially to pastures, rice, cacao, plantain, coffee, and sugar cane, causing a true desert in the midst of the jungle.”

The affected area measures approximately 3 thousand hectares, which causes incalculable losses to all farmers of the area who will lose their harvests and while they work to “build their country along the Colombian-Ecuadorian border.”

Uncertainty and complaints

In addition, the document notes, that the “sector’s inhabitants are currently terrorized by the presence of Colombian armed groups that circulate around the area, which implies lack of security and vigilance in the border by the Armed Forces and National Police.”

“This situation has forced me to strongly request the support of authorities and Public Order, to initiate a public international complaint against the Colombian government in order to request appropriate compensation for damages caused on our farms and the loss of crops, diseases in both children and adults alike and for the death of animals due to intoxication,” he notes.

Toxic Fumigants

At the same time, Nelly Gaibor, mother of a family residing in the boundary area, declared that she ingested water from a stream and subsequently suffered digestive complications. And this is due to the fact that the water from the majority of rivers in the area, and especially the water from San Miguel, is used by the thousands of farmers who inhabit these riverbanks for the preparation of foods, cleaning and personal hygiene.

Gaibor highlighted that many children have suffered skin rashes and a type of uncontrollable allergy, including her children. For this reason, the people have chosen to ask for immediate medical attention.

With respect to animals, the animals that have been most affected are barnyard fowl, which have largely died after ingesting the water.

According to this citizen, there are cases of miscarriage, in addition to the case of a child who was born in the Hospital de Lago Agrio, who presented bone malformations, a situation that was attributed to the fumigations.

“This is the deepest poverty and desperation of our fellow citizens, which have invested everything and even borrowed funds in order to cultivate and today, they have nothing, not even their own arable lands,” Bravo affirms in his letter.

Negligence by authorities

For Bravo, “absolute inefficiency and negligence by the provincial authorities exists, starting by the Governor of the Province of Sucumbios, Victor Velasco, who does not lead a concerted

effort by the border civilian society in order to coordinate safety actions with the Armed Forces for our territory.”

In such circumstances, the Asociación de Campesinos Palmeras Fronterizas requested direct governmental intervention in order to adopt corrective measures as soon as possible.

The unionized farmers challenge the presidential candidates to visit the border fringe, “so that they can directly observe the damages caused by Plan Colombia, in a plan of extermination and war that directly compromises Ecuadorians, despite authorities affirming that nothing happens here.”



Jueves, 26 de Septiembre de 2002

LA HORA

NUEVA LOJA

Hace aproximadamente una semana seis avionetas fumigadoras, rociaron las riberas del Río San Miguel, pero esta vez lo hicieron en territorio ecuatoriano.

Así lo afirma Victoriano Bravo Caicedo, Presidente de la Asociación de Campesinos Palmeras Fronterizas, ubicada en la provincia de Sucumbíos, cantón Lago Agrio, organización que cubre a trabajadores rurales de la parroquia General Farfán, recintos Santa Marianita, Monterrey y otras poblaciones como Puerto Mestanza y Puerto Nuevo.

Este humilde trabajador, machete en mano, asegura que ha emprendido la lucha más grande de su vida al denunciar a las autoridades y a la opinión pública, la forma como sus cultivos y animales perecen en su finca producto de las fumigaciones del Plan Colombia.

El hombre elaboró un manifiesto y se dedicó a recoger más de tres mil firmas de respaldo, para dar a conocer el problema. El documento fue remitido al presidente de la República, Ministros de Gobierno, Relaciones Exteriores, y Defensa, así como a los candidatos a la Presidencia de la República.

Violando la soberanía

Según la denuncia, hace aproximadamente una semana se notó la presencia en el espacio aéreo ecuatoriano de una avioneta fumigadora, procedente de Colombia, "que a vista y paciencia de nuestras Fuerzas Armadas violaron nuestra soberanía y fumigaron nuestros cultivos, causando hasta el momento cuantiosas pérdidas".

Bravo agrega que acompañado por un grupo de campesinos y representantes de varios medios de comunicación, entre ellos algunos corresponsales extranjeros, "constatamos directamente el daño causado a los cultivos, animales y seres humanos, que habitamos en esta región, por parte del gobierno colombiano, que ha fumigado en territorio ecuatoriano".

Sin cosechas

Comenta, así mismo, que al iniciarse las fumigaciones hace un año, la caída del café fue evidente y la baja del precio en la comercialización del grano obligó a los campesinos a optar por cambiar de cultivo, y dedicarse a la siembra del maíz como nueva fuente de ingresos, pero éste producto también se ha visto hoy devastado en su totalidad.

Aunque ya se ha indicado repetidamente, Bravo insiste en que "el tipo de fumigante empleado ha causado daños en toda la vegetación, especialmente en pastizales, arroz, cacao, plátano, café y caña de azúcar creando un verdadero desierto en plena selva".

El área afectada es de aproximadamente 3 mil hectáreas, lo que causa pérdidas incalculables a todos los campesinos de la zona que se quedaron sin cosecha y trabajo mientras están "haciendo patria en la frontera colombo ecuatoriana".

Inseguridad y demanda

El documento señala, además, que "los habitantes del sector nos encontramos aterrorizados ante la presencia de grupos armados colombianos que circulan por la zona, lo que denota la falta de seguridad y vigilancia en la frontera, por parte de las Fuerzas Armadas y la Policía Nacional".

"Esta situación me ha obligado a solicitarles encarecidamente, el apoyo de autoridades y Fuerza Pública, para iniciar una demanda pública internacional al gobierno colombiano a fin de pedir la respectiva indemnización, por los daños causados en nuestras fincas y la pérdida de sembríos,

enfermedades de niños y adultos y por la muerte de los animales por intoxicación", sostiene.

Fumigante tóxico

Al mismo tiempo, Nelly Gaibor, una madre de familia radicada en este sector fronterizo, declaró haber ingerido agua de una vertiente y posteriormente sufrir complicaciones digestivas. Y es que en la zona, el agua de la mayoría de los ríos -y especialmente la del San Miguel-, es utilizada para la elaboración de los alimentos, aseo e higiene personal, por los miles de campesinos que habitan en esta cuenca fluvial.

Gaibor recalcó que existen varios niños -entre ellos sus hijos- que han sufrido erupciones en la piel y una especie de alergia incontrolable, por lo que la gente ha optado por pedir atención médica inmediata.

Con relación a los animales, los más afectados son las aves de corral, que en su mayoría -tras beber el agua- han muerto.

Según esta ciudadana, existen casos de abortos, al igual que el de un niño que nació en el Hospital de Lago Agrio, y presentaba malformaciones óseas, situación atribuida a las fumigaciones.

"Es esta la más profunda pobreza y desesperación de nuestros conciudadanos, que lo dieron todo y se endeudaron para cultivar y hoy no tienen nada, ni siquiera su tierra cultivable", sostiene Bravo en su carta.

Negligencia en autoridades

Para Bravo, existe "absoluta ineficiencia y negligencia de las autoridades provinciales, empezando por el Gobernador de la Provincia de Sucumbíos Víctor Velasco, que no lidera una acción concertada de la sociedad civil fronteriza, a fin de coordinar las acciones de seguridad de nuestro territorio con las Fuerzas Armadas".

En tales circunstancias, la Asociación de Campesinos Palmeras Fronterizas, solicitaron la directa intervención gubernamental con el objetivo de que se adopten cuanto antes las medidas correctivas.

Los campesinos agremiados desafían a los candidatos presidenciales a visitar el cordón fronterizo, "para que observen de manera directa los daños causados por el Plan Colombia, un plan de exterminio y guerra que compromete a los ecuatorianos de manera directa, aunque las autoridades digan que acá no pasa nada".

Annex 71

“Glyphosate Affects Crops in Sucumbíos”, EL COMERCIO (Quito, 8 Oct. 2002)



EL COMERCIO

8 October 2002

GLYPHOSATE AFFECTS CROPS IN SUCUMBÍOS

ENVIRONMENT. A pending complaint exists. Farmers settled near the border with Colombia claim that their plantations are destroyed by fumigations aimed towards eradicating coca.

The aftermath of Plan Colombia is strongly felt in the Ecuadorian settlements of General Farfán, 5 de Agosto, Chone 2 and Santa Marianita.

Plantations of plantains, yucca and corn were damaged by fumigations with glyphosate, a herbicide that destroys all types of plants. Fifteen communities in Lago Agrio have founded a committee in defense.

Only two kilometers from the San Miguel River, the natural border between Ecuador and Colombia, the landscape is desolate. The fields appear to be devoid of people, animals and life.

Dozens of *guarumos*, native trees in the areas fumigated, are barely able to support their enormous leaves. Others, with completely barren branches, look like enormous candlesticks. The banana trees are almost falling and their stalks barely support them. The impact of fumigations is so strong that even the grass has been completely destroyed.

Dozens of completely dried out lots can be observed down the secondary road that connects the town of Tetey with the settlement of El Porvenir. Not all are coca; some are banana, yucca or corn.

“Three weeks ago, they fumigated my entire land. They destroyed 20 blocks of plantain, corn and yucca and I only had but three blocks of coca which I was about to manually eradicate,” Graciela Maya, a Colombian farmer, explained.

THE CORE

Glyphosate, a herbicide, is used in the fumigations. However, it is used in a mixture that elevates its level of toxicity by 100 times. Its commercial name is “Round up”.

“They burnt the little plants. They continue to fumigate each time that the weather clears up. Today, we have nothing to eat. The people are leaving to wherever they can go,” noted Elvira Herrera, a resident of El Porvenir.

However, this is not the largest impact of the fumigations. Herrera describes how her children fell ill after the airplane passed over “ejecting a white liquid.”

This situation is not exclusive to the Colombian side. There are frequent complaints from farmers in Ecuadorian territory regarding fumigation in settlements near the border.

“Last Thursday, an airplane escorted by two helicopters fumigated on the San Miguel River. They told us that we would not be affected by the fumigations,” said José Reyes, president of Puerto Nuevo, an Ecuadorian border settlement.

The very governor of Sucumbíos, Víctor Velasco, confirmed that the fumigating airplanes enter Ecuadorian territory, “they do this in order to complete their turns,” he said on the radio.

While the airplanes tour Ecuadorian settlements near the border, complaints regarding affectations increase.

Plantain plants starting to show dry leaves can be seen from the road. Walking along the parcels, you can see how the yucca leaves are wilted, how the corn leaves look yellowed and wrinkled....

“Fifteen days ago, an airplane circled above. Subsequently, my children started to fall ill with headaches, nausea, stomach aches, and boils on their skin. They had never fallen ill like this. Since the Plan Colombia fumigations have started, everything has been damage,” noted Andrade.

In the populated centers of General Farfán, Santa Marianita, Chone 2, 5 de Agosto, the panorama is similar and farmers’ claims multiply each day.

“The yucca dries up down to its root, in the same manner as plantain which ends up on the ground; the hands that carry them never get to fatten,” noted Ángel Ortiz, a farmer who arrived in Loja 20 years ago.

The other complaint is the death of animals. “The chicks lose their feathers and later die as if they had been drowned. The cows and horses whittle down to their bones in a matter of days,” said Ortiz.

Farmers on both sides of the border do not have anything to eat. “We do not even have money to pay the matriculation in schools. No one has bought a single notebook because we do not have the money,” assured Ortiz.

For Lourdes Luque, Ecuadorian Minister of Environment, measures have been taken. “If we are able to prove that the fumigations are causing damage, the Chancellor’s commitment exists to submit an international complaint as a result of the fumigations.”

The Minister added that a network for environmental monitoring would be implemented in the border areas in two weeks. The aim is to prove whether the fumigations are affecting Ecuadorian territory, through measurements using instruments.

While this situation is being clarified, both countries’ farmers are bewildered. They do not know when they will be able to plant in their lands again. “Some say that we must wait a year, others say that we must wait four years until the land recovers,” stated Segundo Andrade.

On Thursday, Acción Ecológica will present a study that will show the impacts of fumigation.

It is known that fumigations use 55% of water, 44% of glyphosate and one percent of Cosmo-Flux 411F, a chemical used so that the pesticide can better penetrate the coca leaves.

MORE INFORMATION REGARDING THE DAMAGE

- The organization- The Committee for Defense for the Border Corridor was formed on 27 September against the fumigations. It is comprised of representatives from 15 communities that live in the border area.
- The displaced people – Approximately 200 farming families and seven indigenous communities that implemented illicit crop eradication projects in Orito, San Miguel and Puerto Caicedo (Putumayo-Colombia) were affected by glyphosate fumigations, according to many NGO's.
- The support— U.S.A. annually provides financing for the fumigation program with 17 million dollars and provides over 1,300 dollars in economic and military aid to finance Plan Colombia for the “fight against drugs”.

El glifosato afecta a los cultivos en Sucumbíos

AMBIENTE Una denuncia está latente: agricultores asentados cerca a la frontera con Colombia denuncian que sus parcelas son destruidas por la fumigación destinada a erradicar la coca.

Las secuelas del Plan Colombia se sienten con fuerza en los recintos ecuatorianos General Farfán, 5 de Agosto, Chone 2 y Santa Marianita.

Terrenos con plátano, yuca y

maíz fueron dañados por las fumigaciones de glifosato, herbicida que destruye todo tipo de plantas. En Lago Agrio, 15 comunidades crearon ya un comité de defensa. **PÁG. C8**



LOTERÍA Gran afluencia de público se registró ayer en las agencias del Correo para acceder a la Lotería de Visas a EE.UU. **PÁG. C7**

Coordinador: Agustín Eusse, Reda

Lunes SALUD • Martes AMBIENTE • Miércoles TENDENCIAS • Jueves EDUCACIÓN

Las fumigaciones sí afectan a los cultivos

SUCUMBÍOS El acuerdo de no fumigar a menos de 10 kilómetros de la frontera del Ecuador no se cumple. Las denuncias sobre daños se incrementan.



UN PAISAJE INERTE • En la zona de Tete, Colombia, el verde se cambió por el amarillo. Parcelas de plátano y maíz se destruyeron.

EN EL RECINTO 5 DE AGOSTO • Segundo Andrade muestra cómo las plantas de maíz se secan completamente en solo tres semanas.

Los sitios fumigados en tres semanas



FOTOS: ARMANDO PRADO / EL COMERCIO

A solo dos kilómetros del río San Miguel, la frontera natural entre Ecuador y Colombia, el paisaje es desolador. Los campos lucen abandonados de personas, animales y de vida.

Decenas de guarumos, árboles típicos de zonas intervenidas, apenas sostienen sus enormes hojas. Otros parecen enormes candeleros con sus ramas totalmente peladas.

“Chamuscaron las planticas. Siguen fumigando cada vez que el tiempo aclara. Hoy ya no tenemos qué comer. La gente está saliendo para donde puede”, señaló Elvira Herrera, habitante de El Porvenir.

Pero este no es el mayor impacto de las fumigaciones. Herrera indica cómo sus niños se enfermaron luego de que el avión pasó “lanzando un li-

tar los virajes”, dijo en la radio.

A medida que se recorren los recintos ecuatorianos cercanos a la frontera, las denuncias de afectaciones se incrementan.

Desde la carretera se observan matas de plátano que empiezan a mostrar hojas secas. Al caminar por la parcelas se ve cómo las hojas de yuca se arrugan, las de maíz lucen amarillentas y arrugadas...

“Hace 15 días una avioneta... De más mis ni-

MÁS DATOS DEL DAÑO

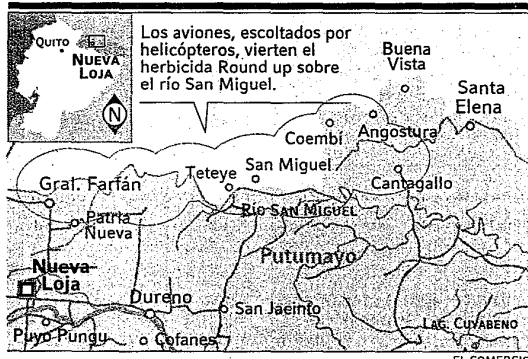
■ **La organización** • El 27 de septiembre se conformó el Comité de Defensa del Corredor Fronterizo frente a las fumigaciones. Está conformado por los representantes de 15 comunidades que viven en la zona de frontera.

■ **Los desplazados** • Aproximadamente 200 familias



uraue muestra cómo las plantas de maíz se secan completamente en solo tres semanas.

Los sitios fumigados en tres semanas



FOTOS: ARMANDO PRADO / EL COMERCIO

A solo dos kilómetros del río San Miguel, la frontera natural entre Ecuador y Colombia, el paisaje es desolador. Los campos lucen abandonados de personas, animales y de vida.

Decenas de guarumos, árboles típicos de zonas intervenidas, apenas sostienen sus enormes hojas. Otros parecen enormes candeleros con sus ramas totalmente peladas. Las bananeras están a punto de caerse y apenas se sostienen con sus tallos. El impacto de las fumigaciones es tan fuerte que hasta el pasto está completamente destruido.

En la carretera de segundo orden que conecta el pueblo de Teteve con el recinto El Porvenir, se observan decenas de parcelas completamente secas. No todas son de coca, algunas son de banana, yuca o maíz.

"Hace tres semanas fumigaron mi terreno. Destruyeron 20 cuerdas de plátano, maíz y yuca, y solo tenía tres de coca y estaba a punto de sacarlas manualmente", explicó Graciela Maya, campesina colombiana.

"Chamuscaron las planticas. Siguen fumigando cada vez que el tiempo aclara. Hoy ya no tenemos qué comer. La gente está saliendo para donde puede", señaló Elvira Herrera, habitante de El Porvenir.

Pero este no es el mayor impacto de las fumigaciones. Herrera indica cómo sus niños se enfermaron luego de que el avión pasó "lanzando un líquido blanco".

Esta situación no es exclusiva del lado colombiano. En los recintos cercanos a la frontera las denuncias de los campesinos sobre la fumigación en territorio ecuatoriano son frecuentes.

"El jueves pasado, un avión escoltado por dos helicópteros fumigó sobre el río San Miguel. Nos dijeron que nosotros no seríamos afectados por las fumigaciones", dijo José Reyes, presidente de Puerto Nuevo, un recinto fronterizo ecuatoriano.

El mismo gobernador de Sucumbios, Víctor Velasco, confirmó que los aviones fumigadores ingresan a territorio ecuatoriano, "es para comple-

tar los virajes", dijo en el radio.

A medida que se recorren los recintos ecuatorianos cercanos a la frontera, las denuncias de afectaciones se incrementan.

Desde la carretera se observan matas de plátano que empiezan a mostrar hojas secas. Al caminar por la parcelas se ve cómo las hojas de yuca se arrugan, las de maíz lucen amarillentas y arrugadas...

"Hace 15 días una avioneta daba la vuelta. Después, mis niños empezaron a enfermarse con dolores de cabeza, mareos, dolor de estómago y granos en la piel. Antes no se enfermaban así. Desde que empezaron las fumigaciones con el Plan Colombia, todo ha sido perjuicio", acotó Andrade.

En los centros poblados de General Farfán, Santa Mariana, Chone 2, 5 de Agosto el panorama es similar y los reclamos de los campesinos se multiplican todos los días.

"La yuca se seca hasta la raíz, al igual que el plátano que termina en el suelo; las manos que están cargadas no terminan de engrosarse", comentó Ángel Ortiz, un finquero que llegó desde Loja hace 20 años.

El otro reclamo son las muertes de animales. "Los pollos se pelan y luego se mueren como ahogados. Las vacas y caballos se quedan en huesos en cuestión de días", contó Ortiz.

En los dos lados de la frontera, los agricultores no tienen qué comer. "No tenemos ni para la matrícula en la escuela, nadie ha comprado un solo cuaderno porque no tenemos dinero", aseguró Ortiz.

Para Lourdes Luque, ministra del Ambiente del Ecuador, se han tomado medidas. "Si logramos comprobar que las fumigaciones están causando daños, existe el compromiso del Canciller para plantear una demanda internacional en contra de las fumigaciones".

La Ministra añadió que en dos semanas más se instalará una red de monitoreo ambien-

EL MEOLLO

En las fumigaciones se usa glifosato, un herbicida, pero en una mezcla que eleva su nivel tóxico en 100 veces. El nombre comercial es "Round up".

Críticas desde Estados Unidos

La ONG Alianza Amazónica informó que seis científicos estadounidenses analizaron el informe del Departamento de Estado de Estados Unidos sobre el impacto de la erradicación aérea de coca en el territorio de Colombia.

Las revisiones de los científicos afirman que el informe del Departamento del Estado (D.E.) no demuestra la salud y la seguridad ambiental del programa de la erradicación aérea de la coca.

No obstante, recalca los riesgos y las incertidumbres asociados al programa y no

puede determinar adecuadamente los impactos potenciales a los seres humanos y al medio ambiente.

Los resultados también detallan cómo el informe no satisface las condiciones que se requieren en el Acta 2002 de Apropiaciones en el extranjero. Estas especifican que el D.E. no puede comprar los productos químicos adicionales para el programa de erradicación hasta que se informen al Congreso las actividades que está realizando de acuerdo con controles de los EE.UU. y Colombia.

MÁS DATOS DEL DAÑO

■ **La organización** • El 27 de septiembre se conformó el Comité de Defensa del Corazón Fronterizo frente a las fumigaciones. Está conformado por los representantes de 15 comunidades que viven en la zona de frontera.

■ **Los desplazados** • Aproximadamente 200 familias campesinas y siete comunidades indígenas que desarrollan proyectos de erradicación de cultivos ilícitos en Orito, San Miguel y Puerto Caicedo (Putumayo-Colombia), resultaron afectadas por las fumigaciones con glifosato, según varias ONG.

■ **El apoyo** • EE.UU. financia con 17 millones de dólares anuales el programa de fumigación y aporta más de 1 300 millones de dólares en ayuda económica y militar para financiar el Plan Colombia de "lucha antidrogas".

tal en las zonas de frontera. El objetivo es comprobar si las fumigaciones afectan al territorio ecuatoriano mediante mediciones con instrumentos.

Mientras esta situación se aclara, los campesinos de los dos países están desconcertados. No saben cuándo podrán sembrar nuevamente sus tierras. "Algunos dicen que hay que esperar un año, otros dicen que son cuatro hasta que la tierra se recupere", dijo Segundo Andrade.

El jueves Acción Ecológica presentará un estudio que muestra los impactos que las fumigaciones generan.

Pues se conoce que en las fumigaciones se utilizan un 55 por ciento de agua, 44 por ciento de glifosato y uno por ciento de Cosmo-Flux 411F, un químico utilizado para que el pesticida penetre mejor en las hojas de coca.

Annex 72

“Requesting an End to Fumigations”, EL TIEMPO (Bogotá, 10 Oct. 2002)



EL TIEMPO

10 October 2002

REQUESTING AN END TO FUMIGATIONS

The debate over spraying glyphosate on illegal crops in Colombia has begun to heat up. One week after scientists, U.S. NGOs, and environmental experts criticized the certification by the State Department of aerial eradication in Colombia, the Ombudsman yesterday reported that spraying with herbicide is violating International Humanitarian Law (IHL) and the Colombian legal system.

The Ombudsman, Luis Eduardo Cifuentes, who until yesterday had received 6,553 complaints from farmers, recommended suspending the spraying in Putumayo while performing a thorough evaluation of the implementation of the commitments undertaken by the government, and over thirty thousand signed pacts to voluntarily eradicate 30 thousand hectares of illicit crops in nine municipalities in the department.

He asserted that the Aerial Eradication Program for Illicit Crops, which involved foreign and Colombian staff hired by the U.S. firm DynCorp, is not aware of the environmental management plan of the Ministry of Environment to prohibit the forced eradication in static water bodies and streams in areas of human settlement within Indian reservations and areas of production projects and agreements (see box).

The farmers say they have lost their subsistence crops because of the spraying carried out in late 2001 as far as this year is concerned.

Only in the municipalities of Puerto Asís, Orito and Guamuez Valley, said the Ombudsman, 318 complaints have been known to be filed for causing harm to 6,076 families and 5,034 hectares. The reported damages were caused to properties in which supposedly 100 percent of the coca or at least 70 percent had already been eliminated and where cassava, banana, corn, fruit trees and grass had been planted, he said.

Cifuentes, who denounced a notorious paramilitary presence in the urban areas of middle and lower Putumayo and guerrilla in rural areas, asked the military to ensure public order and respect for human rights and IHL. He said that despite the increased military presence, the conflict continues to increase, adding that in the first seven months of this year there had been 307 homicides, an increase of almost 50 percent over the previous year.

The data is contained in a 42-page ombudsman resolution presented to reporters yesterday at a press conference which made officials of government entities related to the Plan Colombia move to action. When reporters attempted to question them, the program's press office said that none of the firms involved in the Plan knew of the document and a statement would only be released once it had been studied.

Last night, a spokesman for Plan Colombia said that each entity (Plante, Putumayo Plan and the

National Narcotics Council, including others), considered the points separately and would be issuing a joint response today.

The document, which contains a detailed and thorough investigation, questioning the government's compliance with agreements signed with the farmers. It notes that, to date, some 15 months after social pacts were signed, there had been a failure to deliver 26 percent of resources allocated to food security.

These deliveries, which are also severely challenged by farmers and local authorities of Putumayo, were to be met in the first twelve months. Spokesmen for Plan Colombia have agreed, in other , that delivery schedules were delayed due to transportation difficulties in the area, scepticism on the part of farmers and public order problems (several NGO staff who coordinate the projects have been threatened, detained and one was even killed last year in Villa Garzón).

Some of the allegations contained in the document were made during an Ombudsman hearing two weeks ago in Bogotá, and in which the governor of Putumayo, Ivan Gerardo Guerrero, and other local leaders criticized the fumigation and asked for the policy of voluntary eradication pacts to be continued.

The chief executive of the department has stated on numerous occasions that the farmers of Putumayo have proven their willingness to change their illegal crops for legal products and proof of this, explained the official, are the five thousand hectares of coca eradicated by farmers and indigenous people pursuant to the agreements signed with the government.

On September 5th, the spraying had received the approval of the Department of State of the United States as it considered the effect on the population not to be significant. This certification, which was met with severe criticism from scientists and environmentalists, was required by Congress to disburse new resources for the purchase of chemicals used in fumigation.

This year, according to the Plan Colombia, 41 000 hectares have been treated in the municipalities of the middle and lower Putumayo. The mayor of Puerto Asis said that the spraying in areas of legal crops can affect the credibility of the farmers in agreements with government and local administrations.

The Ombudsman said yesterday that the spraying in areas where money has been invested in Plan Colombia may be causing a detriment to public monies. It is not conceivable that on one hand resources are given to provide alternative programs and the other, they are being sprayed. It is a waste of resources, he said.

THE PUTUMAYO PLAN.

In this department of 325 thousand inhabitants, the Colombian government, with U.S. backing, has been developing an offensive for the past two years to end the spraying of illicit crops, interdiction, and social and infrastructure projects.

The Putumayo Plan includes investments of close to 300 billion pesos, in addition to the international resources that are to be used in agreement with some 32 thousand families of farmers and indigenous people.

At the end of 2001, Putumayo had 47 thousand hectares of coca, 19 thousand less than in 2000.

Of the complaints reaching the Ombudsman, the most unusual is that of the 34 growers of palm, who reported the destruction of 51 hectares of the plant, planted with resources from international cooperation. This is considered the most successful alternative development policy industrial project.

PHOTO / Milton Diaz EL TIEMPO

This year we have treated 41,000 hectares of coca in nine municipalities in Putumayo, from airplanes that are supplied with glyphosate in Villa Garzón.

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PIDEN PARAR FUMIGACIONES

El debate por las fumigaciones con glifosato contra cultivos ilícitos en Colombia empieza a caldearse. Una semana después de que científicos y ONG de Estados Unidos, expertos en medio ambiente, criticaron duramente la certificación otorgada por el departamento de Estado a la erradicación aérea en Colombia, la Defensoría de Pueblo denunció ayer que las aspersiones con el herbicida están violando el Derecho Internacional Humanitario (DIH) y el ordenamiento jurídico Colombiano.

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El defensor del pueblo, Luis Eduardo Cifuentes, quien había recibido hasta ayer 6.553 quejas de campesinos, recomendó que se suspendan las fumigaciones en el Putumayo mientras se realiza una evaluación rigurosa del cumplimiento de los compromisos asumidos por el gobierno, y por más de treinta mil firmantes de los pactos para erradicar voluntariamente unas 30 mil hectáreas de cultivos ilícitos en nueve municipios de ese departamento.

Adujo que el Programa de Erradicación Aérea de Cultivos Ilícitos, en el cual participa personal extranjero y colombiano contratado por la firma estadounidense DynCorp, desconoce el plan de manejo ambiental del Ministerio del Medio Ambiente que prohíbe la erradicación forzosa en cuerpos de agua estáticos y corrientes, en zonas de asentamientos humanos, dentro de resguardos indígenas y en áreas de proyectos productivos y de pactos (Ver recuadro).

Los campesinos aseguran haber perdido sus cultivos de pan coger debido a las fumigaciones realizadas a finales del 2001 y en lo que va de este año.

Sólo en los municipios de Puerto Asís, Orito y Valle del Guamuez, dice la Defensoría del Pueblo, se han conocido 318 quejas por la afectación de 6.076 familias y 5.034 hectáreas. Los daños reportados fueron causados en predios en los cuales supuestamente ya se había erradicado el 100 por ciento de la coca o, al menos, el 70 por ciento y donde se habían sembrado cultivos de yuca, plátano, maíz, árboles frutales y pastos, agregó.

Cifuentes, quien denunció una notoria presencia de paramilitares en los cascos urbanos del medio y bajo Putumayo y de la guerrilla en las zonas rurales, pidió a las fuerzas armadas garantizar el orden público y el respeto a los derechos humanos y al DIH. Dijo que a pesar la creciente presencia militar, el conflicto sigue en aumento y añadió que en los primeros siete meses de este año se presentaron 307 homicidios, lo que representa un incremento casi del 50 por ciento con respecto al año anterior.

Los datos están contenidos en una resolución defensorial de 42 páginas entregada ayer a los periodistas en rueda de prensa y que puso a correr a los funcionarios de las entidades oficiales relacionadas con el Plan Colombia. Cuando los reporteros intentaron interrogarlos, la oficina de prensa de ese programa señaló que ninguno de los despachos involucrados en el Plan conocía el documento y que solo habría un pronunciamiento una vez fuera estudiado.

Anoche, un vocero del Plan Colombia dijo que cada entidad (Plante, Plan Putumayo y Consejo Nacional de Estupefacientes, entre otros), estudia por separado los puntos y hoy se emitirá una respuesta conjunta.

El documento, que contiene un detallada y minuciosa investigación, cuestiona el cumplimiento por parte del gobierno en los convenios suscritos con los campesinos. Señala que, a la fecha, unos 15 meses después de haber sido firmados los pactos sociales, falta por entregar el 26 por ciento de los recursos destinados para seguridad alimentaria.

Estas entregas, que también son cuestionadas severamente por los campesinos y autoridades locales del Putumayo, debían cumplirse en los primeros doce meses. Voceros del Plan Colombia han aceptado en otras oportunidades que los cronogramas de entrega sufrieron un retraso debido a dificultades de transporte en la zona, escepticismo por parte de los campesinos y problemas de orden público (varios funcionarios de las ONG que coordinan los proyectos han sido amenazados, retenidos y uno de ellos asesinado el año pasado en Villa Garzón).

Algunas de las denuncias incluidas en el documento, fueron hechas durante una audiencia defensorial realizada hace dos semanas en Bogotá, y en la cual el gobernador del Putumayo, Ivan Gerardo Guerrero, y otros mandatarios locales criticaron la fumigación y pidieron continuar con la política de pactos de erradicación voluntaria.

El primer mandatario del departamento ha señalado en diversas oportunidades que los campesinos del Putumayo han demostrado su voluntad de cambiar sus cultivos ilícitos por productos lícitos y una prueba de ello, ha precisado el funcionario, son las cinco mil hectáreas de coca erradicadas por los campesinos e indígenas dentro de los pactos suscritos con el gobierno.

La fumigación había recibido, el pasado 5 de septiembre, el visto bueno del departamento de Estado de Estados Unidos por considerar que no afecta de manera considerable a la población. Esta certificación, que recibió duras críticas de científicos y ambientalistas, era exigida por el Congreso estadounidense para desembolsar nuevos recursos para la compra de químicos usados en la fumigación.

Este año, según datos del Plan Colombia, se han fumigado 41 mil hectáreas en los municipios del medio y bajo Putumayo. El alcalde de Puerto Asís ha dicho que las fumigaciones en zonas de cultivos lícitos pueden afectar la credibilidad de los campesinos en los acuerdos con el gobierno y en las administraciones locales.

El Defensor opinó ayer que las fumigaciones en zonas donde se ha invertido dinero del Plan Colombia pueden estar causando un detrimento en los dineros públicos. No se entiende como, con una mano se les entrega recursos para facilitar programas alternativos y con la otra se los fumiga. Es un desperdicio de recursos, concluyó.

PLAN PUTUMAYO.

En este departamento de 325 mil habitantes, el gobierno colombiano, con respaldo de Estados Unidos, desarrolla desde hace dos años una ofensiva para acabar con los cultivos ilícitos mediante la fumigación, interdicción y proyectos sociales y de infraestructura. El Plan Putumayo contempla inversiones cercanas a los 300 mil millones de pesos, además de la ejecución de recursos internacionales en pactos con unas 32 mil familias de campesinos e indígenas.

Al finalizar el 2001 el Putumayo tenía 47 mil hectáreas de coca, 19 mil menos que en el 2000.

De las denuncias llegadas a la Defensoría, la más insólita es la de 34 cultivadores de palmito, quienes reportaron la destrucción de 51 hectáreas de esa planta, sembradas con recursos de cooperación internacional. Este es considerado el proyecto industrial más exitoso de la política de desarrollo alternativo.

FOTO/Milton Díaz EL TIEMPO.

Este año se han fumigado 41 mil hectáreas de coca en nueve municipios del Putumayo, desde avionetas que se abastecen de glifosato en la base de Villa Garzón.

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Annex 73

“Fumigations Cause Concern in Putumayo”, EL COMERCIO (Quito, 10 Nov. 2002)



EL COMERCIO

10 November 2002

FUMIGATIONS CAUSE CONCERN IN PUTUMAYO

Bogotá

Authorities in the southern Colombian department of Putumayo, where there is a confluence of poverty, violence, the fight against and U.S. oil interests, worriedly received President Alvaro Uribe's decision to continue the spraying of herbicide on illicit crops.

The provincial governor, Ivan Guerrero, told AFP that the president's statement was met with concern "because it means that the health of our farmers and legal crops will be affected by fumigations."

He added that the people of the Putumayo department bordering Ecuador and Peru, "are completely in agreement with the national government on the need to eradicate illicit crops and to defeat the drug, but do not believe that spraying of herbicides is the most appropriate method."

"Historically, the fumigation has failed to eliminate coca plantations and has only caused people disease, the displacement of settlers and damage to the ecosystem," said Guerrero.

On his part, the lead farmer, Arturo Zuluaga said via telephone from the town of "La Hormiga" (800 km south of Bogota) in the municipality of Putumayo that farmers in the region fear a new round of indiscriminate spraying, such as that which took place two months ago.

"We do not like that Uribe has only one way to combat drug trafficking and that this method is precisely the method that is most detrimental to farming", said Zuluaga, who clamoured for the implementation of a comprehensive and long-term plan for alternative development in the coca zones as a mechanism to defeat the first link of the scourge of drugs.

Farmers in several villages located on the border of Ecuador have also reported that spraying Colombian coca and poppy crops (raw materials for cocaine and heroin) have caused damage to their health and their fields of corn, banana and cassava (manioc).

On Thursday, Uribe, a close U.S. ally in the war on drugs, ruled out the possibility of suspending the fumigation of coca and poppy crops (raw materials for cocaine and heroin) in Putumayo, as requested by the Ombudsman of Colombia, Eduardo Cifuentes, who said that the spraying is affecting human health.

Putumayo, a jungle department of about 325,000 inhabitants, mostly farmers, settlers and indigenous people has also become a scene of guerrilla and paramilitary violence as well as a shelter of a growing poor army, after the fever of coca and oil that attracted thousands of unemployed Colombians a decade ago.

“Here, we witness the spectacle of the rebels and paramilitaries who amidst shootings, fight over several territories and the many farmers and immigrants unable to achieve prosperity in the mirage of coca and oil,” said the Ombudsman of “La Hormiga”, Leandro Romo.

“FARC” insurgents (17,000 troops throughout the country) operate in this region as well as the “ELN” (4,000), and the paramilitary group “Autodefensas Unidas de Colombia” (AUC, 10,000), sworn enemies of the guerrillas. All these groups are considered drug traffickers and terrorists by the U.S.

Putumayo is also the scene of the implementation of Plan Colombia, to fight drugs and the insurgency, for which Washington provides more than 1,300 million dollars in economic and military aid for the framework in which the spraying of coca and poppy areas occurs.

It is estimated that half the department encompasses the more than 160,000 hectares of coca in Colombia, considered by the White House as the largest producer of cocaine and a major supplier of heroin to the United States, the biggest consumer of drugs in the world which also has strong oil interests in the Andean country.

The state-owned company “Empresa Colombiana de Petroleos (Ecopetrol)” and the U.S. private company Argosy Energy operate wells in the town of Orito, Putumayo, near La Hormiga and the border with Ecuador where they are extracting more than 10,000 barrels of oil daily.

Much of the oil extracted in Orito is transported by pipeline to the port of Tumaco (Southwest, on the Pacific Ocean). AFP

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Fumigaciones preocupan en el Putumayo

10/11/2002

Bogotá.

Las autoridades del sureño departamento colombiano de Putumayo -donde confluyen la pobreza, la violencia, la lucha antidrogas y los intereses petroleros de Estados Unidos- recibieron preocupadas la decisión del presidente Alvaro Uribe de mantener la fumigación con herbicidas de los cultivos ilícitos.

El gobernador provincial, Iván Guerrero, dijo a la AFP que la aseveración del presidente fue recibida con preocupación, "porque ello significa que la salud de nuestros campesinos y los cultivos lícitos seguirán siendo afectados por las aspersiones".

Añadió que los habitantes de Putumayo -departamento fronterizo con Ecuador y Perú- "están completamente de acuerdo con el gobierno nacional en que es necesario erradicar las plantaciones ilícitas y derrotar la droga, pero no creen que las fumigaciones con herbicidas sean el camino más adecuado".

"Históricamente la aspersión ha sido un fracaso para eliminar las plantaciones de coca y sólo ha causado enfermedades a las personas, desplazamientos de los colonos y daños al ecosistema", insistió Guerrero.

Por su parte, el dirigente campesino Arturo Zuluaga señaló telefónicamente desde el municipio putumayense de La Hormiga (800 km al sur de Bogotá) que los agricultores de la región temen por una nueva campaña de fumigaciones indiscriminadas, tal como la que se llevó a cabo hace dos meses.

"No nos gusta que Uribe vea una sola forma de combatir el narcotráfico y que esa forma sea precisamente la más nociva para el campesinado", dijo Zuluaga, quien reclamó la ejecución de un plan integral y a largo plazo de desarrollo alternativo en las zonas coccaleras, como mecanismo por derrotar el primer eslabón del flagelo de las drogas.

Los campesinos de varias localidades ecuatorianas localizadas en la frontera también han denunciado que la fumigación de los cultivos colombianos de coca y amapola (materias primas de la cocaína y la heroína) les han causado daños en la salud y en sus plantaciones de maíz, plátano y yuca (mandioca).

Uribe, un estrecho aliado de Estados Unidos en la lucha antidrogas, descartó el jueves la posibilidad de suspender la fumigación de cultivos de coca y amapola (materias primas de la cocaína y la heroína) en Putumayo, tal como lo solicitó el Defensor del Pueblo de Colombia, Eduardo Cifuentes, quien afirmó que las aspersiones están afectando la salud humana.

Putumayo -un departamento selvático de unos 325.000 habitantes, la mayoría campesinos, colonos e indígenas- también se ha convertido en escenario de la violencia guerrillera y paramilitar y en albergue de un creciente ejército de pobres, tras la fiebre de la coca y el petróleo que hace una década atrajo a miles de colombianos desempleados.

"Acá asistimos al espectáculo de los rebeldes y paramilitares que se disputan a tiros varios territorios y de los muchos campesinos e inmigrantes que no pudieron alcanzar la prosperidad en el espejismo de la coca y el petróleo", dijo el Defensor del Pueblo de La Hormiga, Leandro Romo.

En esa región operan los insurgentes de las FARC (17.000 efectivos en todo el país) y el ELN (4.000), así como los paramilitares de las Autodefensas Unidas de Colombia (AUC, 10.000), enemigos acérrimos de la guerrilla. Todos esos grupos son considerados por Estados Unidos como narcotraficantes y terroristas.

Putumayo es también escenario de la aplicación del Plan Colombia de lucha contra las drogas y la insurgencia, al que Washington aporta más de 1.300 millones de dólares en ayuda económica y militar y en el marco del cual se fumigan las zonas coccaleras y amapoleras.

Se estima que ese departamento concentra la mitad de las más de 160.000 hectáreas de coca existentes en Colombia, considerado por la Casa Blanca como el primer productor mundial de cocaína y un importante proveedor de heroína a Estados Unidos, el mayor consumidor de drogas del planeta y con fuertes intereses petroleros en el país andino.

La estatal Empresa Colombiana de Petróleos (Ecopetrol) y la privada estadounidense Argosy Energy operan los pozos de la localidad putumayense de Orito, cercana a La Hormiga y a la frontera con Ecuador y de donde se extraen a diario más de 10.000 barriles de crudo.

Gran parte del petróleo extraído en Orito es transportado por una tubería hasta el puerto de Tumaco (suroeste, sobre el océano Pacífico). AFP

Annex 74

“Glyphosate Rain”, EL TIEMPO (Bogotá, 25 Feb. 2003)



EL TIEMPO

25 February 2003

GLYPHOSATE RAIN

Five hundred “motilón-bari” Indians are hungry and have health problems as a result of the glyphosate spraying that is being carried out by the Narcotics Police in an attempt to eradicate the coca leaf plantations in Catatumbo. In addition, rogue groups operating in the region are constantly entering their territories and abusing them.

The fumigation of about 11 thousand hectares of coca leaf in process since mid-January in Catatumbo has generated protests from these communities, whose leaders claimed that glyphosate affected their guards and reached the Catatumbo Bari National Park, located in five municipalities in northern Santander and considered a nature reserve in the region. But the drama experienced by motilonos not resounded with the national government.

A commission formed by the Parks Unit of the Ministry of Environment, the Ombudsman and the Bureau of Indian Affairs of the Interior, heard and verified the situation they are facing. “We are very concerned, they always perform the spraying in the same direction and it is affecting plantain, cassava and maize, and our community has skin problems,” Ashcayra Arabadora said, representing the Autonomous Council of Bari Chiefs, in Tibú.

The indigenous leader, a spokesman for the 23 communities in the area, said that at this stage of spraying, the planes flew over the area at least three times, the last of which was January 20 - and although the goal is to eliminate illicit crops that settlers have in their lands, it ends up harming the ethnic group.

For his part, Juan Titira, a “motilon” representative, blamed the birth of three children with cleft lip and cleft palate in addition to the increasing cases of tuberculosis on the spraying that took place in 2002. “We need to think twice to hunt tapirs, capybaras and deer or fish, because these animals could have consumed glyphosate and we do not want to continue being sick,” he said.

Damage to food is further complicated by the lack of food reaching the shelters. “It is a violation of human rights that the law has repeatedly deprived us of food supply”, 40 “motilon” leaders denounced in a letter to the Ombudsman's Office and the National indigenous Organization of Colombia (NIOC).

When referring to his relationship with guerrillas and paramilitary groups operating in its area of influence, the “motilonos” added: “We are being abused physically and psychologically, and therefore we request mediation by human rights organizations to dialogue with these groups, so that a solution may be reached to the problem.”

In addition to the complaints of the Indians, over 15 Catatumbo farmers have submitted complaints to the Tibu Ombudsman, due to the effect on cassava crops, corn, banana and papaya, and the presence of skin diseases and dead fish in ponds and the Catatumbo River.

EL TIEMPO searched for General Jaime Augusto Vera Garavito, director of the Narcotics Police, to know the position of the institution over complaints it had received, but there has not been any response to this newspaper's calls.

DAMAGES NOT RECOGNIZED

The personality of the Tibu said the Narcotics Police had never sent the contingency plan to be submitted to the authorities before each stage of fumigation. It added that those affected people would not be recognized for the losses caused to crops by the previous lawful spray as they do not meet the requirements of Resolution 0017 of 2001 as salutorian from DNE.

“The fundamental requirement is the copy of ownership of the property and many people do not have it because the country is still managed on the principle of good faith and people's word. In addition, the complaint must make it only to the personality, and due to economic situations, there are people who cannot make it to Tibú, ”said the official.

The Tibú Mayor, Taiz Ortega, warned that of the more than 200 complaints that were introduced in the previous stage of spraying, in 2002, none were taken into account by the Government. “One drawback is that the resolution warns that another form should be completed by the ICA or Umata and that neither of these organizations exists here. The company Estam Limited, which was created by former officials of the Umata, could check the damages, but they will not visit the area due to the public order situation that has been recorded there, ”said the president.

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LLUVIA DE GLIFOSATO

Medio millar de indígenas motilón-barí tienen hambre y problemas de salud, como consecuencia de las aspersiones con glifosato que adelanta la Policía Antinarcóticos para erradicar las plantaciones de hoja de coca en el Catatumbo. Además, los grupos al margen de la ley que operan en la región ingresan constantemente a sus territorios y los maltratan.

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La fumigación de unas 11 mil hectáreas de hoja de coca que se adelanta desde mediados de enero en la zona del Catatumbo ha generado protestas por parte de estas comunidades, cuyos líderes denunciaron que el glifosato afectó sus resguardos y alcanzó el Parque Nacional Catatumbo Barí, ubicado en cinco municipios de Norte de Santander y considerado una reserva natural en la región. Pero el drama que sufren los motilonos no ha tenido eco en el Gobierno Nacional.

Una comisión conformada por la Unidad de Parques del Ministerio del Medio Ambiente, la Defensoría del Pueblo y la Oficina de Asuntos Indígenas de la Gobernación, los escuchó y verificó la situación que enfrentan. "Estamos muy preocupados, siempre realizan la aspersión en la misma dirección y nos afectan cultivos de plátano, yuca y maíz, y nuestra comunidad tiene problemas en la piel", aseguró Ashcayra Arabadora, delegado del Consejo Autónomo de Caciques Barí, en Tibú.

El líder indígena, vocero de las 23 comunidades asentadas en la zona, sostuvo que en esta etapa de las fumigaciones las avionetas sobrevolaron el área por lo menos tres veces - la última de las cuales fue el 20 de enero- y aunque el objetivo es acabar con los cultivos ilícitos que los colonos poseen alrededor de sus tierras, la etnia termina por perjudicarse.

Por su parte, Juan Titira, representante de los motilonos, responsabilizó a las fumigaciones que se realizaron en el 2002, del nacimiento de tres niños con labio leporino y paladar hendido, además del incremento de casos de tuberculosis. "Ya lo pensamos dos veces para cazar las dantas, venados o chiguiros y también pescar, porque estos animales podrían haber consumido el glifosato y no queremos seguir enfermos", advirtió.

Los daños a los alimentos se complican aún más por la falta de comida que debe llegar a los resguardos. "Es una violación de derechos humanos cuando los grupos al margen de la ley en repetidas ocasiones nos han privado del suministro de víveres", denunciaron 40 líderes motilonos en una carta enviada a la Defensoría del Pueblo y a la Organización Nacional de Indígenas de Colombia (Onic).

Al referirse a su relación con guerrilleros y paramilitares que operan en su zona de influencia, los motilonos agregaron: "Estamos siendo maltratados física y psicológicamente, por lo cual solicitamos mediación de los organismos de derechos humanos para que dialoguen con estos grupos, y se le pueda dar solución a esta problemática".

Las denuncias de los indígenas se suman a las más de 15 que han presentado campesinos del Catatumbo ante la Personería de Tibú, debido a la afectación de sus cultivos de yuca, maíz, plátano y lechoza, además de la presencia de enfermedades en la piel y la muerte de peces en estanques y en el río Catatumbo.

EL TIEMPO buscó al general Jaime Augusto Vera Garavito, director de la Policía Antinarcóticos, para conocer la posición de la institución sobre las denuncias, pero no respondió a los llamados de este periódico.

NO RECONOCEN LOS DAÑOS.

La Personera de Tibú señaló que la Policía Antinarcóticos nunca envió el plan de contingencia que debe presentarse a las autoridades antes de cada etapa de fumigación. Agregó que a las personas afectadas no les reconocieron las pérdidas causadas a los cultivos lícitos por la anterior aspersión porque no cumplen lo exigido en la Resolución 0017 del 2001 de la Dirección Nacional de Estupefacientes.

"El requisito fundamental es la copia de la propiedad del bien y mucha gente no lo tiene porque en el campo todavía se maneja el principio de la buena fe y la palabra. Además, la denuncia deben hacerla sólo ante la personería y por la situación económica hay personas que no pueden venir a Tibú", expresó la funcionaria.

La alcaldesa de Tibú, Taíz Ortega, advirtió que de las más de 200 denuncias que fueron instauradas en la anterior etapa de fumigación, en el 2002, ninguna fue tomada en cuenta por el Gobierno Nacional. "Un inconveniente más es que la Resolución advierte que otro formulario debe ser diligenciado por el ICA o la Umata y aquí no existe ninguna de esas entidades. La empresa Estam Limitada, que fue creada por antiguos funcionarios de la Umata, nos podría hacer esa verificación de los daños, pero ellos no van a la zona por la situación de orden público que allí se registra", indicó la mandataria.

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Annex 75

“Spray Program on Indigenous Territories Is Struggling”, EL TIEMPO (Bogotá, 28 Apr. 2003)



EL TIEMPO

28 April 2003

SPRAY PROGRAM ON INDIGENOUS TERRITORIES IS STRUGGLING

The Constitutional Court's review of a tutelage has president Uribe's administration in suspense, because if the court decides that the plaintiff is right, the Government would be unable to fumigate illegal crops in the 597 Indian reservations in the country, which span over 30 million hectares, almost 28 percent of the national territory.

Although until October of last year it was estimated that there were 11,790 hectares of coca plantations in 105 shelters, and a good part of it was eradicated by spraying during the offensive initiated by the Government in the past four months, the outcome of what is being heard in the Court caused the Minister of Interior, Fernando Londoño Hoyos, to start playing both sides to prevent a decision against the spraying.

On the one hand, and in quite unusual fashion for the Organization of Indigenous Peoples of the Colombian Amazon (OPIAC), on Tuesday, the Minister of Interior invited the leaders of that body to a meeting in his office. The meeting lasted two hours and the head of that organization was conciliatory and willing to meet the Indian's proposals for greater autonomy, generating alternative projects in their territories and revising the programs of Plan Colombia.

The reason?

OPIAC, an organization representing some 300,000 people from 56 indigenous groups of this forgotten region is the author of the Tutelage, filed in July 2001 and on that occasion the court ruled against the Indians, which gave the green light to eradication by aerial spraying in shelter areas.

Fumigation, however, was halted for a fortnight, while the judge of the fifteenth civil circuit court of Bogota made a decision.

The spraying could now be suspended permanently if the Court were to accept the arguments of the OPIAC and Ombudsman, an agency which requested the review of the decision in November last year.

The Government's eagerness regarding the issue seems to be motivated by the proximity of a decision by the Constitutional Court. This Tutelage, which was selected along with others for review from more than two thousand weekly applications has been on the full chamber's agenda three times, but had to be postponed due to lack of time.

A Constitutional Court judge who asked to remain anonymous explained that, initially, this issue would be addressed by one of the judges, but due to its importance for the country, it was decided that a full chamber, the highest ruling body of that court, would be charged with addressing the arguments.

But the minister did not limit himself to trying to soften the position of indigenous people regarding the spraying. Nearly 24 hours after the appointment with Amazon leaders on

Wednesday at 5:30 pm, Minister Londoño Hoyos sent a letter to each of the nine Constitutional Court judges, noting the inconvenience of suspending fumigation.

Certain terms used by the Minister, however, caused friction between the judges. A judge labelled it as undutiful to Canal Caracol last Friday. Another member of that High Court told EL TIEMPO yesterday that there is disagreement, distress and outrage among the judges as the letter leaves the court in a dilemma: it is good if it rules in favor of fumigation and is bad if it rules against it.

One paragraph that caused more anger among the judges stated the following: With such protection, mafias in Colombia and United States, the FARC, the ELN and the illegal self-defense, will hold great festivities, the nation would be plunged into perplexity and doomed to be destroyed by terrorist groups.

We will not answer the letter. The important thing now is that we decide calmly and when it comes time to decide, that we decide, added the judge.

In his letter, the minister described the fact that the process remains in effect after two years as startling, and argues that the Tutelaje is completely devoid of meaning as this is a mechanism designed to achieve immediate protection over fundamental rights that are threatened.

In the request for review, the Ombudsman said that the spraying has affected the Guaviare, Putumayo, Caquetá, Vaupés, Guainía and Amazon indigenous territories.

He adds that the spraying threatens the right of communities to enjoy a healthy environment. The agency cites as example, four cases of indigenous villages of Putumayo, where, he says, the aircraft spraying killed all traditional crops, medicinal gardens, orchards, fish ponds and pastures.
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TAMBALEA FUMIGACIÓN EN TERRITORIOS INDÍGENAS

La revisión de una tutela por parte de la Corte Constitucional tiene en ascuas a la administración del presidente Uribe, pues en caso de que esa corporación le conceda la razón al demandante, el Gobierno quedaría impedido para fumigar cultivos ilícitos en los 597 resguardos indígenas del país, que tienen una extensión superior a los 30 millones de hectáreas, casi el 28 por ciento del territorio nacional.

La revisión de una tutela por parte de la Corte Constitucional tiene en ascuas a la administración del presidente Uribe, pues en caso de que esa corporación le conceda la razón al demandante, el Gobierno quedaría impedido para fumigar cultivos ilícitos en los 597 resguardos indígenas del país, que tienen una extensión superior a los 30 millones de hectáreas, casi el 28 por ciento del territorio nacional.

A pesar de que hasta octubre del año pasado se estimaba en 11.790 las hectáreas de coca sembradas en 105 resguardos, y buena parte de ella fue erradicada mediante aspersión aérea durante la ofensiva que desató el Gobierno en los últimos cuatro meses, la posibilidad que se ventila en la Corte puso al ministro del Interior, Fernando Londoño Hoyos, a jugar a dos bandas con el fin de impedir una decisión en contra de la fumigación.

Por un lado, en un hecho poco usual para la Organización de Pueblos Indígenas de la Amazonía Colombiana (Opiac), el ministro de Interior invitó el martes pasado a los líderes de este organismo a una reunión en su despacho. Dos horas demoró el encuentro en el que el jefe de esa cartera se mostró conciliador y dispuesto a atender las propuestas indígenas para tener mayor autonomía, generar proyectos alternativos en sus territorios y revisar los programas del Plan Colombia.

La razón? La Opiac, una organización que representa a unas 300 mil personas de 56 pueblos indígenas de esa olvidada región, es la autora de la Tutela, interpuesta en julio del 2001, y que en esa oportunidad la justicia fallo en contra de los indígenas, al tiempo que dio luz verde a la erradicación mediante aspersión aérea en zonas de resguardo.

Las fumigaciones, sin embargo, estuvieron paralizadas durante quince días, mientras el juez quince civil del circuito de Bogotá tomaba una decisión.

Ahora las fumigaciones podrían suspenderse en forma definitiva en caso de que la Corte acepte los argumentos de la Opiac y de la Defensoría del Pueblo, organismo que solicitó la revisión del fallo en noviembre del año pasado.

El afán del Gobierno por el tema parece estar motivado por la proximidad de una decisión en la Corte Constitucional. La Tutela, que fue seleccionada junto con otras para su revisión, entre más de dos mil solicitudes que llegan a la semana, ya ha estado tres veces en el orden del día de la sala plena, pero ha debido ser aplazada por falta de tiempo.

Un magistrado de la Corte Constitucional que pidió reserva de su nombre explicó que inicialmente este tema iba a ser tratado por uno de los magistrados, pero que, debido a la trascendencia para el país, se decidió que fuera la sala plena, máximo organismo de ese tribunal, la encargada de asumirlo.

Pero el ministro no solo intentó suavizar la posición de los indígenas respecto a la fumigación. Casi 24 horas después de la cita con los líderes del Amazonas, el miércoles a las 5:30 de la tarde, el ministro Londoño Hoyos envió una carta a cada uno de los nueve magistrados de la Corte Constitucional, señalando la inconveniencia de suspender la fumigación.

Algunos términos usados por el Ministro, sin embargo, causaron escozor entre los magistrados. Es desobligante le dijo un magistrado al Canal Caracol el viernes pasado. Otro miembro de ese alto tribunal le manifestó ayer a EL TIEMPO que existe inconformidad, malestar e indignación entre los magistrados pues la carta trata de poner a la corte en un dilema: es buena si falla en favor de la fumigación y es mala si falla en contra.

Uno de los párrafos que causó mayor molestia entre los magistrados dice: Con una tutela semejante, las mafias de Colombia y de los Estados Unidos, las Farc, el Eln y las autodefensas ilegales, celebrarían grandes festejos; la nación quedaría sumida en la perplejidad y condenada a verse destruida por los grupos terroristas .

No vamos a contestar la carta. Ahora lo importante es que se falle en forma serena y cuando llegue el momento de fallarla, pues la fallamos , agregó el magistrado.

En su carta, el ministro califica de sorprendente el hecho de que el proceso siga vigente después de dos años, y argumenta que carece por completo de sentido que pueda tener lugar la Tutela ya que este es un mecanismo diseñado para conseguir la protección inmediata de derechos fundamentales amenazados.

En la solicitud de revisión, la Defensoría del Pueblo afirma que la fumigación ha afectado territorios de pueblos indígenas del Guaviare, Putumayo, Caquetá, Vaupés, Guainía y Amazonas.

Agrega que las fumigaciones amenazan el derecho de las comunidades de gozar de un ambiente sano. El organismo cita como ejemplo cuatro casos de caseríos indígenas del Putumayo donde, dice, las avionetas fumigadoras acabaron con la totalidad de cultivos tradicionales, jardines medicinales, frutales, estanques piscícolas y potreros.

Así mismo, afirma que las aspersiones aéreas con glifosato amenazan el derecho a la salud, en conexión con el derecho a la vida. Añade que falta implementar medidas preventivas para evitar el daño al medio ambiente y que existe incumplimiento de la normatividad relativa a la prevención, control y vigilancia de factores de riesgo para la salud. En diversas oportunidades, este diario ha publicado quejas de comunidades indígenas de distintas regiones del país por los daños causados por las fumigaciones a sus cultivos. Esto, según las denuncias, ha ocasionado hambre y desplazamiento. Ese fue uno de los puntos que los indígenas de la Opiac discutieron con el ministro del Interior en la reunión del martes pasado. Un directivo de la Opiac precisó que como resultado de esa cita y de otra realizada con la Dirección de Etnias de esa cartera, se creó una mesa regional para debatir los temas relacionados con las comunidades indígenas de la Amazonía y de la Orinoquía, donde hay unos 25 millones de hectáreas de resguardos. Los indígenas han formulado duras críticas a los programas de erradicación creados dentro del Plan Colombia. Dicen que la mitad del dinero se queda en las ONG que administran esos programas, y por lo tanto deben revisarse. Un vocero de la Opiac señaló que en la mesa regional se discutirá con el Gobierno el tema de las entidades territoriales indígenas, con cuya creación se le entregaría a las comunidades autonomía para ejercer control en su territorio y administrar la educación, la salud y los recursos naturales, de acuerdo con sus usos y costumbres. El Congreso lleva diez años discutiendo sobre este tema y no ha podido revolverlo, dice el dirigente de la Opiac, quien prefiere omitir su nombre debido a que, según dice, esa organización solo se pronunciará en forma oficial después de que se conozca el fallo de la Corte Constitucional.

Añade que aunque los ofrecimientos del ministro hacen prever que Gobierno e indígenas podrán trabajar juntos en la erradicación de los cultivos ilícitos, no retirarán la solicitud de la Corte pues eso sería ir en contra de sus comunidades.

FOTO/AP.

Los guambianos del Cauca (foto) han desarrollado programas de erradicación manual de cultivos ilícitos.

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Annex 76

“We Will Continue To Fumigate While I Am President”, EL TIEMPO (Bogotá, 30 June 2003)



EL TIEMPO

30 June 2003

WE WILL CONTINUE TO FUMIGATE WHILE I AM PRESIDENT

“I am very sorry/ashamed, but while I am president, we will not suspend the fumigation”. This is how Alvaro Uribe responded to a peasant from Orito (Putumatyo) in reference to the decision of the Tribunal of Cundinamarca to order the temporary suspension of the fumigations of narcoplantations with glyphosate, while the effects on the human health and the environment are being studied.

[...]

The chief of state was in Putumayo to launch his safety plan and make the first payments to families that have abandoned coca in order to become forest rangers.

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FUMIGAREMOS MIENTRAS YO SEA PRESIDENTE

Me da mucha pena, pero mientras yo sea presidente, no vamos a suspender la fumigación . Así le contestó ayer Alvaro Uribe a un campesino de Orito (Putumayo), en alusión a la decisión del Tribunal de Cundinamarca de ordenar la suspensión temporal de las fumigaciones con glifosato de narcocultivos, mientras se estudian sus efectos sobre la salud humana y el medio ambiente.

Me da mucha pena, pero mientras yo sea presidente, no vamos a suspender la fumigación . Así le contestó ayer Alvaro Uribe a un campesino de Orito (Putumayo), en alusión a la decisión del Tribunal de Cundinamarca de ordenar la suspensión temporal de las fumigaciones con glifosato de narcocultivos, mientras se estudian sus efectos sobre la salud humana y el medio ambiente.

El mandatario estuvo en Putumayo para lanzar su cartilla de seguridad y hacer los primeros pagos a las familias que abandonaron la coca para convertirse en guardabosques.

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“Anti-drug plane shot down, U.S. says”, CHICAGO TRIBUNE (Chicago, 23 Sept. 2003)



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Anti-drug plane shot down, U.S. says; [Chicago Final Edition]

Items compiled from Tribune news services. **Chicago Tribune**. Chicago, Ill.: Sep 23, 2003. pg. 6

Abstract (Summary)

A U.S. government plane apparently was shot down, resulting a crash over the weekend that killed the pilot who was on an anti- drug mission, a spokesman for a U.S. company confirmed Monday.

Full Text (139 words)

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A U.S. government plane apparently was shot down, resulting a crash over the weekend that killed the pilot who was on an anti- drug mission, a spokesman for a U.S. company confirmed Monday.

The State Department sent a statement to DynCorp., a federal contractor, saying "preliminary information indicates the aircraft was struck by hostile ground fire," company spokesman Chuck Wilkins said.

Mario Alvarado, a Costa Rican, was killed in Sunday's crash of the OV-10 plane about 280 miles northeast of Bogota, Wilkins said.

DynCorp of Reston, Va., is contracted by the State Department to fumigate coca crops, used to produce cocaine, in Colombia.

Alvarado worked for a second U.S. company subcontracted by DynCorp in the anti-narcotic effort but which asked not to be named, Wilkins said.

Alvarado was the sixth U.S. government contract employee killed in Colombia this year.

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Annex 78

“Billard Shot on Three Fronts”, EL TIEMPO (Bogotá, 13 Nov. 2003)



EL TIEMPO

13 November 2003

BILLIARD SHOT ON THREE FRONTS

With the ingredients of a billiard shot on three fronts, although lacking the precision of the great billiards masters, the replacement of the minister of Environment, Housing and Development, Cecilia Rodríguez, who had a mediocre performance, by the Plan Colombia director, Sandra Suárez, the departure of Germán Bula of the Colombian Agency for International Cooperation (ACCI), and the fusion of this body with the Plan Colombia in a High Council for Social Action, are three measures that have awakened a number of questions.

The challenge that Minister Suárez is facing is great, with only 15 months of experience in public service and specialized in marketing, she is now heading this triple charge. As if the duties in connection with Housing and Development Ministries were not enough, the charge also includes the vast subject of the environment, which has been key and ultimately, controversial, and which requires urgent attention and deep knowledge. In addition, for environmentalists, it does not seem to be the best sign to send someone of Plan Colombia (whose aerial spraying has been the subject of controversy) to take charge of this area. The country is awaiting a change in direction with respect to environmental matters and it is not clear whether the new minister has the capacity and experience to implement such change.

If national doubt exists about this new appointment, the merger of the ACCI with Plan Colombia, despite the social labels given to the new unit, can produce serious concern among international parties. It is doubtful that Europe will view favorably the union under one roof of all American aid, part of the war plan against drug trafficking and the guerrilla, with the funding that the donors and other foreign financiers have put forth for peace, human rights and development, through the ACCI. Has the Government thought through the cannon/billiard shot effect of its decision? Yes, in addition, the new Council includes, as has been mentioned, the Network of Social Solidarity, in charge of providing attention to those displaced and the victims of violence, there is a risk of creating one of those white elephants that create more problems than they resolve. This is a risk that the Minister Suarez must also deal with in her new charge. By trying to cram into a single Ministry, hopefully we will not end up with the environmental, housing and development policies in limbo.

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CARAMBOLA A TRES BANDAS

Con los ingredientes de una carambola a tres bandas, aunque sin la precisión de los grandes maestros del billar, el reemplazo de la ministra de Medio Ambiente, Vivienda y Desarrollo, Cecilia Rodríguez, de gris desempeño, por la directora del Plan Colombia, Sandra Suárez; la salida de Germán Bula de la Agencia Colombiana de Cooperación Internacional (ACCI), y la fusión de este organismo con el Plan Colombia en una Alta Consejería para la Acción Social, son tres medidas que despiertan no pocos interrogantes.

Es grande el desafío que tiene la ministra Suárez, con apenas 15 meses de experiencia pública y especializada en mercadeo, al frente de esa triple cartera. La cual, como si vivienda y desarrollo no bastaran, incluye el vasto tema del medio ambiente, clave y últimamente de capa caída, que requiere urgente atención y serios conocimientos. Para los ambientalistas, además, no parece la mejor de las señales enviar a alguien del Plan Colombia (cuyas fumigaciones han sido motivo de polémica) a ocuparse de esta área. El país está en mora de un timonazo en materia ambiental y no está claro si la nueva Ministra tenga las capacidades y la experiencia.

Si a nivel nacional hay duda ante este nuevo nombramiento, la fusión de la ACCI con el Plan Colombia, por más etiquetas sociales que se le pongan a la nueva dependencia, puede producir serias inquietudes a nivel internacional. Es dudoso que en Europa sea visto con buenos ojos reunir bajo un solo techo la ayuda norteamericana, parte del plan de guerra contra el narcotráfico y la guerrilla, con los fondos que las mesas de aportantes y otros financiadores extranjeros, a través de la ACCI, ponían para paz, derechos humanos y desarrollo. Habrá pensado el Gobierno en este efecto de carambola de su decisión? Si, además, la nueva Consejería incluye, como se ha mencionado, a la Red de Solidaridad Social, encargada de la atención a los desplazados y las víctimas de la violencia, se corre el riesgo de crear uno de esos elefantes blancos que generan más problemas que los que resuelven. Este es un riesgo con el que también deberá lidiar la ministra Suárez en su nuevo cargo. Por tratar de abarcarlas en un solo Ministerio, ojalá no terminemos con las políticas de medio ambiente, vivienda y desarrollo sumidas en la horfandad.

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Annex 79

“Suarez new Environment Minister as Rodriguez Quits”, BUSINESS NEWS AMERICAS
(14 Nov. 2003)



 [Printer-friendly version](#)

Suarez new Environment minister as Rodriguez quits - Colombia

Friday, November 14, 2003

Colombia has a new minister of environment, housing and territorial development following the resignation Tuesday of Cecilia Rodriguez Gonzalez-Rubio after 15 months in the post.

Sandra Suarez, 34, her replacement, is the director of Plan Colombia, a former director of marketing at cellular telephone firm Ocel, and was part of president Uribe's campaign team.

In her first comments about her new job, Suarez highlighted bringing potable water to millions of Colombians and the intensification of housing programs as priorities, El Tiempo reported.

Rodriguez' resignation follows those of the interior and justice minister Fernando Londono and defence minister Marta Lucia Ramirez in what has been labeled a ministerial crises, according to the newspaper.

The ministry of environment, housing and territorial development was created in February this year by the fusion of the environment and economic development ministries.

Business News Americas



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Annex 80

“EU criticises Colombia on rights”, BBC (London, 22 Jan. 2004)



EU criticises Colombia on rights

The EU has indirectly rebuked the Colombian Government over radical anti-terror laws, asking it to respect the rule of law in its grinding civil war.

But Chris Patten, EU commissioner currently on a South America tour, said he was supportive of the fight against terror "in principle".

He also criticised the US-backed drive to eradicate coca production, Plan Colombia, saying it was ineffective.

Human rights groups have welcomed Mr Patten's comments.

Emergency powers

"The best way to fight terrorism and the best way of achieving long-term stability is always to operate within the rule of law," Mr Patten told a news conference in the capital Bogota.

But he acknowledged that few European countries had had to fight problems as "substantial" as those faced by the Colombian authorities.

The government is trying to quash a decades-long insurgency by leftist guerrillas, violently opposed by right-wing paramilitaries.

Colombia's congress approved emergency powers for the military, including the right to make arrests without warrants, tap phones and collect evidence in war zones.

Critics say these powers are often abused, and that the new laws are used as cover to commit human rights abuses.

Mr Patten was more directly critical of Plan Colombia - a drug eradication plan backed by military hardware and \$3bn from the United States since its launch in 2000.

He said aerial spraying of the coca plant - the raw ingredient of cocaine - with herbicides was "not effective".

The spraying, he said, "affects other crops, and harms health and the environment".

Coca resistance

The EU has refused to join Plan Colombia, choosing instead to promote social programmes. During his visit Mr Patten has announced \$54m in aid.

Andy Higgenbottom, of the UK-based group Colombia Solidarity, said he applauded Mr Patten's comments.

Coca leaves - evolved to withstand the harsh Andean climate - were often more resistant to spraying than other crops, he told BBC News Online.

By destroying food crops, he said, the spraying programme often ended up displacing peasant farmers.

Annex 80

"If the US was seriously interested in stopping the cocaine supply," said Mr Higgenbottom, "they would attack the cocaine supply chain at higher levels - such as the laboratories where the plant is refined".

Story from BBC NEWS:

<http://news.bbc.co.uk/go/pr/fr/-/2/hi/americas/3420053.stm>

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Annex 81

“More Refugees As a Result of Fumigations Along the Border”, EL UNIVERSO
(Guayaquil, 8 Feb. 2007)



EL UNIVERSO

8 February 2007

MORE REFUGEES AS A RESULT OF FUMIGATIONS ALONG THE BORDER**Confirmation. The fumigations were conducted between 3 and 5 kilometers from Ecuador.**

Captain Eduardo Vega, chief of the Naval Operations Command, North of Esmeraldas, Coopno, confirmed yesterday that six Colombian aircraft, escorted by an equal number of armed helicopters, carried out aerial spraying of coca plantations on Colombian soil, at a distance of between 3 and 5 kilometers from the border with Ecuador, near the Ecuadorian town of Mataje, in the San Lorenzo district.

Mataje villagers complained that the fumigations began last Friday and armed Colombian helicopters had previously conducted low flights in the area. "There were many helicopters flying at low altitudes, and then the planes came and started spraying very close to the Mataje River," said Julio Tenorio, who resides in the area.

The people of Mataje denounced this to the Infantry Battalion No. 11 based in San Lorenzo and a military deployment for security was ordered in the village.

Captain Eduardo Vega notified his superiors, while in Mataje, fears of poisoning increased much more when a dozen children displayed rashes.

Villagers say that all this is the result of spraying carried out on Colombian soil.

And one effect of these [fumigations] is the displacement of Colombians to San Lorenzo. They claim they come to Ecuador because all their crops have been destroyed by the use of glyphosate in aerial spraying.

Last Tuesday, Colombian Marcelo Diaz, with his wife, three sons and one of his brothers, came to the village of Mataje and sought refuge from the inhabitants of that place.

Diaz said that living on Colombian soil has become dangerous and he has been left in ruin because his cocoa crops have been completely destroyed by aerial spraying conducted by the Army.

AGREEMENT: Main points**Suspension**

In December 2005 Colombia agreed to the temporary discontinuation of spraying and it was approved this activity being carried out 10 kilometres into Colombian territory from the border.

Breach

In November 2006, spraying resumed with a predetermined schedule without any communication to Ecuador, who heralded international demands to pressure Colombia to discontinue immediately.

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Más refugiados por las aspersiones en la frontera

Confirmación. Las fumigaciones se efectuaron a 3 y 5 kilómetros del Ecuador.

Seis aeronaves colombianas, escoltadas por igual número de helicópteros artillados, realizaron fumigaciones de plantaciones de coca en suelo colombiano, a una distancia de entre 3 y 5 kilómetros de la línea de frontera con Ecuador, frente al poblado ecuatoriano de Mataje, en el cantón San Lorenzo, confirmó ayer el capitán Eduardo Vega, jefe del Comando de Operaciones Navales Norte de Esmeraldas, Coopno.

Pobladores de Mataje denunciaron que las aspersiones empezaron el pasado viernes y que previamente helicópteros colombianos artillados realizaron vuelos rasantes por la zona. "Hubo muchos helicópteros volando a baja altura, luego vinieron las avionetas y empezaron a fumigar muy cerca del río Mataje", dijo Julio Tenorio, quien reside en la zona.

Los habitantes de Mataje denunciaron el hecho al Batallón de Infantería número 11 con sede en San Lorenzo y se ordenó el desplazamiento militar de seguridad en el poblado.

El capitán Eduardo Vega notificó a sus superiores, mientras que en Mataje los temores de un envenenamiento se incrementaron, mucho más cuando una decena de niños presentaron erupciones en la piel.

Los habitantes del poblado aseguran que todo ello es producto de las aspersiones que se realizan en suelo colombiano.

Y un efecto de ellas es el desplazamiento de colombianos a San Lorenzo. Ellos aseguraron que vienen al Ecuador debido a que todos sus sembríos han sido arrasados por el uso de glifosato en las aspersiones aéreas.

El pasado martes el colombiano Marcelo Díaz, junto a su esposa, sus tres hijos y uno de sus hermanos, llegó al poblado de Mataje y pidió refugio a los pobladores de ese lugar.

Díaz contó que vivir en suelo colombiano se ha vuelto peligroso y que se ha quedado en la ruina, ya que sus cultivos de cacao han sido completamente destruidos por las fumigaciones que realiza el Ejército.

ACUERDO: Puntos principales

Suspensión

En diciembre del 2005 se acordó con Colombia la suspensión temporal de las fumigaciones y se ratificó que esta actividad se realice a 10 kilómetros hacia territorio colombiano desde la frontera común.

Violación

En noviembre del 2006 se reanudaron las aspersiones con un cronograma preestablecido sin que se haya comunicado al Ecuador, que anunció demandas internacionales para presionar a Colombia a la suspensión inmediata.

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Annex 82

“Colombia Announces Ceasing of Fumigations to Ease Relations with Quito”,
EL UNIVERSAL.COM (Caracas, 9 Feb. 2007)



EL UNIVERSO.COM

9 February 2007

COLOMBIA ANNOUNCES CEASING OF FUMIGATIONS TO EASE RELATIONS WITH QUITO

Bogota. - On Friday, Colombia announced the discontinuation of spraying with the herbicide glyphosate on the border with Ecuador, a decision that aims to ease bilateral relations marked by surprises, which has been welcomed by the government of Rafael Correa, AFP reported.

On Friday evening, the Colombian President Álvaro Uribe announced that “the Foreign Minister (María Consuelo Araújo) has informed the Ecuadorian government of the discontinuation of spraying in the border. We hope that this is well received in Ecuador”.

Hours earlier, Araújo had issued the decision: “Yesterday (Thursday) we ceased spraying activities (on coca and poppy crops) and on 12 February we will start manual eradication together with 1,200 farmers who, of course, we must care for”, she said.

Relations between Ecuador and Colombia were affected after Bogotá resumed fumigations in the border area, which, according to Quito, violated an agreement by which President Álvaro Uribe pledged to inform his counterpart, Rafael Correa, in advance of these operations.

“The agreement of the Presidents Uribe and Correa is clear in that once Colombia requires beginning fumigation work in this area (border), inspectors determined by those countries will be used”, concluded the Foreign Minister of Colombia.

Minister Araújo stated that manual eradication will take place in the southern departments of Nariño and Putumayo. “This is included as part of the manual eradication task of 45,000 hectares that Uribe’s government has set as this year’s goal,” she said.

The announcement was well received in Ecuador, whose foreign minister, María Fernanda Espinosa, emphasized Colombia’s “change of attitude”. “Now Colombia has really changed its attitude, having said it will suspend the fumigations. I have asked them to send this notification in writing,” she said.

“I understand that aerial spraying has been suspended as of today,” added the Ecuadorian minister.

Ecuador rejects border spraying with the herbicide glyphosate since it harmful to both human health and the ecosystem, while Colombia defends it on the grounds that [coca] is the main source of funding for leftist guerrillas, while at the same time assuring that the chemical is harmless.

Quito had announced a diplomatic offensive to build solidarity in Latin America in its claim to Colombia to cease aerial spraying of drug crops in the common border and a lawsuit against

Bogotá before the tribunal in The Hague and the Inter-American Court of Human Rights.

Since 15 December, Ecuador has called its ambassador in Bogota to hold discussions and, on Wednesday, it lodged a protest note with respect to continuation of the fumigations.

Colombia alleges that the discontinuation of spraying with glyphosate on the border had allowed drug traffickers to intensify their crops in the area and even its police stated that there are now plantations of coca in Ecuadorian territory.

Colombia anuncia cese de fumigaciones para distender relación con Quito

Bogotá.- Colombia anunció el viernes la suspensión de las fumigaciones con el herbicida glifosato en la frontera con Ecuador, decisión recibida con beneplácito por el gobierno de Rafael Correa y que apunta a distender las relaciones bilaterales marcadas con sobresaltos, informó AFP.

"La señora canciller (María Consuelo Araújo) ha informado al gobierno ecuatoriano sobre el cese de las fumigaciones en la frontera. Esperamos que Ecuador reciba esto bien", anunció la tarde del viernes el presidente colombiano, Álvaro Uribe.

Horas antes, Araújo había hecho pública la decisión: "el día de ayer (jueves) cesamos las actividades de fumigación (de cultivos de coca y amapola) y el 12 de febrero comenzamos la erradicación manual con 1.200 campesinos a quienes, por supuesto, debemos cuidar", dijo.

Las relaciones entre Ecuador y Colombia se vieron afectadas luego de que Bogotá reanudó las aspersiones en la zona limítrofe, según Quito violando un acuerdo por el cual el presidente Álvaro Uribe se comprometió con su homólogo Rafael Correa a informarlo previamente de esos operativos.

"El acuerdo de los presidentes Uribe y Correa es claro en que una vez Colombia requiera iniciar trabajos de fumigación en esa zona (frontera) se utilizarán los inspectores que esos países determinen", concluyó la canciller colombiana.

La ministra Araújo comentó que la erradicación manual se llevará a cabo en los sureños departamentos de Nariño y Putumayo. "Eso se enmarca dentro de la tarea de 45.000 hectáreas de erradicación manual que tiene como meta el gobierno de Uribe para este año", dijo.

El anuncio tuvo buen recibo en Ecuador cuya canciller, María Fernanda Espinosa, destacó el "cambio de actitud" de Colombia. "Ahora realmente Colombia ha cambiado de actitud, ha dicho que va a suspender las fumigaciones, yo le he pedido que nos haga esa notificación por escrito", dijo.

"Entiendo que las aspersiones aéreas están suspendidas desde hoy", agregó la funcionaria ecuatoriana.

Ecuador rechaza las aspersiones en la frontera con el herbicida glifosato por considerarlo nocivo para la salud y el ecosistema, mientras que Colombia las defiende por considerar que son la principal fuente de financiación de las guerrillas izquierdistas, al tiempo que asegura que el químico es inocuo.

Quito había anunciado una ofensiva diplomática para lograr la solidaridad de América Latina en su reclamo a Colombia para que cesara las fumigaciones aéreas de narcocultivos en la frontera común y una demanda contra Bogotá ante el Tribunal de La Haya y la Corte Interamericana de Derechos Humanos.

Desde el 15 de diciembre, Ecuador llamó a consultas a su embajador en Bogotá y el pasado miércoles presentó una nota de protesta por la continuación de las fumigaciones.

Colombia alega que la suspensión de la fumigación con glifosato en la frontera había permitido a los narcotraficantes intensificar sus cultivos en la zona e incluso su policía señala que ahora existen sembradíos de hoja de coca en territorio ecuatoriano.

Annex 83

“Colombia Sprayed Within 1 km of the Border”, EL UNIVERSO (Guayaquil, 10 Feb. 2007)



EL UNIVERSO

10 February 2007

COLOMBIA SPRAYED WITHIN 1 KM OF THE BORDER***Four Colombian planes sprayed yesterday at 1 km from the Mataje river.***

The recording of new fumigations one kilometer from the Ecuadorian border contradicts the announcement made yesterday by the Colombian government which reported that spraying had ended on Thursday.

While the Ecuadorian Foreign Minister, María Fernanda Espinoza, affirmed in Tena that thanks to the regime's "strong and intolerant" stance, Colombia decided to suspend fumigations, Navy personnel yesterday observed that four planes, escorted by five helicopters, sprayed the area of Mataje (Esmeraldas).

The action took place less than one kilometer from the border, near the Mataje River, at 10:00. A similar event occurred last Thursday.

"Yesterday (Thursday) we ceased spraying activities and on 12 February we will start manual eradication together with 1,200 farmers who, of course, we must care for", the Colombian Foreign Minister, Maria Consuelo Araujo, announced to the press, according to AFP news.

Captain Eduardo Vega, head of Northern Command Operations (Coopno), said Navy personnel witnessed the spraying and that he had informed the High Command yesterday regarding the matter.

On Thursday, five helicopters escorting the same number of planes sprayed glyphosate in Colombia, on coca plantations located 3 kilometers from the boundary line. The process began at 14:00 and lasted until 15:30.

Meanwhile, yesterday, four fumigation planes, escorted by five helicopters, returned to fumigate near Mataje and according to witnesses, the aircraft dropped their load at a distance no greater than 1 km from the Mataje River, the natural border that divides the two countries.

"First, the helicopters came, flying at low altitudes and then, the planes came, coming within 500 meters of the river in the Colombian territory," said one witness who managed to record the fumigations.

Last week, half a dozen planes conducted fumigations 5 kilometers from the town of Mataje, which were repeated during Thursday and Friday.

Alejandro Villa, a fisherman of that village stated that children already have skin problems and there is a conjunctivitis epidemic.

María Consuelo Araújo:

Colombia's Foreign Minister

"Yesterday (Thursday) we ceased spraying activities."

María Fernanda Espinosa:

Foreign Minister of Ecuador

"Colombia has changed its attitude, having said they will stop spraying."

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EL UNIVERSO

Sábado 10 de febrero del 2007

Colombia fumigó a 1 km de la frontera

Cuatro avionetas colombianas fumigaron ayer a 1 km del río Mataje.

El registro de nuevas fumigaciones a un kilómetro de la frontera ecuatoriana desvirtuó ayer el anuncio del gobierno colombiano que informó que las aspersiones culminaron el jueves pasado.

Mientras la canciller ecuatoriana, María Fernanda Espinoza afirmó en Tena que gracias a la posición "firme e intolerante" del régimen, Colombia decidió suspender las aspersiones, en Mataje (Esmeraldas), personal de la Armada observó ayer a cuatro avionetas que, escoltadas por cinco helicópteros, fumigaban la zona.

La acción se realizó a menos de un kilómetro de la frontera, cerca del río Mataje, a las 10:00. Un evento similar ocurrió el jueves pasado.

"El día de ayer (jueves) cesamos las actividades de fumigación y el 12 de febrero comenzamos la erradicación manual con 1.200 campesinos a quienes, por supuesto, debemos cuidar", anunció a la prensa la canciller colombiana María Consuelo Araujo, según la agencia de noticias AFP.

El capitán Eduardo Vega, jefe del Comando de Operaciones Norte (Coopno), dijo que personal de la Armada fue testigo de las fumigaciones y que ayer mismo se informó al Alto Mando sobre el tema.

El jueves, cinco helicópteros que escoltaban a igual número de avionetas esparcieron en Colombia glifosato, en plantaciones de coca ubicadas a 3 kilómetros de la línea de frontera. El proceso se inició a las 14:00 y se prolongó hasta las 15:30.

Mientras que ayer, cuatro avionetas fumigadoras, escoltadas por cinco helicópteros, volvieron a fumigar frente a Mataje y según los testigos, las aeronaves dejaron caer su carga a una distancia no mayor a 1 km del río Mataje, límite natural que divide a los dos países.

"Primero aparecieron los helicópteros que volaban a baja altura y luego vinieron las avionetas, pasaron a menos de 500 metros del río, en el territorio colombiano", manifestó uno de los testigos que logró filmar las aspersiones.

La semana anterior, media docenas de avionetas realizaron fumigaciones a 5 kilómetros del poblado de Mataje, las que se repitieron durante el jueves y viernes.

Alejandro Villa, un pescador de esa localidad aseguró que los niños ya tienen problemas en la piel y hay una epidemia de conjuntivitis.

**María Consuelo Araújo:
Canciller de Colombia**

"El día de ayer (jueves) cesamos las actividades de fumigación".

**María Fernanda Espinosa:
Canciller de Ecuador**

"Colombia cambió de actitud, han dicho que van a suspender las fumigaciones".

Annex 84

“Fishermen in Esmeraldas Fear Spraying with Glyphosate Affects Mangroves”, EL UNIVERSO
(Guayaquil, 20 Feb. 2007)



EL UNIVERSO

20 February 2007

FISHERMEN IN ESMERALDAS FEAR SPRAYING WITH GLYPHOSATE AFFECTS MANGROVES

The artisanal fishermen of the province are concerned about the effects that may be caused by sprayings with glyphosate conducted near the Ecuadorian village of Mataje, on the border with Colombia, and announced that they will ask the National Federation of Artisanal Fishermen of Ecuador to start legal proceedings against that country.

According to the Colombian government, the spraying ended this past February 8th.

Ovidio Quiñónez, president of the "Unión de Cooperativas Pesqueras de Esmeraldas" (*Cooperative Fisheries Union of Esmeraldas*) (Uprocoopes), said they fear that the mangrove reserves in the north of Esmeraldas are affected by the herbicide, since it is raining heavily in the area; "the soil is washed away, carrying the remnants of the poison into the river that leads to the sea," he said.

"The only natural laboratory we have in Esmeraldas, which is the northern mangroves, and which is key to breeding and maintaining the ecosystem, is being seriously affected and consequently fishing will decrease in a very short time," warns Quiñónez.

He said that fishermen in Esmeraldas will present this study during the national meeting of artisanal fishermen to be held on 27 and 28 February in the city of Guayaquil.

"In Esmeraldas, we have already begun to feel the effects of spraying, since the Mataje river flows directly into the sea in the northern zone and we are in the season for red snapper catch, the poison just alienates all coastal species and kills the larvae, as it is in this area that females lay their eggs", he noted.

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EL UNIVERSO

Martes 20 de febrero del 2007

Pescadores temen en Esmeraldas que la aspersión con glifosato afecte manglares

Los pescadores artesanales de la provincia se muestran preocupados por los efectos que podrían ocasionar las fumigaciones con glifosato realizadas cerca del poblado ecuatoriano de Mataje, en la frontera con Colombia, y anunciaron que pedirán a la Federación Nacional de Pescadores Artesanales del Ecuador iniciar acciones legales contra ese país.

Según el Gobierno colombiano, las aspersiones concluyeron el pasado 8 de febrero.

Ovidio Quiñónez, presidente de la Unión de Cooperativas Pesqueras de Esmeraldas (Uprocoopes), dijo que temen que las reservas de manglar del norte de Esmeraldas sean afectadas por el herbicida, ya que en la zona está lloviendo mucho; "el suelo se lava, arrastrando los restos del veneno al río que los lleva al mar", expresó.

"El único laboratorio natural que tenemos en Esmeraldas, que son los manglares del norte, clave para la reproducción y mantener el ecosistema, está siendo gravemente afectado y consecuentemente disminuirá la pesca en muy corto tiempo", advirtió Quiñónez.

Aseguró que los pescadores de Esmeraldas presentarán esta ponencia en el desarrollo del encuentro nacional de pescadores artesanales que se realizará los días 27 y 28 de febrero en la ciudad de Guayaquil.

"En Esmeraldas ya empezamos a sentir los efectos de las fumigaciones, puesto que el río Mataje desemboca directamente al mar en la zona norte y estamos en la época de la captura del pargo rojo, este veneno aleja a todas las especies de las costas y mata a las larvas, ya que es en este sector donde desovan las hembras", señaló.

Annex 85

“Putumayo: Governor Denounces Fumigations”, HOY (Quito, 29 July 2007)



HOY

29 July 2007

PUTUMAYO: GOVERNOR DENOUNCES FUMIGATIONS

In Puerto Leguízamo (Putumayo) next to Sucumbíos, the governor of Putumayo, Jesús Fernando Checa Mora, complained to the Foreign Minister of Colombia, Fernando Araujo, that the army has made mistakes in the fumigation of illicit crops in that region of Colombia.

Aircrafts fumigated in areas where manual eradications had been planned. The damages caused to legal crops were causing economic crisis and displacement of the population, he said.

Checa further notes that he received information from Orito, Valle del Guamuez and San Miguel, that fumigations are being carried out on 4,500 hectares of already eradicated crops. (VM)

GMT Time: // - 19:00**Source:** Journal HOY**City** Quito

Updated by: Hoy Online

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[Putumayo: gobernador denuncia fumigaciones](#)

Publicado el 29/Julio/2007 | 00:00

En Puerto Leguízamo (Putumayo) frente a Sucumbíos, el gobernador del Putumayo, Jesús Fernando Checa Mora, denunció ante el canciller de Colombia, Fernando Araújo que el ejército ha cometido errores en la fumigación de cultivos ilícitos en esa región colombiana.

□ Se fumiga con avioneta en zonas en las que se había previsto la erradicación manual. Los daños causados a los cultivos legales causaron crisis económica y desplazamiento de la población□ , dijo.

Checa señala, además, que recibió información desde Orito, Valle del Guamuez y San Miguel, de que se realizan aspersiones en 4 mil 500 hectáreas de cultivos ya erradicados. (VM)

Hora GMT: 29/Julio/2007 - 05:00

Fuente: Diario HOY

Ciudad Quito

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Annex 86

“A Constitution Appeal Is Ordered In San Jorge: A Judge Recognizes the Risk of Glyphosate Fumigations”, ENTRE RIOS ENTRE TODOS (Entre Rios, 13 Apr. 2009)



ENTRE RÍOS ENTRE TODOS

13 April 2009

A CONSTITUTIONAL APPEAL IS ORDERED IN SAN JORGE (SANTA FE): A JUDGE RECOGNIZES THE RISK OF GLYPHOSATE FUMIGATIONS

Judge Tristan Martínez sustained a constitutional appeal brought by neighbors of the Santa Fe area of San Jorge, prohibiting aircraft from spraying fields at less than 1,500 meters from urban housing. If fumigation is conducted by land, the distance cannot be less than 800 meters. The judge considered these practices to “have severe consequences for the health of the children” of those who filed the constitutional appeal.

Several rural villages, in which rare diseases and more cases of cancer and miscarriages than usual had appeared in the last decade, had tried to do this. After ten years of silent expansion, the darkest side of the soy boom is becoming visible. The crop, which enabled Argentina to deal with the most serious economic crisis of the last fifty years, has a dreadful side effect that scientists and officials no longer deny: the agrochemicals used to obtain higher yields in soybean plantations cause diseases, birth defects and spontaneous miscarriages among populations subject to fumigation. Six hundred people in the country’s most fertile areas have been sprayed with pesticides since 1995. And its inhabitants suffer the consequences. The evidence of its impact is so strong that even the National Government-promoter of the soybean agro-export model-was forced to create a commission in the Ministry of Health to assess the environmental and health impact caused by the indiscriminate use of these poisons.

Thanks to soy, the use of agrochemicals has grown exponentially in the Argentine territory. The most common agrochemical is glyphosate, which represents 37% of the total herbicide used in agricultural production. The first visible victims were rural laborers. Tomasi Fabián is one of them. He is 43 but looks much older. He has lived in the town of Basavilbaso in the Entre Ríos province since birth. In 1994, he decided, as many other rural laborers in his village, to engage in one of the best paid jobs in the area: manage glyphosate to ensure the best performance of soy plantations. Nine years ago, he left doctors speechless when, in medical visits, he appeared with a strong burning sensation in his fingertips, accompanied by calcium secretions in his hands and all his joints. “We were paid by the hour and we earned very well, we reached four dollars per hour and accumulated 12 hours a day, seven days a week in order to obtain a good wage,” he says. During labor season, from November until March, all the laborers work as many hours as possible to add up extra pesos. “Not everyone can be next to an airplane; one must know how to fuel, clean first, change equipment and load the poison. Each thing takes its time, and so I spent six years of my life,” recalls Tomasi bitterly. There are two routes in fumigation: a land route and an aerial route. Fabian’s specialty was the aerial route. “I am crazy about airplanes; I always loved them and was never consciously aware that I was working with a lethal poison. On top of that, I never worked with any type of protection.” But the consequences appeared in 2000. “First I started feeling a lot of pain in my fingertips and then I started to get a type of grittiness on my skin. The doctor confirmed that it was calcium, a reaction caused by the toxicity that I have in my body,” he notes. As a result of the pain, Fabian could not work any longer. “First they thought that it was all caused by diabetes complications, until one day, the doctor asked me to remove my T-shirt and he saw that I was skin and bone,” he says.

The physician's order sought to refer Fabian to the main Argentine Poison Control Center, Hospital Alejandro Posadas de Haedo. “But since I was not at the appropriate weight, I ended

up in the Sanatorio Adventista del Plata. Here, they found that I had decreased lung capacity and even found calcium deposits in my esophagus. I have hypercalcemia, presumably because my body reacts this way to the poison. Boils appear all over my body that later burst, and calcium emanates from every one of my joints. It also emanates from my elbows, knees and toes,” he says as if his body was a map of devastation. It was the first time that doctors ventured to diagnose “possible agrochemical poisoning.”

Last Christmas, after eight years of uncertainty, the so called organization Rural Reflection Group (“Grupo de Reflexión Rural”) donated him a detoxification treatment for active biological agents. For researchers, Tomasi’s ailment has an explanation: The poison acts in man as it does in insects. “It removes the ability to walk and eat, but since we are warm-blooded, the atrophy is even worse. I no longer control my throat, and sometimes my food comes out of my nose, I do not know what I would do if it were not for my mother. This is clearer than water and it does not need to be turned over much, I have the face of a mask, my face muscles have atrophied and, since I am diabetic, I take much longer to heal.” Basavilbaso has nine thousand inhabitants, but few believe him despite his tragedy. “Nonetheless, nothing changes here, my friends assume that they will solve the problem because they wear long-sleeved shirts when everyone who works with chemicals should be protected by suits with boots, gloves and masks, and assisted with oxygen. But no one demands this and these suits do not exist anywhere in the country.”

“We never protected ourselves, we used only shorts and shirts, and did everything: we replaced the injection spouts to the bars through which the poison is spread from airplanes and we opened up to 200 canisters a day to make the broth, the mixture of water and chemical oils so that the drop sprayed reaches the soybean plant,” he adds. “I am no Nostradamus,” he warns, “but this will end badly,” predicts this laborer, recognizing that he is living thanks to treatment donated by the Rural Reflection Group. “This poison is lethal and is killing us,” he concludes. The therapy that Tomasi is receiving is similar to that given to the victims of the nuclear tragedy of Chernobyl, the Siberian city razed by leakage from a reactor in 1985.

“It was only until 2008 that the World Health Organization (WHO) labeled glyphosate as extremely toxic. This occurred because a number of studies revealed toxicity in all categories: subacute, chronic, genetic damage, reproductive disorders and carcinogenesis. For the same reason, the European Environmental Agency (EPA) reclassified glyphosate as Class II, highly toxic,” says Dr. Jorge Kaczewer, specialist in neural therapy at the National University of Buenos Aires. But rural workers are not the only ones affected.

Marcela Tornelli and Roque Santana have been married since 1994. Both are teachers and live in a neighborhood of the city of Paraná. They have three children: Jeremiah who is 12 years old, 10-year-old Facundo and 5-year-old Pilar. “When I was pregnant with Facu,” recalls Marcela, “I obtained a few hours in the school 136 of Colonia Avellaneda- a small farming town located 15 kilometers from the capital of Entre Ríos, where aircraft fumigated rich soybean fields abound. It is there that I met Gabriela, a history teacher who was also pregnant. Since the school had no building of its own, it was held in a municipal warehouse where glyphosate drums were stored,” explains Tornelli.” Some time after Facundo was born, we began to notice that he had problems because he did not fix his gaze and he did not walk, he spent his time sitting around with a toy in his hand. The doctors conducted various studies and he was diagnosed with a neurological disorder called Pervasive Developmental Disorder (PDD). My surprise was great when I found Gabriela, together with her son in the specialist’s

waiting room, he is two months younger than my Facu, and had received the same diagnosis. We began to organize and seek more information about our children's disease and its possible causes. Until a neurologist told us that these conditions were related to contact with chemicals during pregnancy," says the teacher. A revelation would eventually convince her: "In 2003, I returned to school 136 and found that the first grade had to be turned into a slow grade because 20 children had speech and learning problems." According to the teacher, 92 percent of males born in that time have similar problems to those of our children."

During this period Marcela had four miscarriages. Given its small budget and in order to obtain resources, the Entre Ríos province granted rural schools the authority to lease the land adjoining the building to farmers." In those fields, farmers planted soybean which was sprayed with glyphosate, therefore, the Entre Ríos teachers' union filed a complaint with educational authorities, since the situation threatens the whole educational community's health," adds Roque Santana, who also serves as Secretary General of the provincial teachers' union.

"We feel alone and unprotected as citizens and parents who already have someone in our family with some of these consequences. We must do something for this to end; my son will be autistic his whole life, but this is preventable and many mothers can keep their children from having a pathology. We have to do something to persuade those who have to decide and take political decisions to take steps now," implores Santana, Facundo's father.

Increasing

Argentina is the second largest soy exporter worldwide and there are already 16.6 million hectares planted with "Soja RR" in ten of its provinces. "RR" stands for "Roundup Ready," i.e. "Resistant to Roundup", the commercial name given to glyphosate, an herbicide that is applied in liquid form on weeds. The weeds absorb the poison and die in few days. As a result, the only thing that grows on the fumigated land is the transgenic soy, the demand for which is increasing in Asian markets. The legume is expanding progressively more on fertile Argentine lands, at the expense of other crops as well as cattle and forest. In fact, its yield is so high that it now occupies what once use to be a green buffer zone surrounding villages made up by family farms, dairy and small animal farms as well as fruit orchards.

The entire population there was exposed to the damage of aerial fumigation.

Given this growth, soy planting heads the demand for pesticides. Farmers use 46% for this plant, 10% for corn, another 10% for sunflower and 7% for cotton. However, crops do not grow on their own; they all need rural labor workers who are increasingly exposed to sprayings. According to a World Health Organization report on labor accidents, "worldwide, there are 335,000 labor related accidents every year, of which 170,000 occurred in the agricultural sector. The majority are workers who have handled herbicide. They must be protected, instead of having companies continuing to set forth the low-toxicity argument," asserts researcher Kaczewer. However, everything is heading in the opposite direction. Until the appearance of transgenic crops tolerant to the herbicide, the maximum residual glyphosate permitted in the United States and Europe was 0.1 milligrams per kilogram. However, beginning in 1996, this was increased to 20 milligrams per kilogram, i.e. 200 times more. This is because producing companies of [genetically modified to resist Roundup]. Last year, Argentine fields were sprayed with 165 million liters of the herbicide, a volume comparable to 330 thousand household water tanks. The owner of this product is Monsanto,

the largest multinational company in the world dealing with agribusiness and biotechnology, whose sales reached 4,476 million dollars in 2006. Present in the country since 1956, Monsanto currently controls 20 percent of the seed market. With Roundup, it possesses 95 percent of the soy market. Half of the Argentine agricultural area is occupied by soy. After 15 years of record seasons, Argentina produces approximately 48 million tons which are exported to China and India. 200 million liters of glyphosate are required each year in order to achieve this, a number that will increase in the future, given the increase in demand from the Asian markets. The legume increasingly expands on fertile Argentine lands, at the expense of other crops, livestock and forests. In fact, its yield is so high that it now occupies what once were green buffer zones surrounding villages formed by family farms, dairy and small animal farms and fruit orchards. This entire village was exposed to the harms of aerial fumigation. With this growth, the planting of soy heads demand for pesticides.

Farmers use 46% for this plant, 10% for corn, another 10% for sunflower and 7% for cotton. However, crops do not grow on their own; they all need rural labor workers who are increasingly exposed to sprayings. According to a World Health Organization report on labor accidents, "Worldwide, there are 335,000 labor related accidents every year, of which 170,000 occurred in the agricultural sector. The majority are workers who have handled herbicide. They must be protected, instead of having companies continuing to set forth the low-toxicity argument," asserts researcher Kaczewer. However, everything is heading in the opposite direction. Until the appearance of transgenic crops tolerant to the herbicide, the maximum residual glyphosate permitted in the United States and Europe was 0.1 milligrams per kilogram. However, beginning in 1996, this was increased to 20 milligrams per kilogram, i.e. 200 times more. "This is in reaction to the fact that producing companies are requesting permits to approve the presence of greater concentrations in food derived from transgenic crops. Monsanto, for example, was authorized to perform a triple increase in transgenic soy in Europe and the United States (from 6 ppm to 20 ppm)," the researcher reveals.

Village by village

The Rural Reflection Group (GRR) surveyed over 600 villages in its report regarding the use of plaguicide in Argentina's primary soy-producing provinces. Its conclusions raise fear:

Córdoba: The sample case was Ituzaingó, in the outskirts of the Cordoban capital. Five thousand people inhabit said town, 200 of them suffer from cancer. The neighborhood, humble, with low houses, is surrounded by monoculture. To the east, north and south are fields of soybeans, separated from the inhabitants by only a street. GRR's survey confirmed respiratory and skin allergies, neurological diseases, malformation cases of infants born with spinal bifida, kidney malformations in fetuses and pregnant women.

In March 2006, the Municipal Environmental Directorate did blood analysis on thirty children: pesticides were present in 23 of them. Malathion, Chlopyrifos, Alpha-Endosulfan, an isomer of DDT, Beta Endosulfan, and HCB were found in the soils of Ituzaingó, all used for spraying soybean fields. Other locations affected are Pueblo Italiano, Río Ceballos, Saldán, Alto Alberdi, Jesús María, Colonia Caroya and San Francisco, where spraying is being conducted in fields surrounding the households or containers of pesticides are thrown on roads and canals. Monte Cristo holds a grim record, where, solely between 2003 and

2004, among a population of 5,000 people, there were 37 cases of cancer and 29 congenital malformations, as well as countless sprayings.

Buenos Aires: We have verified cases of cancer and malformations in Lobería, Saladillo and Chacabuco. “The spraying planes emptied their tanks on lakes and streams nearby these cities, causing mortality among fish and another large number with deformities and illnesses that preclude their consumption. Given this situation, Saladillo residents staged a march against cancer in April 2007 and in Chacabuco, a neighborhood association was constituted to investigate the reasons why the village has seen increased cancer cases, leukemia and malformations,” the research affirms.

Santa Fe: A study conducted by the Centre for Research in Biodiversity and Environment (Ecosur), Italian Hospital Garibaldi of Rosario (“Hospital Italiano Garibaldi de Rosario”), the National University of Rosario (“Universidad Nacional de Rosario”), INTA, the College of Agricultural Engineers (“Colegio de Ingenieros Agrónomos”) and the Argentine Agrarian Federation (“Federación Agraria Argentina”), found a strong correlation between cancer cases, leukemia, lupus and other serious illnesses in six small towns in the south central area of Santa Fe, and the location of spray machines, pesticide storage, pesticide drums silos, electric transformers with PCBs and places subject to frequent aerial spraying, as well as aircraft tank spillage from aircraft spray tanks. For example, 800 inhabitants live in Las Petacas, 200 kilometers southwest of Rosario. In the last ten years there were 42 cases of cancer and 400 people with allergies. Only in October 2005, five people died of cancer and two of leukemia. There are five grain stockpiles within the urban area on the northern side. The grain dust coexists with the villagers, given that the northern wind prevails in most of the year. Alcorta’s neighbors claimed that Round-Up is being used to fumigate entire tracts of lands sited in urban neighborhoods, where there is also a silo plant that discharges dust in times of grain loading and unloading that causes air to become impossible to breathe several blocks around.

San Cristobal: is a town of fifteen thousand inhabitants in the north of Santa Fe. In August 2005, Mayor Edgardo Martino claimed that eleven babies had been born with congenital malformations, and three had died in a few days in the first semester of the year. He also warned about the existence of three other cases in neighboring towns. He did not venture to propose possible causes, but acknowledged that all the accusations pointed to soy plantations, and the pesticides used, which had grown exponentially over the last decade.

Rodolfo Páramo, medic at the Hospital de Malabrigo, reported malformations in children born nine months after spraying on the outskirts of the town. Páramo stated that “normal values for these cases are one of every 8,500 to 10,000 births, while in Malabrigo, malformations reached a rate of 12 cases out of 200 births in the year.”

Misiones: There are reports of spraying in some localities nearby fields, in the province. Since 2004, in the town of San Ignacio, peasant and neighborhood organizations have denounced spraying with pesticides in soybean crops near the villages.

Formosa: At least 23 small farmer families in the town of Colonia Loma Senés, Pirané Department, west of the province, saw their health, as well as their crops and farms affected by the habitual glyphosate and 2.4 D spraying conducted by “Mosquito” machines on areas leased by the soybean company (Agricultural Formosan Project PAF) (“Proyecto Agrícola Formoseño”), adjoining the family farms. This is not the only case in the province. In the town of Belgrano, aircraft flights spray soybean fields adjacent to more the fields of the most humble farmers, using pesticides. In light of this situation, farmers belonging to Mocafor (Peasant Movement of Formosa) organized in order to prevent such flights.

Santiago del Estero: The Castillo family lives in Quimilí, they have cultivated a field for five decades. All of its members have suffered various types of respiratory and skin illnesses of varying severity. When searching for the causes, they look to the neighboring field, where thousands of hectares of soy exist, and point to a twin-engine plane which sprays with poison.

Entre Ríos: In February 2004, fifteen people were poisoned with an agrochemical in the department of Gualeguaychú. The symptoms reported were headaches, vomiting and dizziness, which appeared the day after spraying. In the rural area of the Paraná department, an increase in prenatal mortality and a high anembryonic pregnancy rate correlate with an increase in soy planted surfaces and its consequent pesticide use.

Pablo Basso, director of Epidemiology of the provincial Ministry of Health admits the following, “Various studies correlate indiscriminate use of pesticides with the appearance of various pathologies.” The official adds, “The supposed innocuousness of glyphosate is false, if there is something that we have clear is that glyphosate is not holy water.” In Entre Ríos, a pesticide law exists that fixes a minimum distance of 50 meters between the limit of the planted terrain and the households in cases of land fumigations, and 200 meters for aerial sprayings. However, there is no compliance with this regulation.

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Dictan amparo en San Jorge (Santa Fe)

Un juez reconoció los riesgos de las fumigaciones con glifosato



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El juez Tristán Martínez, hizo lugar a un recurso interpuesto por vecinos de la localidad santafesina de San Jorge, prohibiendo que aviones fumigaran los campos a menos de 1.500 metros de las viviendas del casco urbano. Si la fumigación es por tierra, la distancia no puede ser menor a los 800 metros. El magistrado consideró que estas prácticas "tienen consecuencias severas para la salud de los hijos" de quienes presentaron el amparo.

Varios pueblos rurales, en los que en la última década aparecieron enfermedades raras y más casos de cáncer y abortos que lo habitual, lo habían intentado. Tras diez años de expansión silenciosa, el lado más oscuro del boom sojero se está haciendo visible. El cultivo, que permitió a la Argentina enfrentar la crisis económica más grave de los últimos cincuenta años, tiene un costado atroz que científicos y funcionarios ya no niegan: los agroquímicos utilizados para obtener mayor rendimiento de las plantaciones de soja provocan enfermedades, malformaciones congénitas y abortos espontáneos en las poblaciones que quedan bajo las fumigaciones. Seiscientos pueblos de las zonas más fértiles del país son rociados con pesticidas desde 1995. Y sus habitantes sufren las consecuencias. Las pruebas de su impacto son tan contundentes que hasta el Gobierno nacional

-impulsor del modelo agroexportador sojero- se vio obligado a crear una comisión en el Ministerio de Salud que deberá evaluar el impacto ambiental y sanitario generado por el uso indiscriminado de estos venenos.

Gracias a la soja, la utilización de agroquímicos creció exponencialmente en territorio argentino. El más común es el glifosato, que representa el 37% del total de herbicidas utilizados en la producción agrícola. Las primeras víctimas visibles fueron los peones rurales. Fabián Tomasi es uno de ellos. Tiene 43 años pero aparenta muchos más. Vive en la localidad entrerriana de Basavilbaso desde que nació y en 1994 optó, como muchos peones rurales de su pueblo, por dedicarse a uno de los oficios mejor pagos de la zona: manejar glifosatos que garanticen el mejor rendimiento de las plantaciones de soja.

Hace nueve años dejó sin palabras a los médicos cuando apareció en las consultas con un fuerte ardor en las yemas de los dedos, acompañado por secreciones de calcio en las manos y en todas sus articulaciones. "Nos pagaban por hora y ganábamos muy bien, llegábamos a los cuatro dólares por hora y acumulábamos 12 horas diarias los siete días de la semana para poder hacer un buen número", cuenta. Durante la campaña, desde noviembre hasta marzo, todos los peones trabajan la mayor cantidad de horas posible para sumar pesos extra. "No cualquiera puede estar al lado de un avión, hay que saber cómo cargar combustible, limpiar primero, cambiar los equipos y cargar el veneno. Cada cosa llevaba su tiempo, y así pasé seis años de mi vida", recuerda Tomasi con amargura. Para las fumigaciones hay dos vías: una terrestre y otra aérea. La especialidad de Fabián era el aire. "Soy un loco de los aviones, siempre me encantaron y nunca tomé conciencia de que estaba trabajando con un veneno letal. Encima, nunca trabajé con algún tipo de protección". Pero las secuelas aparecieron a partir de 2000. "Primero empecé a sentir mucho dolor en la punta de los dedos y luego me empezó a salir como una arenilla. El médico comprobó que era calcio, una reacción por la toxicidad que tengo en el cuerpo", cuenta. Por el dolor, Fabián no pudo trabajar más. "Primero pensaron que todo era por las complicaciones de la diabetes, hasta que un día el médico me pide que me saque la remera y ve que era piel y hueso", cuenta.

La orden médica procuró derivarlo al principal centro toxicológico argentino, el Hospital Alejandro Posadas de Haedo. "Pero como no tenía un peso terminé en el Sanatorio Adventista del Plata. Ahí descubrieron que tengo menor capacidad pulmonar y hasta me encontraron incrustaciones de calcio en el esófago. Tengo hipercalcemia, supuestamente porque mi organismo reacciona de esta forma con el veneno. Me aparecen granos por todo el cuerpo que se revientan y en cada una de mis articulaciones me sale calcio. Ahora también me sale de los codos, de las rodillas y de los pies", dice como si su cuerpo fuera un mapa de la devastación. Fue la primera vez que los médicos se animaron a diagnosticarle "posible intoxicación con agroquímicos".

En la última Navidad, tras ocho años de incertidumbre, la organización llamada Grupo de Reflexión Rural le donó un tratamiento desintoxicante de activos biológicos. Para los investigadores, el cuadro de Tomasi tiene una explicación: el veneno actúa en el hombre igual que sobre los insectos. "Quita la posibilidad de caminar y de comer, pero como tenemos sangre caliente eso atrofia aun más. Ya no domino la garganta, y a veces me sale la comida por la nariz, si no fuera por mi madre, no se qué haría. Esto es más claro que el agua y no

hay que darle mucha vuelta, tengo cara de máscara, los músculos de mi cara están atrofiados y, como soy diabético, tardo mucho más en cicatrizar". Basavilbaso tiene nueve

mil habitantes y, a pesar de su tragedia, son pocos los que le creen. "Pero acá todavía no cambió nada, mis amigos suponen que porque usan camisas de mangas largas van a solucionar el problema, cuando para trabajar con agroquímicos hay que aislarse con trajes con botas, guantes y máscaras con oxígeno asistido. Pero nadie lo exige y no hay de esos trajes en ninguna parte del país".

"Nunca nos protegimos, sólo usábamos short y remeras, y hacíamos de todo: le cambiábamos los picos a las barras por donde se esparce el veneno desde los aviones y abríamos hasta 200 latas diarias para hacer el caldo, la mezcla del químico con agua y aceites para que la gota fumigada llegue mejor a la planta de soja", agrega. "Yo no soy Nostradamus -advierite- pero esto termina mal", vaticina este peón que reconoce que vive gracias al tratamiento que le donó el Grupo de Reflexión Rural. "Este veneno es letal y nos está matando", concluye. La terapia que está recibiendo Tomasi es similar a la que se practicó con las víctimas de la tragedia nuclear de Chernobyl, la ciudad siberiana arrasada por la fuga de un reactor en 1985.

"Recién en 2008 la Organización Mundial de la Salud (OMS) catalogó el glifosato como extremadamente tóxico. Esto ocurrió porque una serie de estudios revelaron toxicidad en todas las categorías: subaguda, crónica, daños genéticos, trastornos reproductivos y carcinogénesis. Por la misma razón la agencia ambiental europea (EPA) lo reclasificó como clase II, es decir altamente tóxico", informa el doctor Jorge Kaczewer, especialista en terapias neurales de la Universidad Nacional de Buenos Aires. Pero los peones rurales no son los únicos afectados.

Marcela Tornelli y Roque Santana están casados desde 1994. Los dos son docentes y viven en un barrio de la ciudad de Paraná. Tienen tres hijos: Jeremías de 12 años, Facundo de 10 y Pilar de cinco. "Cuando estaba embarazada de Facu -recuerda Marcela- conseguí unas horas en la escuela 136 de Colonia Avellaneda -un pequeño poblado agrícola ubicado a 15 kilómetros de la capital entrerriana, donde abundan los campos sembrados de soja fumigados con avionetas-. Allí conocí a Gabriela, una profesora de Historia que también estaba embarazada. Como la escuela no tenía edificio propio, funcionaba en un galpón municipal donde se almacenaban tambores de glifosato", explica Tornelli. "Tiempo después del nacimiento de Facundo, comenzamos a notar que tenía problemas, porque no fijaba la mirada y no caminaba, se la pasaba todo el tiempo sentado con un juguete en la mano. Los médicos le efectuaron distintos estudios neurológicos y le diagnosticaron trastorno generalizado del desarrollo (DGD). Mi sorpresa fue mayúscula cuando en la sala de espera del especialista me la encontré a Gabriela, que estaba con su hijito dos meses más pequeño que mi Facu, con el mismo diagnóstico. Nos empezamos a organizar para buscar más información sobre la enfermedad de nuestros hijos y sobre los posibles causantes. Hasta que una neuróloga nos dijo que estas afecciones estaban relacionadas con el contacto que tuvimos durante el embarazo con los agroquímicos", añade la docente. Una revelación terminaría por convencerla: "En 2003 volví a la escuela 136 y me encontré con que el primer grado tuvo que transformarse en un grado lento porque los 20 chicos tenían trastornos en el lenguaje y en el aprendizaje". Según la maestra: "El 92 por ciento de los varones que nacieron en esa época tienen problemas similares a los de nuestros chicos".

En ese período Marcela perdió cuatro embarazos. Ante la falta de presupuesto, la provincia de Entre Ríos les otorga a las escuelas rurales la potestad de arrendar a los agricultores los terrenos lindantes al edificio para obtener recursos. "En esos campos se siembra soja que se fumiga con glifosato, por lo que el gremio docente entrerriano elevó una queja a las autoridades educativas, ya que la situación pone en peligro la salud de toda la comunidad educativa", aporta Roque Santana, quien además se desempeña como secretario General del gremio docente provincial.

"Qué solos y desprotegidos nos sentimos como ciudadanos y padres quienes ya tenemos en nuestra familia alguien con alguna de estas consecuencias. Tenemos que hacer algo para que esto se termine mi hijo será autista toda su vida, pero esto se puede prevenir y muchas madres pueden evitar que sus hijos tengan alguna patología. Tenemos que hacer algo para que los que tienen que decidir y tomar las decisiones políticas lo hagan ahora", pide Santana, el papá de Facundo.

En aumento

Argentina es el segundo exportador mundial sojero y en diez de sus provincias ya hay 16,6 millones de hectáreas sembradas con "Soja RR". "RR" significa "Roundup Ready", es decir "Resistente al Roundup", nombre comercial del glifosato, un herbicida que se aplica en forma líquida sobre las malezas, que absorben el veneno y mueren en pocos días. Gracias a eso, lo único que crece en la tierra rociada es soja transgénica, esal aumento de la demanda en los mercados asiáticos. La leguminosa se extiende cada vez más sobre las tierras fértiles argentinas a expensas de otros cultivos, de la ganadería y de los bosques. De hecho, es tanto su rendimiento que ahora ocupa lo que antes fueron corredores verdes de protección que bordeaban poblados formados por huertas familiares, granjas lecheras y de pequeños animales y plantaciones de frutales.

Toda esa población quedó expuesta a los daños de la fumigación aérea.

Con ese crecimiento, la siembra de soja encabeza la demanda de pesticidas. Los agricultores utilizan el 46% para esa planta, el 10% para el maíz, otro 10% para el girasol y un 7% para el algodón. Pero ningún cultivo crece solo, todos necesitan de peones rurales que están cada vez más expuestos a la fumigación. Según un informe sobre accidentes laborales de la Organización Mundial de la Salud: "De los 335.000 producidos por año en el mundo, 170.000 ocurrieron en el sector agrícola. La mayoría son trabajadores que han manipulado herbicidas, por lo que habría que protegerlos en vez de seguir con el argumento de la baja toxicidad por parte de las empresas productoras", dispara el investigador Kaczewer. Pero todo va en la dirección opuesta. Hasta que aparecieron los cultivos transgénicos tolerantes al herbicida, el máximo de glifosato residual en alimentos permitido en Estados Unidos y Europa era de 0,1 miligramo por kilo. Sin embargo, a partir

de 1996 se incrementó a 20 miligramos por kilo, es decir 200 veces más. "Esto responde a que las empresas productoras del decir modificada genéticamente para resistir el Roundup. Los campos argentinos fueron rociados el último año con 165 millones de litros del herbicida. Un volumen similar al que suman 330 mil tanques de agua hogareños. La propietaria de este producto es Monsanto, la multinacional de agronegocios y biotecnología más grande del mundo, cuyas ventas en 2006 alcanzaron los 4.476 millones de dólares. Con presencia en el país desde 1956, Monsanto actualmente controla el 20 por ciento del mercado de semillas. Con el Roundup, posee el 95 por ciento del mercado sojero. La mitad del área agrícola argentina está ocupada por soja. Luego de 15 años de campañas récord, Argentina produce unos 48 millones de toneladas que exporta a China e India. Para lograrlo se requieren unos 200 millones de litros de glifosato por año, una cifra que aumentará en el futuro, debido al aumento de la demanda en los mercados asiáticos. La leguminosa se extiende cada vez más sobre las tierras fértiles argentinas a expensas de otros cultivos, de la ganadería y de los bosques. De hecho, es tanto su rendimiento que ahora ocupa lo que antes fueron corredores verdes de protección que bordeaban poblados formados por huertas familiares, granjas lecheras y de pequeños animales y plantaciones de frutales. Toda esa población quedó expuesta a los daños de la fumigación aérea. Con ese crecimiento, la siembra de soja encabeza la demanda de pesticidas. Los agricultores utilizan el 46% para esa planta, el 10% para el maíz, otro 10% para el girasol y un 7% para el algodón. Pero ningún cultivo crece solo, todos necesitan de peones rurales que están cada vez más expuestos a la fumigación. Según un informe sobre accidentes laborales de la Organización Mundial de la Salud: "De los 335.000 producidos por año en el mundo, 170.000 ocurrieron en el sector agrícola. La mayoría son trabajadores que han manipulado herbicidas, por lo que habría que protegerlos en vez de seguir con el argumento de la baja toxicidad por parte de las empresas productoras", dispara el investigador Kaczewer. Pero todo va en la dirección opuesta. Hasta que aparecieron los cultivos transgénicos tolerantes al herbicida, el máximo de glifosato residual en alimentos permitido en Estados Unidos y Europa era de 0,1 miligramo por kilo. Sin embargo, a partir de 1996 se incrementó a 20 miligramos por kilo, es decir 200 veces más. "Esto responde a que las empresas productoras del agroquímico están solicitando permisos para que se apruebe la presencia de mayores concentraciones en alimentos derivados de cultivos transgénicos. Monsanto, por ejemplo, fue autorizado para un triple incremento en soja transgénica en Europa y Estados Unidos (de 6 ppm a 20 ppm)", revela el investigador.

Pueblo por pueblo

En su informe sobre el uso de plaguicidas en las principales provincias sojeras de la Argentina, el Grupo de Reflexión Rural (GRR) censó más de seiscientos pueblos. Las conclusiones dan miedo:

Córdoba: El caso testigo fue Ituzaingo, en las afueras de la capital cordobesa. Allí viven cinco mil personas. 200 de ellas padecen cáncer. El barrio, humilde, de casas bajas, está rodeado de monocultivo. Al este, norte y sur hay campos con soja, sólo separados de la población por una calle. El relevamiento del GRR confirmó alergias respiratorias y de piel, enfermedades neurológicas, casos de malformaciones, de bebés nacidos con espina bífida, malformaciones de riñón en fetos y embarazadas.

En marzo de 2006, la Dirección de Ambiente municipal analizó la sangre de treinta chicos: en 23 había presencia de pesticidas. En los suelos de Ituzaingo se encontró Malatión, Clopirifós, Alfa-Endosulfán, isómero de DDT, Beta Endosulfán y HCB utilizados para fumigación en campos de soja. Otras localidades afectadas son Pueblo Italiano, Río Ceballos, Saldán, Alto Alberdi, Jesús María, Colonia Caroya y San Francisco, donde también se realizan pulverizaciones en campos aledañas a las viviendas o se arrojan envases de agrotóxicos en caminos y canales. Un récord nefasto ostenta Monte Cristo, donde sobre una población de 5000 personas, solo entre 2003 y 2004, se registraron 37 casos oncológicos, 29 malformaciones congénitas e innumerables fumigaciones.

Buenos Aires: Se han verificado casos de cáncer y malformaciones en Lobería, Saladillo y Chacabuco. "Los aviones fumigadores vacían sus tanques sobre lagunas y arroyos cercanos a estas ciudades, provocando mortandad de peces y otro gran número con malformaciones y enfermedades que imposibilitan su consumo. Ante esta situación, los vecinos de Saladillo realizaron una marcha contra el cáncer en abril de 2007 y en Chacabuco surgió una asociación vecinal para investigar las razones por las que han aumentado los casos de cáncer, leucemia y malformaciones en el pueblo", sostiene la investigación.

Santa Fe: Un informe llevado adelante por el Centro de Investigaciones en Biodiversidad y Ambiente (Ecosur), el Hospital Italiano Garibaldi de Rosario, la Universidad Nacional de Rosario, el INTA, el Colegio de Ingenieros Agrónomos y la Federación Agraria Argentina, comprobó la fuerte correlación entre los casos de cáncer, leucemia, lupus y otras graves afecciones -halladas en seis pequeños pueblos del área sur y central sojera de Santa Fe- con la localización de las máquinas de fumigación, depósitos de agrotóxicos, silos de bidones de plaguicidas, transformadores eléctricos con PCB y lugares de frecuentes fumigaciones aéreas y chorreado de los tanques de los aviones aspersores. Por ejemplo, en Las Petacas, 200 kilómetros al sudoeste de Rosario, viven 800 habitantes y en los últimos diez años hubo 42 casos de cáncer y 400 personas con alergias. Sólo en octubre de 2005 murieron cinco personas de cáncer y dos de leucemia. Allí existen cinco acopios de cereales dentro del área urbana, del lado norte. A raíz de que en la mayor parte del año predomina el viento norte, el polvillo del cereal convive con los pobladores. Los vecinos de Alcorta denunciaron que se fumiga con Round-Up terrenos enteros emplazados en barrios

populares, donde además hay una planta de silos donde el polvillo en épocas de carga y descarga de granos torna irrespirable el aire a varias cuadras alrededor.

San Cristóbal: es un poblado de quince mil habitantes en el norte de Santa Fe. En agosto de 2005, el intendente Edgardo Martino denunció que en el primer semestre del año habían nacido once bebés con malformaciones congénitas, y tres habían fallecido a los pocos días. También advirtió la existencia de otros tres casos en localidades vecinas. No aventuraba causas posibles, pero reconocía que todas las acusaciones apuntaban a las plantaciones de soja -y los agrotóxicos utilizados-, que habían crecido de forma exponencial en la última década.

Rodolfo Páramo, médico del Hospital de Malabrigo, efectuó reportes de malformaciones en niños nacidos nueve meses después de las fumigaciones en los alrededores del pueblo. Páramo asegura que "los valores normales de estos casos son de uno cada 8.500 a 10.000 nacimientos, mientras que en Malabrigo las malformaciones alcanzaron una tasa de 12 casos para unos 200 nacimientos en el año".

Misiones: Existen denuncias sobre fumigaciones y pulverizaciones en los campos aledaños a algunas localidades de la provincia. Desde 2004, en la localidad de San Ignacio organizaciones campesinas y vecinales denuncian las pulverizaciones con agrotóxicos en los cultivos de soja cercanos a las poblaciones.

Formosa: Al menos 23 familias de pequeños productores de la localidad de Colonia Loma Senés, departamento Pirané, al oeste de la provincia, vieron su salud -y también sus cultivos y haciendas- afectados por las habituales fumigaciones realizadas desde máquinas "mosquito", con glifosato y 2,4 D, en los campos rentados por una empresa sojera (Proyecto Agrícola Formoseño PAF), linderos a las chacras familiares.

No es el único caso en la provincia: en la localidad de Belgrano, también se suceden los vuelos de avioneta que fumigan con agrotóxicos los campos de soja contiguos a las parcelas de los campesinos más humildes. Ante esta situación agricultores del Mocafor (Movimiento Campesino de Formosa) se movilizaron para impedir estos vuelos.

Santiago del Estero: La familia Castillo vive en Quimilí, trabaja una chacra desde hace cinco décadas. Todos sus integrantes sufrieron distintos tipos de enfermedades respiratorias y cutáneas de diversa gravedad. A la hora de buscar las causas, miran al campo vecino, millares de hectáreas con soja, y señalan una avioneta bimotor que fumiga con veneno.

Entre Ríos: En febrero de 2004 quince personas resultaron intoxicadas en el departamento Gualeguaychú, por causa de un agrotóxico. Los síntomas registrados fueron dolor de cabeza, vómitos y mareos al día siguiente de producida una fumigación. En la zona rural del departamento Paraná se observó un aumento de la mortalidad perinatal y una alta incidencia de embarazos anembrionados correlacionados con el incremento en la superficie sembrada con soja y el consecuente uso de agroquímicos.

Desde el hospital de la localidad de Cerrito, el médico Darío Gianfelici comprobó que las enfermedades de las vías respiratorias se duplicaron, mientras que las afecciones de piel se cuadruplicaron en los últimos diez años.

Pablo Basso, director de Epidemiología del Ministerio de Salud provincial admite: "Hay varios estudios que relacionan el uso indiscriminado de agroquímicos con la aparición de diversas patologías". El funcionario agrega: "La supuesta inocuidad de glifosato es falsa, si hay algo que todos tenemos claro es que el glifosato no es agua bendita". En Entre Ríos existe una ley de plaguicidas que fija una distancia mínima de 50 metros entre el límite del terreno sembrado y el caserío para los casos de fumigaciones terrestres y de 200 metros para las fumigaciones aéreas. Pero esta normativa no se cumple.

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Crystal Gammon, “Weed Killer Kills Human Cells: Study Intensifies Debate over ‘Inert’ Ingredients”, ENVIRONMENTAL HEALTH NEWS (22 June 2009)



Weed killer kills human cells. Study intensifies debate over 'inert' ingredients.

Used in yards, farms and parks throughout the world, Roundup has long been a top-selling weed killer. But now researchers have found that one of Roundup's inert ingredients can kill human cells, particularly embryonic, placental and umbilical cord cells. The new findings intensify a debate about so-called "inerts" — the solvents, preservatives, surfactants and other substances that manufacturers add to pesticides. Nearly 4,000 inert ingredients are approved for use by the U.S. Environmental Protection Agency.

By Crystal Gammon
Environmental Health News

June 22, 2009

Used in yards, farms and parks throughout the world, Roundup has long been a top-selling weed killer. But now researchers have found that one of Roundup's inert ingredients can kill human cells, particularly embryonic, placental and umbilical cord cells.

The new findings intensify a debate about so-called "inerts" — the solvents, preservatives, surfactants and other substances that manufacturers add to pesticides. Nearly 4,000 inert ingredients are approved for use by the U.S. Environmental Protection Agency.

Glyphosate, Roundup's active ingredient, is the most widely used herbicide in the United States. About 100 million pounds are applied to U.S. farms and lawns every year, according to the EPA.

Until now, most health studies have focused on the safety of glyphosate, rather than the mixture of ingredients found in Roundup. But in the new study, scientists found that Roundup's inert ingredients amplified the toxic effect on human cells—even at concentrations much more diluted than those used on farms and lawns.

One specific inert ingredient, polyethoxylated tallowamine, or POEA, was more deadly to human embryonic, placental and umbilical cord cells than the herbicide itself — a finding the researchers call "astonishing."

"This clearly confirms that the [inert ingredients] in Roundup formulations are not inert," wrote the study authors from France's University of Caen. "Moreover, the proprietary mixtures available on the market could cause cell damage and even death [at the] residual levels" found on Roundup-treated crops, such as soybeans, alfalfa and corn, or lawns and gardens.

The research team suspects that Roundup might cause pregnancy problems by interfering with hormone production, possibly leading to abnormal fetal development, low birth weights or miscarriages.

Monsanto, Roundup's manufacturer, contends that the methods used in the study don't reflect realistic conditions and that their product, which has been sold since the 1970s, is safe when used as directed. Hundreds of studies over the past 35 years have addressed the safety of glyphosate.

"Roundup has one of the most extensive human health safety and environmental data packages of any pesticide that's out there," said Monsanto spokesman John Combest. "It's used in public parks, it's used to protect schools. There's been a great deal of study on Roundup, and we're very proud of its performance."

The EPA considers glyphosate to have low toxicity when used at the recommended doses.

“Risk estimates for glyphosate were well below the level of concern,” said EPA spokesman Dale Kemery. The EPA classifies glyphosate as a Group E chemical, which means there is strong evidence that it does not cause cancer in humans.

In addition, the EPA and the U.S. Department of Agriculture both recognize POEA as an inert ingredient. Derived from animal fat, POEA is allowed in products certified organic by the USDA. The EPA has concluded that it is not dangerous to public health or the environment.

The French team, led by Gilles-Eric Seralini, a University of Caen molecular biologist, said its results highlight the need for health agencies to reconsider the safety of Roundup.

“The authorizations for using these Roundup herbicides must now clearly be revised since their toxic effects depend on, and are multiplied by, other compounds used in the mixtures,” Seralini’s team wrote.

Controversy about the safety of the weed killer recently erupted in Argentina, one of the world’s largest exporters of soy.

Last month, an environmental group petitioned Argentina’s Supreme Court, seeking a temporary ban on glyphosate use after an Argentine scientist and local activists reported a high incidence of birth defects and cancers in people living near crop-spraying areas. Scientists there also linked genetic malformations in amphibians to glyphosate. In addition, last year in Sweden, a scientific team found that exposure is a risk factor for people developing non-Hodgkin lymphoma.

Inert ingredients are often less scrutinized than active pest-killing ingredients. Since specific herbicide formulations are protected as trade secrets, manufacturers aren’t required to publicly disclose them. Although Monsanto is the largest manufacturer of glyphosate-based herbicides, several other manufacturers sell similar herbicides with different inert ingredients.

The term “inert ingredient” is often misleading, according to Caroline Cox, research director of the Center for Environmental Health, an Oakland-based environmental organization. Federal law classifies all pesticide ingredients that don’t harm pests as “inert,” she said. Inert compounds, therefore, aren’t necessarily biologically or toxicologically harmless – they simply don’t kill insects or weeds.

Kemery said the EPA takes into account the inert ingredients and how the product is used, whenever a pesticide is approved for use. The aim, he said, is to ensure that “if the product is used according to labeled directions, both people’s health and the environment will not be harmed.” One label requirement for Roundup is that it should not be used in or near freshwater to protect amphibians and other wildlife.

But some inert ingredients have been found to potentially affect human health. Many amplify the effects of active ingredients by helping them penetrate clothing, protective equipment and cell membranes, or by increasing their toxicity. For example, a Croatian team recently found that an herbicide formulation containing atrazine caused DNA damage, which can lead to cancer, while atrazine alone did not.

POEA was recognized as a common inert ingredient in herbicides in the 1980s, when researchers linked it to a group of poisonings in Japan. Doctors there examined patients who drank Roundup, either intentionally or accidentally, and determined that their sicknesses and deaths were due to POEA, not glyphosate.

POEA is a surfactant, or detergent, derived from animal fat. It is added to Roundup and other herbicides to help them penetrate plants’ surfaces, making the weed killer more effective.

“POEA helps glyphosate interact with the surfaces of plant cells,” explained Negin Martin, a scientist at the National Institute of Environmental Health Sciences in North Carolina, who was not involved in the study. POEA lowers water’s surface tension--the property that makes water form droplets on most surfaces--which helps glyphosate disperse and penetrate the waxy surface of a plant.

In the French study, researchers tested four different Roundup formulations, all containing POEA and glyphosate at concentrations below the recommended lawn and agricultural dose. They also tested POEA and glyphosate separately to determine which caused more damage to embryonic, placental and umbilical cord cells.

Glyphosate, POEA and all four Roundup formulations damaged all three cell types. Umbilical cord cells were especially sensitive to POEA. Glyphosate became more harmful when combined with POEA, and POEA alone was more deadly to cells than glyphosate. The research appears in the January issue of the journal *Chemical Research in Toxicology*.

By using embryonic and placental cell lines, which multiply and respond to chemicals rapidly, and fresh umbilical cord cells, Seralini's team was able to determine how the chemicals combine to damage cells.

The two ingredients work together to "limit breathing of the cells, stress them and drive them towards a suicide," Seralini said.

The research was funded in part by France's Committee for Research and Independent Information on Genetic Engineering, a scientific committee that investigates risks associated with genetically modified organisms. One of Roundup's primary uses is on crops that are genetically engineered to be resistant to glyphosate.

Monsanto scientists argue that cells in Seralini's study were exposed to unnaturally high levels of the chemicals. "It's very unlike anything you'd see in real-world exposure. People's cells are not bathed in these things," said Donna Farmer, another toxicologist at Monsanto.

Seralini's team, however, did study multiple concentrations of Roundup. These ranged from the typical agricultural or lawn dose down to concentrations 100,000 times more dilute than the products sold on shelves. The researchers saw cell damage at all concentrations.

Monsanto scientists also question the French team's use of laboratory cell lines.

"These are just not very good models of a whole organism, like a human being," said Dan Goldstein, a toxicologist with Monsanto.

Goldstein said humans have protective mechanisms that resist substances in the environment, such as skin and the lining of the gastrointestinal tract, which constantly renew themselves. "Those phenomena just don't happen with isolated cells in a Petri dish."

But Cox, who studies pesticides and their inert ingredients at the Oakland environmental group, says lab experiments like these are important in determining whether a chemical is safe.

"We would never consider it ethical to test these products on people, so we're obliged to look at their effects on other species and in other systems," she said. "There's really no way around that."

Seralini said the cells used in the study are widely accepted in toxicology as good models for studying the toxicity of chemicals.

"The fact is that 90 percent of labs studying mechanisms of toxicity or physiology use cell lines," he said.

Most research has examined glyphosate alone, rather than combined with Roundup's inert ingredients. Researchers who have studied Roundup formulations have drawn conclusions similar to the Seralini group's. For example, in 2005, University of Pittsburg ecologists added Roundup at the manufacturer's recommended dose to ponds filled with frog and toad tadpoles. When they returned two weeks later, they found that 50 to 100 percent of the populations of several species of tadpoles had been killed.

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A group of over 250 environmental, health and labor organizations has petitioned the EPA to change requirements for identifying pesticides' inert ingredients. The agency's decision is due this fall.

"It would be a big step for the agency to take," said Cox. "But it's one they definitely should."

The groups claim that the laws allowing manufacturers to keep inert ingredients secret from competitors are essentially unnecessary. Companies can determine a competitor's inert ingredients through routine lab analyses, said Cox.

"The proprietary protection laws really only keep information from the public," she said.

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“Santa Fe: A Ruling In Favor of Life”, RENACE (4 Jan. 2010)



RENACE

4 January 2010

SANTA FE: A RULING IN FAVOR OF LIFE

The Second Chamber of the Court of Civil and Commercial Appeals of Santa Fe, by a unanimous decision of the members of its bench, upheld a ban on fumigating in the city of San Jorge and rejected the appeal filed by the Municipality of San Jorge and the province Santa Fe.

In March of this year, Judge Tristán Martínez of the Civil and Commercial Court of San Jorge sustained the appeal filed by residents of the Urquiza neighborhood with respect to the fumigations carried out practically in their houses, which had serious impacts on the environment and the health of its residents. In this appeal, brought forth by Dr. Gabriela Ferrer together with the Center for the Protection of Nature ("*Centro de Protección a la Naturaleza*") as legal representatives, land fumigations had been prohibited within 800 meters, and air fumigations within 1,500 meters. The decision - which was appealed by the local municipality, agricultural producers and the province of Santa Fe - reached its appellate level, and the appellate court now upholds the trial court's ruling.

The members of the bench, Drago, Müller and de Césarís, consider the trial court ruling to be valid, supporting their position with a numerous bibliography as well as case law citations focused on, in particular, the precautionary principle enshrined in Argentine legislation. "Faced with the existence of a relevant doubt, the application of the PRECAUTIONARY PRINCIPLE becomes unavoidable, due to the existence of the affected children alone."

Furthermore, in an extensive and well-founded opinion, the court states that "the preeminence is not in anyone's special interest, the preeminence is on the side of public health and the environment."

In the ruling, the trial level decision is upheld and fumigating is prohibited for a six-month period. During this time, the Ministry of Agriculture, Livestock, Industry and Commerce, in conjunction with the Universidad Nacional del Litoral, shall submit a study to the Judge regarding the toxicity of the identified products and whether continuing fumigation is appropriate. Similarly, the Ministry of Health must conduct a neighborhood study to discern whether the reported affectations decreased or not during this prohibition period.

The Center for the Protection of Nature ("*Centro de Protección a la Naturaleza*"), together with the Residents

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Residents of San Jorge who came forward of their own volition congratulate the high court and express their pleasure at such an important decision, and welcome a decision which is undoubtedly pro LIFE.

Santa Fe, 15 December 2009.

Campaign "Stop Fumigating Us"

Self-organized Neighbours Against Fumigation in San Jorge.

Center for the Protection of Nature

Judgment of the Appeals Chamber

In Santa Fe, the Second Chamber of the Civil and Commercial Appeals Court, composed by doctors ARMANDO L. DRAGO, ENRIQUE C. MÜLLER and MARÍA CRISTINA DE CÉSARIS de DOS SANTOS FREIRE met by ordinary resolution on 9 December 2009, to settle the appeals filed against the ruling of the District Court in Civil, Commercial and Labor Matters of the city of San Jorge, in the case "PERALTA, VIVIANA vs. MUNICIPALIDAD DE SAN JORGE AND OTHERS. s/ WRIT OF AMPARO" (Record No. 198 - Year 2009). Thereupon, the Court established the order of voting in accordance with the review by the referenced bench: Müller, De Césarís and Drago, and proposed to resolve the following issues:

First: Are the appeals appropriate?

Second: What is the appropriate ruling?

Regarding the first question, Dr. Müller said:

I. - According to what is documented in the briefs, as of 16 March 2009, Viviana Peralta de Cavigliasso - see p. 36 - and others with legal representation, filed the writ for review of fundamental rights ("*writ of amparo*") against the Municipality of San Jorge, "Darío Bergamasco y hermano Soc. de Hecho", Gustavo N. Gaillard, Víctor Hugo Villarnovo, heirs of Darío Durando - see p. 36 - and the Province of Santa Fe (Ministry of Production - Law enforcement agency of the Provincial Crop Protection ("*Órgano de aplicación de Ley de Provincial de Fitosanitarios*") with the aim of banning new fumigation of fields owned by Gustavo N. Gaillard and Durando Facino, in the present crop season as well as in the future, at less than 800 meters for ground spraying, and 1,500 for aerial spraying at a minimum, to be measured starting from the boundary of the urban area (Barrio Urquiza). Fumigation was banned with any type of chemicals taking into account the Provincial Plant Protection Act 11,273, its regulatory decree 552/97, the specific conditions of the place, the toxic properties and pernicious effects of the products used for fumigation

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(Roundup and / or other) to the detriment of the environment, the health of humans and animals. They claimed that "Barrio Urquiza" is located at the boundary between the urban and rural areas of the city of San Jorge, which, for the past five years, has been severely punished by repeated aerial and ground fumigation conducted by the owners or lessees of the surrounding countryside, who indiscriminately use pesticides such as glyphosate, among others, and apply them in violation of legal norms. This has meant that, as of today, severe damage to the environment and, consequently, the quality of life and health of residents has started to manifest itself. They reported that fumigation aircraft leave the San Jorge airfield and cross over the city, splashing with their poisoned nozzles as they go through the city both on their way to the fields and on their return; similarly, those "mosquitoes" freely roam the city streets leaving a trail of poison behind, and are housed and washed down within the

urban area, contrary to all norms of prevention and risking polluting everything with which they come into contact, with no municipal authority to prevent it. They described the health problems of the following children, Ailén Magali Cavigliasso and Alexis Jesús Cabral and of neighborhood inhabitants. They protested that due to inevitable risks of seriously damaging their health, local people have moved, denouncing the fumigations to both the city police as well as the Administration, and requesting a ban for individuals fumigating in areas located within 200 meters from the urban area boundary defined in Art. 1 of the Municipal Ordinance No. 1202/00; however, not having obtained a satisfactory reply, they reported the situation to the Provincial Secretary of the Environment and to the current Ministry of Production (Plant Health Department - ex MAGIC) exercising Art. 36 of the Provincial Plant Protection Act, although in both cases, the answer has been that the police power as well as the capacity to regulate and enforce provincial law and decree corresponds to the municipality

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In regards to the second question, Dr. Müller said:

Taking into account the results obtained through consideration of the above issues, the appeal filed by Víctor Hugo Villarnovo, María Dora A. W. Durando and Gustavo Gaillard, is denied.

Sustain the appeal filed by the Municipality of San Jorge, thereby rejecting, as a result, the complaint against said Municipality with costs at both levels. The appeal articulated by the Province of Santa Fe is rejected, confirming the decision that was filed for review, subject to the scope indicated. Expenses to be paid by the co-defendant. Such is my vote.

Drs. De Césarís and Drago both supported this decision.

In merits of the above agreement, the SECOND CHAMBER OF THE CIVIL AND COMMERCIAL APPEALS COURT, FIRST JUDICIAL DIVISION, RESOLVES, denies the appeals filed by Víctor Hugo Villarnovo, María Dora A. W. Durando and Gustavo Gaillard. Sustain the appeal filed by the Municipality of San Jorge, therefore, rejecting, as a result, the claim against said Municipality, with costs from both levels. Reject the appeal filed by the Province of Santa Fe, confirming the decision under review, subject to the scope indicated. Expenses to be paid by the co-defendant.

I conclude this agreement via the signature of the honorable members of the court, which I certify.

Registration, notification and adjournment are hereby ordered.

MÜLLER DE CESARIS DRAGO De Angelis de Regali

Santa Fe: un fallo a favor de la vida

Lunes 4 de enero de 2010, por [RENACE](#) (actualizado el 4 de enero de 2010)

La Sala Segunda de la Cámara de Apelaciones en lo Civil y Comercial de Santa Fe, con el dictamen unánime de sus miembros, ratifica la prohibición de fumigaciones en la ciudad de San Jorge y rechaza la apelación presentada por la Municipalidad de San Jorge y la provincia de Santa Fe.

En marzo de este año, el Juez Tristán Martínez del Juzgado Civil y Comercial de San Jorge dió lugar al recurso de amparo presentado por los vecinos del barrio Urquiza ante las fumigaciones realizadas prácticamente en sus viviendas, con serios impactos en el ambiente y en la salud de los vecinos. En ese recurso, patrocinado por la Dra. Gabriela Ferrer y con el acompañamiento del Centro de Protección a la Naturaleza, se prohibían las fumigaciones terrestres a 800 metros y las aéreas a 1500 metros. El recurso –que fuera apelado por el municipio local, productores agropecuarios y la provincia de Santa Fe– llegó a la segunda instancia, quien ahora se expide en forma positiva sobre el dictamen del juez.

Los vocales Drago, Müller y de Césarís consideran que es válida la sentencia en primera instancia, sustentando su posición en numerosa bibliografía y citas de jurisprudencia orientadas, en especial, por el Principio de Precaución consagrado por la legislación argentina. “Frente a la existencia de la duda relevante la aplicación del PRINCIPIO PRECAUTORIO deviene ineludible por la sola existencia de los niños afectados”.

Además, en un dictamen extenso y muy fundamentado, dice que “la preminencia no la tienen los intereses sectoriales de nadie, la preminencia esta del lado de la salud pública y el ambiente”.

En el dictamen, se ratifica la sentencia de primera instancia y se prohíben las fumigaciones por un período de seis meses, lapso en el cual el Ministerio de Agricultura, Ganadería, Industria y Comercio, en conjunto con la Universidad Nacional del Litoral, deberá presentar al Juez un estudio acerca del grado de toxicidad de los productos identificados y si es conveniente continuar con las fumigaciones. De igual forma, el Ministerio de Salud deberá efectuar un estudio en los barrios comprometidos que permita discernir si durante este período de prohibición, las posibles afecciones que se denunciaron disminuyeron o no.

El Centro de Protección a la Naturaleza, conjuntamente con los Vecinos

Autoconvocados de San Jorge felicitan al alto tribunal y expresan su beneplácito por tan importante decisión y saludan un dictamen que, indudablemente, está con la VIDA.

Santa Fe, 15 de diciembre del 2009.

Campaña "Paren de Fumigarnos"

Vecinos Autoconvocados Contra las Fumigaciones de San Jorge.

Centro de Protección a la Naturaleza.

Fallo de la Cámara de Apelaciones

En Santa Fe, el 09 de diciembre del año dos mil nueve, se reunió en acuerdo ordinario la Sala Segunda de la Cámara de Apelación en lo Civil y Comercial, integrada por los doctores ARMANDO L. DRAGO, ENRIQUE C. MÜLLER y MARÍA CRISTINA DE CÉSARIS de DOS SANTOS FREIRE para resolver los recursos deducidos contra la sentencia dictada por el Juez de Primera Instancia de Distrito en lo Civil, Comercial y Laboral de la ciudad de San Jorge, en los caratulados "PERALTA, VIVIANA c/ MUNICIPALIDAD DE SAN JORGE Y OTS. s/ AMPARO" (Expte. N° 198 – Año 2009). Acto seguido el Tribunal estableció el orden de votación conforme con el estudio de los autos doctores: Müller, De Césarís y Drago, y se planteó para resolver las siguientes cuestiones:

Primera: ¿Son procedentes los recursos de apelación?

Segunda: ¿Qué pronunciamiento corresponde?

A la primera cuestión, el Dr. Müller dijo:

I.- Que según surge de lo documentado en autos, en fecha 16 de marzo de 2009 Viviana Peralta de Cavigliasso –ver fs. 36– y otros, con patrocinio letrado, promovieron demanda de amparo contra la Municipalidad de San Jorge, "Darío Bergamasco y hermano Soc. de Hecho", Gustavo N. Gaillard, Víctor Hugo Villarnovo, herederos de Dario Durando –ver fs. 36– y la Provincia de Santa Fe (Ministerio de Producción – Órgano de aplicación de Ley de Provincial de Fitosanitarios) a los fines de que se prohíba volver a fumigar en los campos de propiedad de Gustavo N. Gaillard y Durando Facino, en esa campaña agrícola y para el futuro, a menos de 800 metros, para fumigaciones terrestres y 1.500 metros, para fumigaciones aéreas ambos como mínimo, a contar del límite del ejido urbano (Barrio Urquiza) con ningún tipo de agroquímicos, teniendo en cuenta la Ley Provincial de Fitosanitarios 11.273, su decreto reglamentario 552/97, las condiciones particulares del lugar, las características tóxicas y los efectos nocivos que generan los productos utilizados para las fumigaciones

(Roundup y/u otros) en perjuicio del medio ambiente, la salud de los seres humanos y los animales. Afirmaron que el “Barrio Urquiza” está ubicado al límite entre la zona urbana y rural de la ciudad de San Jorge; que durante los últimos cinco años ha sido duramente castigado con reiteradas fumigaciones tanto aéreas como terrestres realizadas por los propietarios y/o arrendatarios de los campos linderos, quienes vienen haciendo uso indiscriminado de agrotóxicos como el glifosato, entre otros, aplicados en abierta violación de las normas legales vigentes, lo que ha generado que al día de la fecha hayan comenzado a manifestarse severos daños ocasionados al medio ambiente y en consecuencia a la calidad de vida y a la salud de los vecinos. Señalaron que los aerofumigadores salen del aeroclub San Jorge y cruzan la ciudad salpicando con sus picos el veneno tanto cuando se dirigen al campo como cuando retornan; que asimismo los “mosquitos” deambulan por las calles de la ciudad libremente dejando la estela de veneno detrás de ellos y se guardan y lavan dentro de la zona urbana, contraviniendo toda norma de prevención y poniendo en riesgo de contaminación todo aquello con lo que toman contacto a su paso, sin que la autoridad municipal lo impida. Describieron los problemas de salud de los niños Ailén Magali Cavigliasso y Alexis Jesús Cabral y de vecinos del lugar. Manifestaron que frente a riesgos ciertos de severos daños para la salud, la gente del barrio se movilizó denunciando la fumigación ante la Policía de la ciudad y ante la Intendencia, solicitando la prohibición a los particulares de fumigar en esos campos, ubicados a menos de 200 metros del límite con zona urbana delimitada en el art. 1 de la Ordenanza Municipal N° 1202/00; que sin obtener respuesta satisfactoria denunciaron la situación ante la Secretaría de Medio Ambiente de la Provincia y ante el actual Ministerio de la Producción (Secretaría de Sanidad Vegetal – ex MAGIC) en ejercicio del art. 36 de la Ley Provincial de Fitosanitarios, donde la respuesta en ambos casos fue que el poder de policía y la facultad de reglamentar y aplicar efectivamente la ley provincial y su decreto reglamentario, corresponde al Municipio. Expresaron que en todos los pueblos de la región se registra un notable aumento de enfermedades cancerígenas, malformaciones congénitas, lupus, artritis, púrpura, asma y otras gripes o alergias varias, citando expresamente a las poblaciones de Las Petacas, María Juana, Landeta, Ester, Malabrigo y poblaciones de las provincias de Formosa, Entre Ríos, Córdoba y Buenos Aires. Expusieron que si bien la provincia cuenta con la Ley de Fitosanitarios N° 11.273 esta norma tiene interpretaciones dispares: hay quienes sostienen que prohíbe el uso de glifosato dentro del radio de 500 metros de la zona urbana y otros que interpretan que puede aplicarse aún dentro de ese radio por su baja toxicidad. Señalaron que si bien el glifosato (no de sus formulaciones comerciales) está clasificado como un herbicida de baja toxicidad, dicha clasificación fue puesta en cuestión por especialistas e investigadores nacionales como internacionales y que han probado su alto grado de toxicidad y sus nefastas consecuencias sobre la salud del hombre, los animales y vegetales, citando: un estudio del Ministerio de Salud de la Nación; una investigación de la Universidad Nacional del

Municipalidad de San Jorge, se imponen en ambas instancias por su orden, por haber tenido los actores razón plausible para litigar (art. 17 Ley 10.460). Mientras que en lo que hace a la Provincia de Santa Fe, corresponde confirmar la imposición efectuada por el Inferior y cargar las de esta instancia a la misma por aplicación del principio objetivo del vencimiento. Voto por la afirmativa con el alcance indicado.

Los Dres. De Césarís y Drago fundaron sus votos en las mismas razones expuestas por el Vocal preopinante y en su mérito votaron también por la afirmativa y con igual alcance.

A la segunda cuestión, el Dr. Müller dijo:

Atento al resultado obtenido al tratar las cuestiones anteriores, corresponde declarar desiertos los recursos de apelación interpuestos por Víctor Hugo Villarnovo, Maria Dora A. W. Durando y Gustavo Gaillard.

Hacer lugar al recurso de apelación interpuesto por la Municipalidad de San Jorge, rechazado en su consecuencia la demanda contra la misma con costas en ambas instancias por su orden. Rechazar el recurso de apelación articulado por la Provincia de Santa Fe, confirmando el pronunciamiento venido en revisión con los alcances expuestos. Costas a la codemandada vencida. Así voto.

Los Dres. De Césarís y Drago votaron por igual pronunciamiento.

En mérito al acuerdo que antecede, la SALA SEGUNDA DE LA CÁMARA DE APELACIÓN EN LO CIVIL Y COMERCIAL DE LA CIRCUNSCRIPCIÓN JUDICIAL NÚMERO UNO, RESUELVE: Declarar desiertos los recursos de apelación interpuestos por Víctor Hugo Villarnovo, Maria Dora A. W. Durando y Gustavo Gaillard. Hacer lugar al recurso de apelación interpuesto por la Municipalidad de San Jorge, rechazado en su consecuencia la demanda contra la misma con costas en ambas instancias por su orden. Rechazar el recurso de apelación articulado por la Provincia de Santa Fe, confirmando el pronunciamiento venido en revisión con los alcances expuestos, con costas a la codemandada vencida.

Con lo que concluyó el acuerdo firmando los señores jueces, por ante mi que certifico.

Regístrese, notifíquese y bajen.

MÜLLER DE CESARIS DRAGO De Angelis de Regali

Annex 89

“It Is Warned that Fumigations Are Being Carried Out in Paraná Despite Them Being Prohibited”,
LA VOZ (9 Jan. 2010)



RADIO LA VOZ

9 January 2010

**IT IS WARNED THAT FUMIGATIONS ARE BEING CARRIED OUT IN PARANÁ,
DESPITE BEING PROHIBITED**

This takes place in the area bounded by the streets Churruarín, Maya, Borges, Almirante Brown and Londero. The crop fumigations in the city "are absolutely prohibited," said Marcelo Álvarez, Environmental Director of the Commune

Fumigation tasks were being conducted by the riding of a tractor pulling a spreading system on the grounds of the area bounded by the streets Churruarín, Maya, Borges, Almirante Brown and Londero. This was reported by Ricardo Galiussi, owner of a nursery located in Almirante Brown, among Londero and Borges. For this neighbor, these tasks are being conducted to prepare land for planting soybean.

Worried and not knowing who else to turn to, the neighbor asked if the activity is still prohibited in the city commons and, if so, what is the authority permitting the application doing. A few weeks ago, he said, documentation including plans of the lots where soybeans are usually planted was filed with the department of Environment of the Municipality of Paraná and the Ombudsman. Meanwhile, yesterday afternoon, Galiussi called the municipal department but "no one answered the phone," he affirmed. He then filed a report at the 7th Police Precinct.

"I do not know what else to do," complained the neighbor, to overcome the vicissitudes that I have been suffering for some time, when the soy started its almighty advance reaching urban areas. As background, he recalled that a few years ago glyphosate, a non-selective herbicide included in substances, caused him to lose thousands of kilograms of tomatoes and peppers. Precisely, the possible presence of this chemical in fumigations renewed the neighborhood's concern, stated Galiussi. The producer even approached Justice for his case of lost production, but clarified that what concerns him most is the probable affectation of health of people in the area. "There is a settlement of poor families on Paraná, and fumigations were being carried out on the street that runs through it," he said yesterday.

The crop fumigations in the city "are absolutely prohibited," said Marcelo Alvarez, Environmental Director of the Commune. Subsequently, he announced that he would appear in the area at issue and that he had files in his area with proceedings that account for fumigations in other areas of Paraná. He informed that the prohibition was enshrined in a resolution, a measure that he related to complaints from the city, as a result of dog and bird mortality that occurred last October.

On the 29th of this month, the municipal Executive issued resolution 474, prohibiting the use of pesticides within the urban center of the city. Outside this limit, a buffer strip of 50 meters is established around schools, clubs, housing and recreational areas that must be free from spraying. For those who have fruit and vegetable crops in the commons, "forbidden area", the resolution provides for a request for an exception by holders of said enterprises, subject to certain conditions. For example, a list of crops to be planted and a fumigation plan, documentation

regarding pesticide use, agricultural recipe and any other information related to national, provincial and local laws in force.

The permits expire every six months and the Commune may terminate them if it finds that the requirements have been breached. The norm provides that applications must be supervised by a technician or registered professional, and adds that, "the only application method that can be authorized is manual by backpack or other similar, at a distance of application of 20 centimeters from the soil," it specifies.

Simultaneous to the emission of Resolution 474, Decree 662 of July 2009 was in force, which suspended the prohibition for applying pesticides with land spraying in the Paraná commons until 31 December of last year.

The preamble to the measure registered, according to the official portion, that "the National Scientific and Technical Research Council-CONICET- has released a study that conclusively proves the malformations caused by contact with glyphosate, the main component of chemicals commonly used to control pests in soybean."

. : Actualidad | 09/01/2010 12:00

 [imprimir](#)

Alertan que se fumiga en Paraná para sembrar soja a pesar de que está prohibido.

|| **Fuente:** Radio La Voz

- Es en la zona comprendida por las calles Churrarín, Maya, Borges, Almirante Brown y Londero; “Están absolutamente prohibidas” las fumigaciones agrícolas en la ciudad, dijo Marcelo Álvarez, director de Medio Ambiente de la Comuna.

En predios de la zona comprendida por las calles Churrarín, Maya, Borges, Almirante Brown y Londero se realizaban ayer tareas de fumigación mediante el andar de un tractor que tiraba de un sistema de esparcimiento. Así lo informó Ricardo Galiussi, propietario de un vivero, ubicado en Almirante Brown, entre Londero y Borges. Para el vecino, los trabajos se tratan de la preparación de la tierra para la siembra de soja.

Preocupado y sin saber a quién más recurrir, el vecino se preguntó si la actividad sigue estando prohibida en el ejido de la ciudad y, si es así, qué hace la autoridad de aplicación. Es que, comentó, que hace unas semanas presentó documentación –con planos incluidos–, sobre los lotes donde se suele plantar soja, ante el área de Medio Ambiente de la Municipalidad de Paraná y la Defensoría del Pueblo. En tanto, ayer por la tarde, Galiussi llamó a la repartición municipal pero “nadie respondió el teléfono”, aseguró. Luego, hizo una exposición en la Comisaría 7ma.

“Ya no sé qué más hacer”, afirmó, quejoso, el vecino, para desgranar luego las peripecias que viene sufriendo desde hace tiempo, cuando la soja empezó con su avance estrepitoso hasta llegar a sectores urbanos. Como antecedente, recordó que hace un par de años sufrió la pérdida de miles de kilos de tomates y morrones a causa del glifosato, sustancia incluida como herbicida no selectivo. Justamente, la posible presencia de ese producto en las fumigaciones, renovó ayer la inquietud del vecindario, contó Galiussi. El productor fue hasta la Justicia por el caso de la producción perdida, aunque aclaró que lo que más desvela es la probable afección a la salud de la gente de la zona. “Hay un asentamiento de familias humildes sobre Parera y estaban fumigando calle de por medio”, relató ayer.

“Están absolutamente prohibidas” las fumigaciones agrícolas en la ciudad, dijo Marcelo Álvarez, director de Medio Ambiente de la Comuna. Seguidamente, anunció que se iba a constituir en la zona en cuestión y que su área tiene expedientes con tramitaciones que dan cuenta de fumigaciones en otros sectores de Paraná. Informó que la prohibición está plasmada en una resolución, medida que relacionó a denuncias provenientes del sur de la ciudad, por la mortandad de perros y pájaros ocurrida en octubre último.

El 29 de ese mes, el Ejecutivo municipal emitió la resolución 474 mediante la que prohibió la aplicación de plaguicidas agrícolas dentro del casco urbano de la ciudad. Fuera de ese límite, establece una franja de 50 metros en torno de escuelas, clubes, viviendas y áreas recreativas que deberán quedar libres de las pulverizaciones. Para quienes tengan producciones frutihortícolas dentro del ejido –zona prohibida–, la resolución prevé el pedido de una excepción por parte de los titulares de los emprendimientos, bajo una serie de condiciones. Por ejemplo, nómina de cultivos a implantar y plan de fumigaciones, documentación referida a los plaguicidas a utilizar, receta agronómica y toda otra información relacionada a las normas nacionales, provinciales y municipales vigentes.

Las autorizaciones vencerán cada seis meses y la Comuna podrá darlas por caída si comprueba algún incumplimiento a los requisitos. Las aplicaciones deberán ser supervisadas por un técnico o profesional matriculado, consigna la resolución, y añade que “el único método de aplicación que podrá ser autorizado será el manual a mochila u otro similar, a una distancia de aplicación de 20 centímetros del suelo”, se especifica.

Paralelamente a la emisión de la resolución 474 estaba vigente el decreto 662 de julio de 2009, que prorrogó la prohibición de aplicar plaguicidas agrícolas con pulverizaciones terrestres en el ejido de Paraná hasta el 31 de diciembre del año pasado.

En los considerandos de la medida se recordaba –según el parte oficial- que “el Consejo Nacional de Investigaciones Científicas y Técnicas –Conicet- ha difundido un estudio mediante el cual prueba fehacientemente las malformaciones producidas por el contacto con el glifosato, principal componente de los agroquímicos de uso corriente para controlar plagas en cultivos de soja”.

Annex 90

“Fumigations with Glyphosate Is Not Permitted on the the Peninsula”, BARILOCHE2000
(Bariloche, 10 Feb. 2010)



BARILOCHE2000

4 February 2010

FUMIGATIONS WITH GLYPHOSATE ARE NOT PERMITTED ON THE PENINSULA

The Assistant Secretary of the Environment, **Paul De Brito**, disclosed its ruling today regarding the situation raised in the San Pedro Peninsula where they were fumigating with glyphosate, causing concern among its neighbours. As a precautionary measure, he banned its use and noted that work would be carried out on an ordinance to regulate the use of herbicides throughout the municipal area. He considered that there would be no fine “because what had been done was not against the law.”

The Assistant Secretary of the Environment, **Paul De Brito**, banned the use of glyphosate in ruling adversely on the case involving lots in the San Pedro Peninsula that had generated complaints from neighbors and even an intervention by the Ombudsman. He announced the result of the ruling to Rafael Boné and Jorge González Galé at 10 o'clock, who were carrying out fumigations in the land in question. De Brito said that "although the opinion is not favourable to them, they showed a good attitude."

The Secretary based his decision on the note sent by the Ombudsman, the National Constitution, the Organic Charter, environmental laws and ordinances to protect cypress and the forests, as well as a presidential decree of 19 January 2009 which set up a commission to investigate the reasonable use of chemicals and agrochemicals in the wake of what happened in a town of Córdoba.

He said he had taken into account the need to protect human and environmental health when applying the precautionary principle in his decision because **“no one knows with certainty what the consequences of its application might be.”**

However, he said that after touring the area, it could be seen that wooded area had not been compromised due to the careful application of the product. He stressed that the concern is that the product's potential hazards have yet to be determined.

De Brito held that **“no fine would be imposed** since what had been done was not against the law. They applied a product that is approved by the nation's Ministry of Health” and also requested authorization from Bosques. “They did not carry this out clandestinely,” he said, so he insisted that it is a “precautionary measure”.

He explained that the ruling only prohibits the application of glyphosate in the reported sector but that proper measures would be put in place to work on an ordinance regulating the use of herbicides throughout the area. He said it was not easy “to rule on something without having an ordinance to support it.” He noted that there is an inspector that works in the Environment department who will verify compliance with this measure.

Finally, **Silvia Perea**, environmental inspector, said that **glyphosate is authorized for use in agricultural areas** and not in urban areas and was manufactured as an herbicide for use in soybean fields.

No se puede fumigar con glifosato en la Península

JUEVES 04 DE FEBRERO DE 2010 00:00



El subsecretario de Medio Ambiente, **Pablo De Brito**, dio a conocer hoy el dictamen sobre la situación planteada en Península San Pedro donde se estaba fumigando con glifosato, despertando la preocupación de los vecinos. Como medida precautoria prohibió su uso y señaló que se trabajará en una ordenanza para regular el uso de herbicidas en todo el ejido municipal. Consideró que no se le aplicaría multa "porque no está prohibido lo que hicieron". Foto de **Alejandra Bartoliche**.

El subsecretario de Medio Ambiente **Pablo De Brito** prohibió el uso de glifosato al dictaminar negativamente en el caso vinculado a los lotes de Península San Pedro que había generado la denuncia de los vecinos y hasta una intervención del Defensor del Pueblo. A las 10 dio a conocer el resultado del dictamen a Rafael Boné y Jorge González Galé, quienes estaban llevando a cabo la fumigación en los predios en cuestión. De Brito manifestó que "si bien el dictamen no es favorable a su pedido, mostraron buena predisposición".

El subsecretario fundamentó su decisión en la nota enviada por el defensor del Pueblo, la Constitución Nacional, La Carta Orgánica, leyes ambientales y ordenanzas de protección del ciprés y los bosques, además de un decreto presidencial del 19 de enero de 2009 que dio origen a una comisión para investigar el uso racional de químicos y agroquímicos a raíz de lo ocurrido en un pueblo de Córdoba.

Afirmó que se tuvieron en cuenta para dictaminar la necesidad de protección de la salud humana y ambiental y se aplicó **el principio precautorio ya que "no se sabe a ciencia cierta cuáles pueden ser las consecuencias de su aplicación"**.

Sin embargo, sostuvo que tras el recorrido por la zona se observó que no había compromiso de la masa arbórea ya que se había realizado una aplicación prolija del producto. Insistió en que la preocupación es que aún no está determinada la peligrosidad del producto.

De Brito estimó que **"no implicaría una multa** porque no está prohibido lo que hicieron. Aplicaron un producto aprobado por el ministerio de Salud de la Nación" y también pidieron la autorización a Bosques. "No lo hicieron en secreto", aclaró, por lo que insistió que se trata de una "medida precautoria".

Explicó que el dictamen sólo prohíbe la aplicación del glifosato en el sector denunciado pero se instrumentaran las medidas necesarias para trabajar en una ordenanza que regule el uso de herbicidas en todo el ejido. Manifestó que no fue fácil "resolver algo sin tener una ordenanza que nos amparara". Para verificar el cumplimiento de esta medida, señaló que hay una inspectora que se desarrolla en el área de Medio Ambiente.

Finalmente, **Silvia Perea**, inspectora ambiental, explicó que **el glifosato está autorizado para zonas agrícolas y no en zonas urbanas** y fue fabricado como herbicida para utilizar en campos de soja.

Annex 91

Shane Romig, “Argentina Court Blocks Glyphosate Spraying Near Rural Town”,
DOW JONES NEWSWIRES (21 Mar. 2010)



Axis of Logic

Finding Clarity in the 21st Century Mediaplex

World News

Argentina Court Blocks Glyphosate Spraying Near Rural Town

By Shane Romig

Dow Jones Newswires

Sunday, Mar 21, 2010

BUENOS AIRES -(Dow Jones)- In a ruling bearing potentially far-reaching implications, an appellate court in Argentina's Santa Fe province this week upheld a decision blocking farmers from spraying agrochemicals near populated areas.

The ruling blocks the use of chemicals such as the widely used herbicide glyphosate within 800 meters of the town of San Jorge, and aerial spraying within 1,500 meters of the town.

While the decision is limited to the area around San Jorge, other courts in the farming province are likely to follow suit if residents seek similar court action.

The court found that farmers "have been indiscriminately using agrochemicals such as glyphosate, applied in open violation of existing laws [causing] severe damage to the environment and to the health and quality of life of the residents."

A backlash is building in the country against the increasing reliance on transgenic soybeans and the herbicide widely used in their cultivation. Soybeans dominate the country's farm output, but growing concern over the environmental impact of soybean-cultivation practices has spurred a legal and legislative assault.

Last year, the Argentine Association of Environmental Lawyers filed a case at the Supreme Court to halt the use of glyphosate, which virtually all of the soybeans grown in Argentina have been genetically modified to resist. Up to 200 million liters of the herbicide are sprayed across the farm belt each season. The court has yet to decide on whether to hear the case.

Genetically modified soybeans resistant to glyphosate were introduced to Argentina in 1996 by St. Louis-based biotech giant Monsanto Co. Now, with over half of all cultivated land going to soy in the last season, virtually all of the soybeans grown in Argentina uses Monsanto's technology. Monsanto didn't return a call seeking comment.

The spread of the transgenic beans has led to an unprecedented boom in farm wealth but also brought a host of ills, including soil deterioration and wide-scale deforestation to open up new fields.

While environmentalists have long decried the shift to soy monoculture, opposition heated up last year when an unpublished study conducted by the University of Buenos Aires Institute of Cellular Biology and Neuroscience Molecular Embryology Lab found that very low doses of glyphosate caused mutations in amphibian embryos.

While glyphosate has been used for 30 years and is approved in more than 100 countries, the defense minister prohibited growing transgenic soybeans on army farms with residential compounds, in the wake of the report. In addition, a number of local districts have banned or limited the use of glyphosate around populated areas, and some provinces also are debating legislation to prohibit or limit its use.

Argentina is the world's leading exporter of soymeal and oil and the third-largest exporter of soybeans. The legume is the country's largest export product and a key source of export-tax revenue.

Despite criticism of the excessive reliance on soybeans from President Cristina Fernandez, the government has encouraged the continued shift toward soy by imposing export limits and price controls on other goods such as wheat, corn and beef to keep local food prices down. With virtually no domestic demand for soybeans, their pricing and exports have been left untouched, prompting farmers to plant more beans.

[Dow Jones Newswire](#)

Annex 92

“Colombian Government Violates Pact and Fumigates with Glyphosate”, VOCES.ORG
(10 Nov. 2010)



VOCES DIARIO DIGITAL

10 November 2010

COLOMBIAN GOVERNMENT VIOLATES PACT AND FUMIGATES WITH GLYPHOSATE

The Colombian government was denounced today of violating an international pact signed with Ecuador, by indiscriminately fumigating with glyphosate an extensive border area, where various indigenous communities are settled.

Bogota, 10 November (PL).- In a press release, made to Prensa Latina in Bogotá, the Permanent Assembly of Indigenous and Farming Communities and the Afro-Colombians who inhabit the border corridor in the department of Putumayo call on the international community to confirm the complaint.

According to the text, among the government's oppressive actions against the Putumayan people in the Plan Colombia framework, yesterday, various indigenous communities settled in the border corridor were fumigated with glyphosate.

The area — always in accordance with the source — comprises part of the 10 kilometers agreed by both Colombia and Ecuador to be excluded from indiscriminate aerial fumigations that have affected the border population of the neighboring country.

The plaintiffs recall that they have attempted to obtain their food sovereignty, despite great difficulty and risks due to the systematic violation of their rights, dating back to implementation of the American policy of Plan Colombia and militarization of their territories.

Recovery of the community production of rice crops and others crops for strengthening of food sovereignty has today been destroyed by indiscriminate fumigation with glyphosate, they add.

The text also notes that last 8 September, the reinitiation of Plan Colombia Phase III activities was denounced, these activities have been imposed since 2000 by the United States southern command.

All this, “under the excuse of destroying the planting of coca crops which, in our reality, has only served to completely militarize our territories, generating state terror through systematic violations and crimes against humanity such as forced displacement,” he adds.

The Assembly holds that the objective of this policy is to broaden oil drilling and mining, where the only entities that derive a benefit are multinational companies and corrupt persons in government, who complacently turn over our national sovereignty.

“Our organization is very indignant because there were no illegal crops in the areas fumigated and we therefore consider that (...) they were a direct attack by the national government against our organization,” he highlights.

On its part, the Assembly assures that it will not silence itself out of fear and it will continue to demand, in a transparent and dignified fashion, the respect for the rights of its peoples.

We demand respect towards our way of life from the government of the United States and Colombia, he expresses.

“The war could destroy our food, but they will not destroy our dignity and our dreams for social equality, liberty and justice,” he notes.

[...]

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Medio ambiente

Colombia- Derechos

Gobierno colombiano viola pacto y fumiga con glifosato

Miércoles 10 de noviembre de 2010 · [Comentar este artículo](#)



El gobierno colombiano fue denunciado hoy de violar un pacto internacional suscrito con Ecuador, al fumigar de manera indiscriminada con glifosato una extensa área fronteriza, donde se asientan varias comunidades indígenas.



Bogotá, 10 nov (PL).- En un comunicado, entregado a Prensa Latina en Bogotá, la Asamblea Permanente de las Comunidades Indígenas y Campesinas y la población afrocolombianas que habitan un corredor fronterizo en el departamento de Putumayo llaman a la comunidad internacional verificar la denuncia.

Según el texto, dentro de las acciones represivas del gobierno en contra del pueblo putumayense en el marco del Plan Colombia, ayer fueron fumigadas con glifosato, varias comunidades indígenas asentadas en un corregimiento fronterizo.

El área -siempre acorde con la fuente- hace parte de los 10 kilómetros convenidos entre Colombia y Ecuador para ser exceptuados de las fumigaciones aéreas indiscriminada que han afectado a la población fronteriza del vecino país.

Los demandantes recuerdan que con grandes dificultades y riesgos por la violación sistemática de sus derechos originada desde la ejecución de la política estadounidense del Plan Colombia y la militarización de sus territorios, intentan obtener su soberanía alimentaria.

La recuperación de la producción comunitaria del cultivo de arroz y otros cultivos para el fortalecimiento de la soberanía alimentaria hoy acaban de ser destruidos con la fumigación indiscriminada con glifosato, agregan.

El texto también recoge que el pasado 8 de septiembre fue denunciado el reinicio de las actividades del Plan Colombia Fase III, que desde el año 2000 ha impuesto el comando sur de Estados Unidos.

Ello "bajo la excusa de acabar con la siembra del cultivo de coca y que en nuestra realidad solo ha servido para militarizar totalmente nuestros territorios, generar el terror estatal a través de las violaciones sistemáticas y de lesa humanidad como el desplazamiento forzado", añade.

La Asamblea sostiene que el objetivo de esa política es ampliar la explotación petrolera y minera, donde los únicos beneficiados han sido las multinacionales y los corruptos del gobierno que complacientes entregan la soberanía nacional.

"Nuestra organización está muy indignada porque no había cultivos de uso ilícito en el área fumigada y consideramos entonces que (...) fueron un ataque directo por parte del gobierno nacional contra nuestra organización", subraya.

A su vez, la Asamblea asegura que no se silenciará por miedo y seguirá exigiendo de manera transparente y digna el respeto por los derechos de su pueblo.

Al gobierno de Estados Unidos y Colombia les exigimos respeto con nuestra forma de vida, expresa.

"La guerra podrá acabar con nuestra comida, pero no acabaran con nuestra dignidad y nuestros sueños de igualdad social, de libertad y de justicia", acota.

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Annex 93

“Colombia Fumigates Again”, LA HORA (Quito, 11 Nov. 2010).



LA HORA

11 November 2010

COLOMBIA FUMIGATES AGAIN**Agencies**

The Colombian government was denounced yesterday for violating an agreement subscribed with Ecuador, by indiscriminately fumigating an extensive border area with glyphosate, where a series of indigenous communities are settled.

The delicate situation is occurring in the departamento de Putumayo, which borders the province of Sucumbios, according to the Permanent Assembly of Indigenous and Farming Communities and the Afro-Colombian population that inhabit the boundary area.

The affected population called on various international organizations to verify the complaint.

According to a press release disseminated in Bogotá and which is known by this newspaper, a series of aerial glyphosate aspersions were carried out last Tuesday in the area.

Caption: In Ecuador, sickness has caused the renewal of these activities in the northern border.

Against coca

The area comprises a portion of the 10 kilometers that Colombia and Ecuador have agreed to exclude from fumigations that have affected the border population, disclosed the agency Prensa Latina.

The text also notes that recommencement of Plan Colombia Phase III activities was denounced on 8 September, “under the excuse of destroying coca crop planting and which, in our reality, has only served to completely militarize our territories, generating state terror through systematic violations and crimes against humanity such as forced displacement,” he adds.

Indignation

The Assembly held that “this policy’s objective is to broaden oil drilling and mining, where the only beneficiaries have been multinational companies and corrupt government members who complacently hand over our national sovereignty.”

“Our organization is indignant because the areas fumigated did not have any illicit crops and we consider that (...) this was a direct attack by the national Government against our organization,” he highlights.

Background

Three years ago, the Ecuadorian Government had denounced to the U.N. Human Rights Council headquartered in Geneva, the affectations suffered by the border population as a result of fumigations.

This chemical, which enters Ecuadorian territory swept by the air, additionally destroys legal crops and pollutes waters in the national territory.

The aerial spraying caused aggravation of bilateral links, which have only been reestablished a few months ago.

Displacement

We consider that, in addition to causing members of the Ecuadorian border populations to fall ill, the aspersions have indirectly aggravated a displacement phenomenon of Colombians towards national territory.

PAIS

Colombia fumiga de nuevo



Jueves, 11 de Noviembre de 2010



Posición. Malestar ha causado en Ecuador la reanudación de estas actividades en la frontera norte.

AGENCIAS

El gobierno colombiano fue denunciado ayer de violar un pacto suscrito con Ecuador, al fumigar de manera indiscriminada con glifosato una extensa área fronteriza, donde se asientan varias comunidades indígenas.

La delicada situación se registra en el departamento de Putumayo, fronterizo con la provincia de Sucumbíos, de acuerdo con la Asamblea Permanente de las Comunidades Indígenas y Campesinas y la población afrocolombiana que habitan en la zona limítrofe.

La población afectada hizo un llamado a diversas organizaciones internacionales para que verifiquen la denuncia.

Según un comunicado divulgado en Bogotá y conocido por este diario, el martes pasado se realizaron en la zona varias aspersiones aéreas con glifosato.

Contra la coca

El área forma parte de los 10 kilómetros convenidos entre Colombia y Ecuador para ser exceptuados de las fumigaciones que han afectado a la población fronteriza, divulgó a su vez la agencia Prensa Latina.

El texto también recoge que el pasado 8 de septiembre fue denunciado el reinicio de las actividades del Plan Colombia Fase III, "bajo la excusa de acabar con la siembra del cultivo de coca y que en nuestra realidad solo ha servido para militarizar totalmente nuestros territorios, generar el terror estatal a través de las violaciones sistemáticas y de lesa humanidad como el desplazamiento forzado", añade.

Indignación

La Asamblea sostuvo que "el objetivo de esa política es ampliar la explotación petrolera y minera, donde los únicos beneficiados han sido las multinacionales y los corruptos del gobierno que complacientes entregan la soberanía nacional".

"Nuestra organización está muy indignada porque no había cultivos de uso ilícito en el área fumigada y consideramos entonces que (...) fueron un ataque directo por parte del Gobierno nacional contra nuestra organización", subraya.

Hechos anteriores

Hace tres años, el Gobierno de Ecuador había denunciado ante el Consejo de Derechos Humanos de la ONU, con sede en Ginebra, las afectaciones sufridas por la población fronteriza a causa de las fumigaciones.

Ese químico, que ingresa a territorio de Ecuador arrastrado por el aire, destruye además cultivos lícitos y contamina las aguas del territorio nacional

El riego aéreo motivó entonces un agravamiento de los vínculos bilaterales, que se restablecieron hace un par de meses.

Desplazamiento

Se considera que, además de causar enfermedades en las poblaciones fronterizas de Ecuador, las aspersiones han agravado de manera indirecta el fenómeno del desplazamiento de colombianos hacia suelo nacional.

[Ingresa aquí para comentar](#)

Annex 94

*Commentary on the United Nations Convention Against Illicit Traffic in Narcotic Drugs and
Pyschotropic Substances 1988, U.N. Doc E/CN.7/590 (20 Dec. 1988)*



**COMMENTARY
ON THE
UNITED NATIONS CONVENTION
AGAINST ILLICIT TRAFFIC
IN NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES
1988**

Done at Vienna on 20 December 1988



**UNITED NATIONS
New York, 1998**

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

E/CN.7/590

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PART FOUR

FINAL CLAUSES

ARTICLES 24-34

ARTICLE 24

Application of stricter measures than those required by this Convention

Single paragraph

A Party may adopt more strict or severe measures than those provided by this Convention if, in its opinion, such measures are desirable or necessary for the prevention or suppression of illicit traffic.

Commentary

24.1. Article 24, the first of the final clauses of the 1988 Convention,⁸⁷⁶ corresponds to article 39 of the 1961 Convention and article 23 of the 1971 Convention. The remarks on those articles in the commentaries on the 1961 and 1971 Conventions thus apply, *mutatis mutandis*, to this article.⁸⁷⁷ The article follows most closely article 23 of the 1971 Convention, the changes in the text reflecting only the different nature of the two conventions, the one relating to the control of psychotropic substances and the other to measures, largely of a criminal law nature, to suppress illicit traffic; thus article 24 of the

⁸⁷⁶For the legislative history of the final clauses of the 1988 Convention (articles 24-34 in the text as adopted), see annex I to the present *Commentary*.

⁸⁷⁷Commentary on the 1961 Convention, paragraphs 1-4 of the comments on article 39; and Commentary on the 1971 Convention, paragraphs 1-4 of the comments on article 23.

1988 Convention refers just to “measures” and not to “measures of control” and ties such measures to the “prevention or suppression of illicit traffic” and not to “the protection of public health and welfare”, as is the case in the 1971 Convention.

24.2. The article was contained in the basic proposal⁸⁷⁸ before the Conference set out in the report of the review group on the draft Convention. In Committee II the article as such gave rise to no comment, beyond the suggestion that the wording of the 1961 and 1971 Conventions should be used for the article.⁸⁷⁹ Attention was instead directed to the inclusion in the same article of a non-derogation clause,⁸⁸⁰ which eventually became article 25 of the Convention. In the plenary of the Conference, no comments of substance were made on article 24, which was adopted without change.

24.3. Article 24 establishes that the 1988 Convention, like the earlier ones, provides the minimum level of measures to be taken by all parties, leaving it to them to take “more strict or severe measures”. Attention is drawn in particular to the comments on the interpretation of those words in the commentaries on the 1961 and 1971 Conventions, under articles 39 and 23 respectively.⁸⁸¹ The repetition of the same words in the 1988 Convention would seem to indicate that the participants in the Conference took the view that, in the past, application of such a provision had not given rise to serious difficulties. In the previous commentaries, it was pointed out that the article permitted a party to adopt measures additional to those prescribed by the Convention or to replace them by stricter or more severe measures than those provided for in the Convention. As an illustration of the second of these two approaches under the 1988 Convention, in connection, for example, with article 3, paragraph 8, calling for a long statute of limitations period for offences established under that article, a party might provide instead that the prosecution of those offences would not be subject to any time-limit.

⁸⁷⁸*Official Records*, vol. I ..., document E/CONF.82/3, annex II (“Article 19”).

⁸⁷⁹*Official Records*, vol. II ..., Summary records of meetings of the Committees of the Whole, Committee II, 34th meeting, para. 69.

⁸⁸⁰*Ibid.*, paras. 70-72.

⁸⁸¹Commentary on the 1961 Convention, paragraphs 2-5 of the comments on article 39; and Commentary on the 1971 Convention, paragraphs 2-4 of the comments on article 23.

Annex 95

European Union, *Council Directive Concerning the Placing of Plant Protection Products on the Market*, 91/414/EEC (15 July 1991)



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COUNCIL DIRECTIVE
of 15 July 1991
concerning the placing of plant protection products on the market
 (91/414/EEC)
 (OJ L 230, 19.8.1991, p. 1)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Directive 93/71/EEC of 27 July 1993	L 221	27	31.8.1993
► <u>M2</u>	Commission Directive 94/37/EC of 22 July 1994	L 194	65	29.7.1994
► <u>M3</u>	Council Directive 94/43/EC of 27 July 1994	L 227	31	1.9.1994
► <u>M4</u>	Commission Directive 94/79/EC of 21 December 1994	L 354	16	31.12.1994
► <u>M5</u>	Commission Directive 95/35/EC of 14 July 1995	L 172	6	22.7.1995
► <u>M6</u>	Commission Directive 95/36/EC of 14 July 1995	L 172	8	22.7.1995
► <u>M7</u>	Commission Directive 96/12/EC of 8 March 1996	L 65	20	15.3.1996
► <u>M8</u>	Commission Directive 96/46/EC of 16 July 1996	L 214	18	23.8.1996
► <u>M9</u>	Commission Directive 96/68/EC of 21 October 1996	L 277	25	30.10.1996
► <u>M10</u>	Council Directive 97/57/EC of 22 September 1997	L 265	87	27.9.1997
► <u>M11</u>	Commission Directive 97/73/EC of 15 December 1997	L 353	26	24.12.1997
► <u>M12</u>	Commission Directive 98/47/EC of 25 June 1998	L 191	50	7.7.1998
► <u>M13</u>	Commission Directive 1999/1/EC of 21 January 1999	L 21	21	28.1.1999
► <u>M14</u>	Commission Directive 1999/73/EC of 19 July 1999	L 206	16	5.8.1999
► <u>M15</u>	Commission Directive 1999/80/EC of 28 July 1999	L 210	13	10.8.1999
► <u>M16</u>	Commission Directive 2000/10/EC of 1 March 2000	L 57	28	2.3.2000
► <u>M17</u>	Commission Directive 2000/49/EC of 26 July 2000	L 197	32	3.8.2000
► <u>M18</u>	Commission Directive 2000/50/EC of 26 July 2000	L 198	39	4.8.2000
► <u>M19</u>	Commission Directive 2000/66/EC of 23 October 2000	L 276	35	28.10.2000
► <u>M20</u>	Commission Directive 2000/67/EC of 23 October 2000	L 276	38	28.10.2000
► <u>M21</u>	Commission Directive 2000/68/EC of 23 October 2000	L 276	41	28.10.2000
► <u>M22</u>	Commission Directive 2000/80/EC of 4 December 2000	L 309	14	9.12.2000
► <u>M23</u>	Commission Directive 2001/21/EC of 5 March 2001	L 69	17	10.3.2001
► <u>M24</u>	Commission Directive 2001/28/EC of 20 April 2001	L 113	5	24.4.2001
► <u>M25</u>	Commission Directive 2001/36/EC of 16 May 2001	L 164	1	20.6.2001
► <u>M26</u>	Commission Directive 2001/47/EC of 25 June 2001	L 175	21	28.6.2001
► <u>M27</u>	Commission Directive 2001/49/EC of 28 June 2001	L 176	61	29.6.2001
► <u>M28</u>	Commission Directive 2001/87/EC of 12 October 2001	L 276	17	19.10.2001
► <u>M29</u>	Commission Directive 2001/99/EC of 20 November 2001	L 304	14	21.11.2001
► <u>M30</u>	Commission Directive 2001/103/EC of 28 November 2001	L 313	37	30.11.2001
► <u>M31</u>	Commission Directive 2002/18/EC of 22 February 2002	L 55	29	26.2.2002
► <u>M32</u>	Commission Directive 2002/37/EC of 3 May 2002	L 117	10	4.5.2002

**COUNCIL DIRECTIVE****of 15 July 1991****concerning the placing of plant protection products on the market****(91/414/EEC)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas plant production has a very important place in the Community;

Whereas plant production yields are continually affected by harmful organisms including weeds; whereas it is absolutely essential to protect plants against these risks to prevent a decline in yields and to help to ensure security of supplies;

Whereas one of the most important ways of protecting plants and plant products and of improving agricultural production is to use plant protection products;

Whereas these plant protection products can have non-beneficial effects upon plant production; whereas their use may involve risks and hazards for humans, animals and the environment, especially if placed on the market without having been officially tested and authorized and if incorrectly used;

Whereas, in view of the hazards, there are rules in most Member States governing the authorization of plant health products; whereas these rules present differences which constitute barriers not only to trade in plant protection products but also to trade in plant products, and thereby directly affect the establishment and operation of the internal market;

Whereas it is therefore desirable to eliminate such barriers by harmonizing the provisions laid down in the Member States;

Whereas uniform rules on the conditions and procedures for the authorization of plant protection products must be applied by the Member States;

Whereas such rules should provide that plant protection products should not be put on the market or used unless they have been officially authorized and should be used properly having regard to the principles of good plant protection practice and of integrated pest control;

Whereas the provisions governing authorization must ensure a high standard of protection, which, in particular, must prevent the authorization of plant protection products whose risks to health, groundwater and the environment and human and animal health should take priority over the objective of improving plant production;

Whereas it is necessary, at the time when plant protection products are authorized, to make sure that, when properly applied for the purpose intended, they are sufficiently effective and have no unacceptable effect on plants or plant products, no unacceptable influence on the envir-

⁽¹⁾ OJ No C 89, 10. 4. 1989, p. 22.

⁽²⁾ OJ No C 72, 18. 3. 1991, p. 33.

⁽³⁾ OJ No C 56, 7. 3. 1990, p. 3.

▼B

mixtures or solutions composed of two or more substances of which at least one is an active substance, intended for use as plant protection products;

6. *'plants'*
live plants and live parts of plants, including fresh fruit and seeds;
7. *'plant products'*
products in the unprocessed state or having undergone only simple preparation such as milling, drying or pressing, derived from plants, but excluding plants themselves as defined in point 6;
8. *'harmful organisms'*
pests of plants or plant products belonging to the animal or plant kingdom, and also viruses, bacteria and mycoplasmas and other pathogens;
9. *'animals'*
animals belonging to species normally fed and kept or consumed by man;
10. *'placing on the market'*
any supply, whether in return for payment or free of charge, other than for storage followed by consignment from the territory of the Community or disposal. Importation of a plant protection product into the territory of the Community shall be deemed to constitute placing on the market for the purposes of this Directive;
11. *'authorization of a plant protection product'*
administrative act by which the competent authority of a Member State authorizes, following an application submitted by an applicant, the placing on the market of a plant protection product in its territory or in a part thereof;
12. *'environment'*
water, air, land, wild species of fauna and flora, and any interrelationship between them, as well as any relationship with living organisms;
13. *'integrated control'*
the rational application of a combination of biological, biotechnological, chemical, cultural or plant-breeding measures whereby the use of chemical plant protection products is limited to the strict minimum necessary to maintain the pest population at levels below those causing economically unacceptable damage or loss.

General provisions

Article 3

1. Member States shall prescribe that plant protection products may not be placed on the market and used in their territory unless they have authorized the product in accordance with this Directive, except where the intended use is covered by Article 22.
2. Member States shall not, on the grounds that a plant protection product is not authorized for use in their territory, impede the production, storage or movement of such products intended for use in another Member State, provided that:
 - the product is authorized in another Member State, and
 - the inspection requirements laid down by the Member States in order to ensure compliance with paragraph 1 are satisfied.

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3. Member States shall prescribe that plant protection products must be used properly. Proper use shall include compliance with the conditions established in accordance with Article 4 and specified on the labelling, and the application of the principles of good plant protection practice as well as, whenever possible, the principles of integrated control.
4. Member States shall prescribe that active substances may not be placed on the market unless:
 - they are classified, packaged and labelled in accordance with Directive 67/548/EEC, and
 - where the active substance was not on the market two years after notification of this Directive, a dossier has been forwarded to the Member States and to the Commission, in accordance with Article 6, with the declaration that the active substance is intended for a use specified in Article 2 (1). This condition shall not apply to active substances intended for a use under Article 22.

Granting, review and withdrawal of authorizations of plant protection products*Article 4*

1. Member States shall ensure that a plant protection product is not authorized unless:
 - (a) its active substances are listed in Annex I and any conditions laid down therein are fulfilled,
 - and, with regard to the following points (b), (c), (d) and (e), pursuant to the uniform principles provided for in Annex VI, unless:
 - (b) it is established, in the light of current scientific and technical knowledge and shown from appraisal of the dossier provided for in Annex III, that when used in accordance with Article 3 (3), and having regard to all normal conditions under which it may be used, and to the consequences of its use:
 - (i) it is sufficiently effective;
 - (ii) it has no unacceptable effect on plants or plant products;
 - (iii) it does not cause unnecessary suffering and pain to vertebrates to be controlled;
 - (iv) it has no harmful effect on human or animal health, directly or indirectly (e.g. through drinking water, food or feed) or on groundwater;
 - (v) it has no unacceptable influence on the environment, having particular regard to the following considerations:
 - its fate and distribution in the environment, particularly contamination of water including drinking water and groundwater,
 - its impact on non-target species;
 - (c) the nature and quantity of its active substances and, where appropriate, any toxicologically or ecotoxicologically significant impurities and co-formulants can be determined by appropriate methods, harmonized according to the procedure provided in Article 21, or, if not, agreed by the authorities responsible for the authorization;
 - (d) its residues, resulting from authorized uses, and which are of toxicological or environmental significance, can be determined by appropriate methods in general use;

Annex 96

United Nations, *Conference for the Adoption of a Convention against Illicit Traffic in Narcotic
Drugs: Official Records* (1994)



**United Nations Conference
for the Adoption of a
Convention against Illicit
Traffic in Narcotic Drugs
and Psychotropic Substances**

Vienna, 25 November-20 December 1988

OFFICIAL RECORDS

Volume I:

Preparatory work

Conference documents on organizational matters

Main Conference documents

Final Act and resolutions

**United Nations Convention against Illicit Traffic
in Narcotic Drugs and Psychotropic Substances**



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NOTE

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through crop substitution and integrated rural development techniques and through preferential tariffs for the substitute products, taking into account the various types of these products and the resources available to them, as well as the socio-economic circumstances existing in the illicit growing zones. Parties with common borders shall endeavour to cooperate in eradication programmes within the zones situated along these borders."

201. The amendment received the full support of several representatives. Some others objected to it on the grounds, in particular, that while respect for human rights was an unquestionable requirement, traditions may often be subject to change; moreover, the reference to preferential tariffs, which touched upon issues of international trade, fell outside the scope of the draft Convention and beyond the competence of the Group.

202. Several representatives expressed the view that provisions of the article dealing with eradication, which concerned only the supply side, should be balanced by the inclusion of provisions dealing with demand reduction. In their opinion the elimination of illicit demand was a major factor in dealing with the illicit traffic.

203. A proposal in that sense was made by one representative and supported by many others. It consisted in two additional paragraphs as follows:

"3. States with high rates of illicit demand shall adopt appropriate measures to prevent illicit consumption, and shall endeavour to achieve, as soon as possible, genuine reductions in their internal consumption of drugs through vigorous programmes of education, prevention and rehabilitation.

"4. To this end, these States shall allocate the economic, technical, scientific and human resources necessary to achieve genuine progress towards the elimination of the problem of the illicit consumption of narcotic drugs and psychotropic substances."

204. While recognizing the importance of demand reduction, some other representatives were of the view that the convention, which had a penal law perspective, should deal exclusively with such matters; it should not attempt to cover other aspects of the drug problem such as prevention, treatment and rehabilitation or illicit consumption. Other representatives expressed the view that the scope of the convention was broad and that it did not mostly concern penal law.

205. With a view to reconciling the divergent positions held regarding the substantive content of this article, the Group decided that the discussion would continue informally among interested experts.

206. As a result of these informal consultations, a compromise draft of article 10 was submitted to the Group for its consideration. The Group adopted the said draft by consensus.

207. One representative expressed his reservation concerning that part of the title of the article relating to the elimination of illicit demand and about paragraph 3. He

thought that a balance in the draft was necessary between the concepts of illicit demand and the links between illicit traffic and other criminal activities, because both concepts would have a direct impact on future international cooperation against illicit trafficking.

208. Another representative proposed that the words "traditional domestic" in paragraph 1 be replaced by the word "licit". However, as that paragraph had been adopted by the Group at an earlier stage of its discussions, it was considered more appropriate that this proposal be reflected in the report so that it might be considered at a later stage of the preparation of the draft Convention.

Article 11

209. The Group agreed that the draft Convention should contain provisions to ensure that the means of transport operated by commercial carriers were not used in the illicit traffic. Some representatives proposed that article 11 should be expanded to encompass private as well as commercial carriers in view of the importance of drug seizures linked with the international movement of privately owned and operated means of transport. In the view of one representative, it was not clear whether the scope of the article covered only ships and aircraft or included all means of transport.

210. The Group agreed to limit paragraph 1 to a statement of the general obligation for Parties to take appropriate measures to ensure that means of transport operated by commercial carriers are not used in the illicit traffic. One representative expressed the view that the inclusion of a provision requiring Parties to increase security at international ports was not appropriate in the context of the convention.

211. On the basis of the experience gained in his country, that effective control in the area covered by article 11 could be best achieved with the cooperation and consent of commercial carriers, rather than by legislative measures, one representative proposed that the convention should positively encourage Parties to enter into special arrangements with commercial carriers and reformulated paragraph 5 to this effect. Some other representatives expressed the view that such a provision might not be applicable within all domestic legal systems. As a compromise the Group agreed to insert in paragraph 1 a revised formulation of the proposal indicating that such special arrangements could be one of the measures available to Parties in fulfilling their obligations under this article.

212. The Group decided not to specify that searches should be "thorough" as this was implicit.

213. Several representatives indicated that it was not clear whether the searches in question were within the ambit of criminal proceedings or of control measures falling within the competence of customs authorities.

214. The level of suspicion on the basis of which searches were to be undertaken was subject to different interpretations. Several representatives were of the view that searches should be effected only when there was suspicion of a serious nature. It was also pointed out by

some speakers that customs authorities undertook searches as part of their mandate, which did not require suspicion to justify such searches, and that this factor should be taken into account.

215. Divergent views were expressed regarding the modalities and severity of sanctions which faulty commercial carriers would face. In view of the difficulty of establishing an internationally acceptable criterion regarding the precautions which commercial carriers had to take, it was pointed out that the responsibility and liability of carriers should be involved only if negligence on their part could be established, or when they had been accessories to drug trafficking. In the opinion of several representatives, the convention should leave it to the respective Parties to determine within their own national penal law, whether and when sanctions should be applied and whether these sanctions would be of an administrative or criminal nature.

216. With a view to reconciling the divergent positions held regarding the substantive content of paragraphs 2, 3 and 4, the Group decided that the discussion would continue informally among interested experts. Following consultations, a compromise draft was submitted to the Group for its consideration.

217. By using the formula "each Party", the new text now indicates that the measures envisaged in paragraphs 2, 3 and 4 were to be taken individually by Parties within their own jurisdiction.

218. An amended part of the introductory sentence of paragraph 2 and paragraph 3 of the initial draft were combined into paragraph 2 of the compromise draft. The measures provided in paragraph 2 were grouped into category (a) concerning more specifically those carriers having their principal place of business within the territory of the Party and category (b) dealing with any carrier operating within the territory of the Party. It was, however, the understanding that Parties could apply, in appropriate cases, all the measures envisaged under subparagraphs 2(a) and 2(b) to all carriers.

219. As interpreted by one representative, the wording of the introductory sentence indicated that the measures spelled out in subparagraphs 2(a) and 2(b) were illustrative of those measures that States "may include" in their national legislation to ensure that means of transport operated by commercial carriers are not used in the illicit traffic.

220. The modality of cooperation between States and carriers included in subparagraph 3(b) of the original draft was dealt with separately in the new paragraph 3. In that paragraph, reference is made to "point of entry and exit and customs control areas" so as to cover the diverse factual situations prevailing in different countries.

221. The Group approved by consensus paragraphs 2 and 3 as redrafted.

222. The provision concerning sanctions that might be imposed on carriers, which appeared in the second sentence of the initial paragraph 2, was reformulated in a

separate paragraph 4. It was understood that should sanctions be considered appropriate these should be of an administrative rather than of a criminal nature. Several representatives were of the view that, as reformulated, paragraph 4 added nothing to the rights already enjoyed by States under general international law and the Group consequently agreed to delete it. Two representatives expressed reservations about the deletion and stated that they would revert to the matter at the second meeting in October.

Article 11 bis

First session

223. One representative proposed for consideration at a later stage, as an additional article, the proposal of his Government in paragraph 811 of the working document, which could not be accommodated in the framework of article 11, to the effect of ensuring the correct labelling of consignments of narcotic drugs and psychotropic substances, the accurate use of the listed International Non-Proprietary Names, and the proper utilization of accompanying papers, customs documents and manifests.

Second session

224. The Group considered the new paragraph 11 bis as proposed at its first session.

225. In support of the inclusion of such a provision, reference was made to recommendation 8 of the Inter-regional HONLEA calling for measures to ensure that consignments of narcotic drugs and psychotropic substances be correctly described on all accompanying papers, customs documents and manifests.

226. Some representatives held the view that the inclusion of such an article would not serve any useful purpose. On the contrary, the proposed requirement that consignments should be properly labelled might induce criminal diversion. Moreover, the reference to substances in List A or List B was inappropriate in view of the provisions of article 8.

227. Following informal consultations, a revised draft was placed before the Group requiring that exports of narcotic drugs and psychotropic substances be properly documented and that the consignments being exported were not mislabelled. The Group agreed on the proposed reformulation. Several delegations requested the deletion of the square brackets at the end of paragraph 1, so that the consignee would be mentioned only in so far as he is known. Three representatives explained the difficulties they had in accepting the new article because of some of its legal and practical implications. In their opinion, it would require reconsideration at a later stage in the light of further appropriate consultations. They consequently placed on record their reservation as regards the propriety and tenor of the new article approved by the Group.

Article 12

228. Several representatives expressed support for the general tenor of the draft article. However, it was noted by

some representatives that a number of its provisions might give rise to problems from the point of view of criminal law or the international law of the sea. One representative emphasized that any action against ships by States other than the flag State in cases where the evidence of illicit traffic was not clear and manifest could lead to abuses and might undermine legal principles which were important. A treaty provision waiving the flag State's consent could lead to traffickers merely having their vessels registered under a flag of convenience, and consequently such treaties would probably not serve the purposes intended.

229. The Group approved, without amendment, the text of paragraph 1 which sets out the general obligation for States to cooperate to the fullest extent possible to suppress the illicit traffic.

230. In connection with paragraph 2, it was suggested that it would be desirable to extend its provisions to cover unregistered ships which are required to be registered, as well as registered ships. It was also suggested that rather than speaking of "registered under its laws" it would be preferable to use in that paragraph, and throughout the article, the expression "flying its flag" which was the common term of the article.

231. The Group approved for paragraph 2 a revised formulation, taking into account the above suggestions.

232. The reference in the draft to the United Nations Convention on the Law of the Sea was not considered appropriate by some delegations as that Convention, after its entry into force, might not be binding on all Parties to the present instrument. Divergent views were expressed regarding the use of the expression "high seas" in paragraph 3. Some representatives were in favour of retaining that term while others objected to it and deemed it preferable to rely on the concept of territorial sea or waters. In lieu of the term "high seas" the Group agreed to refer instead to the area "beyond the external limits of the territorial sea", without prejudice to any rights enjoyed by the coastal State seaward of those limits. Some representatives recalled the existence of a contiguous zone in which States had exclusive rights in respect of matters relating to customs, taxation, health and immigration. The Group agreed that the reservation concerning the rights of the coastal State in the new text included that zone. Some representatives expressed reservations with regard to this formulation, in view of the fact that, as signatories of the United Nations Convention on the Law of the Sea, they would construe and implement the provisions of this article in a way compatible with their obligations under that instrument.

233. The Group approved the proposal made by several representatives that with regard to vessels flying the flag of another Party, the prior consent of the flag State must be given before a vessel may be boarded, searched and seized. In the case of seizure, it was emphasized that this action should be contemplated only if evidence of the vessel being engaged in illicit traffic was discovered. Paragraph 3 was amended to reflect these requirements. In view of the inclusion of the requirement for prior permission, the reference to vessels flying the flag of the boarding

State was considered superfluous, as a flag State had jurisdiction over its vessels in the situation envisaged in that paragraph. Similarly, reference to vessels not displaying a flag or markings of registry was unnecessary as the question of prior permission did not arise in such cases. Sub-paragraphs (a) and (c) were consequently deleted.

234. It was pointed out that the authority to be designated by each Party, in accordance with paragraph 4, would not necessarily be competent to act upon requests from another Party, but only to respond to them in an expeditious manner. The wording was amended accordingly. The Group also approved a proposal to amend the second and third sentences of paragraph 4 so as to indicate more precisely at what time the flag State should designate an authority to receive and respond to requests from other Parties for the purposes of paragraph 3, as well as the time limit for the notification of the designation to all other Parties.

235. The Group agreed to amend paragraph 5 so as to cover existing as well as future treaties, whether they be multilateral or bilateral. In conformity with the corresponding deletion made in paragraph 3, the Group agreed to delete subparagraph (a) referring to judicial requirements where the vessel in custody was flying the flag of the boarding State.

236. The Group approved a proposal to delete paragraph 6 as the provision which conferred to one Party alone the right to call in question an agreement or arrangement was not in keeping with international practice.

237. In order to emphasize and safeguard the overall interest of the flag State in any action undertaken pursuant to the provisions of the article, the Group agreed to add a new paragraph 6 to the effect that the flag State concerned should be informed of the results of such action.

238. Several representatives supported a proposal to include an indemnity clause similar to that in article 110, paragraph 3, of the United Nations Convention on the Law of the Sea, relating to piracy, to cover the loss or damage which may be sustained by vessels subjected to searches which prove unwarranted. Many representatives objected to the proposed inclusion, pointing out that the situation in article 12, where prior permission from the flag State was required, was different from that in article 110 and that such a provision would inhibit action by States in the fight against the illicit traffic. The proposal was not agreed upon. One delegation expressed the opinion that the draft Convention should contain a liability clause which would, among other provisions, clearly stipulate the obligations of the requesting and requested Parties.

Article 13

239. During its consideration of article 13, which the Commission on Narcotic Drugs at its thirty-second session had agreed to retain as formulated in the preliminary text, one representative referred to the proposal of his Government for a more comprehensive draft as reproduced in paragraph 867 of document DND/DCIT/WP.1. There was general agreement that those proposed provisions were too

detailed and would be difficult to implement because of their complexity. It was decided that the initial version of article 13 should remain the basic text for discussion in the Expert Group.

240. It was agreed that in order to ensure the effectiveness of the measures envisaged to suppress the illicit traffic in free trade zones and free ports, which were particularly vulnerable to the illicit traffic, paragraph 1 should be amended to indicate that such measures should be "no less stringent" than those applied in other parts of the national territory.

241. The Group agreed that the wording in subparagraph 2(a) should be amended to take into account the fact that it was within the normal competence of States to empower their appropriate authorities to perform search operations. It was also agreed not to limit the provisions to "incoming and outgoing vessels" but to cover "cargoes" as well.

242. The Group agreed to extend the provisions of the article to include the "search of crew members and passengers and their baggage" in free trade zones and free ports. It was pointed out that systematic or indiscriminate search operations would raise practical difficulties and might have legal implications as regards respect for the rights of individuals. It was therefore agreed that the provision of subparagraph 2(b) should refer to the search of crew members and passengers only "when appropriate".

Article 14

243. One representative reiterated the proposal of his Government to qualify the provisions of this article, as well as all the other articles of the draft Convention, by the clause "within the basic principles of the existing national legal system". Several representatives expressed support for this formulation as far as article 14 was concerned. It was, however, the general view that such a formulation might not prove valid for all the provisions of the draft Convention.

244. It was also agreed to limit the scope of the safeguard clause to basic principles of national legal systems, and not to extend it to norms, so as to allow the possibility for Parties to adopt or amend their legislation to implement the provisions of the new draft Convention inasmuch as it did not interfere with the basic principles of their respective legal systems.

245. The Group agreed on a revised safeguard clause for the article reading as follows: "consistent with the basic principles of their respective national legal systems".

246. It was suggested that an appropriate safeguard clause protecting the sovereignty of the State Parties might be the subject of a separate article in the draft Convention. In that connection it was pointed out that safeguard clauses such as those included in the existing Conventions were intended to indicate the freedom of Parties to choose the modalities for the execution of the binding provisions of the Conventions.

247. It was agreed that the word "prevention" in the title of article 14 should be replaced by the word "suppression" so as to bring the title in conformity with the provisions of paragraph 1 and to cover simultaneously the concept of preventive and repressive action as referred to in subparagraph 2(a).

248. Several representatives expressed the view that the provisions of the article should not infringe the right of privacy and secrecy of communications. To that effect it was agreed that the word "control" in subparagraph 2(a) of the text as amended by the Commission on Narcotic Drugs should be deleted.

Preliminary exchange of views on the preamble, implementation measures and final clauses

249. In commenting on the preamble, several representatives indicated that it should be made more concise. It was also suggested that it should state the general guiding principles underlying the various provisions.

250. Some representatives expressed the view that the preambular paragraphs should not be selective but cover all the elements contained in the substantive articles of the convention. In that connection the preambular paragraphs should follow the same sequence as the articles in the convention.

251. One representative emphasized the importance of retaining in the preamble the reference to the links between drug trafficking and other associated organized criminal activities.

252. Another representative reaffirmed the importance of indicating in the preambular paragraphs the relationship between this convention and the existing drug control treaties.

253. Several representatives expressed satisfaction with the general approach and formulation of the draft articles on implementation.

254. One representative was of the opinion that a reaffirmation of the rules of customary international law in the present convention would be appropriate in view of the many questions referred to in this convention that are not entirely regulated by its provisions.

255. Article 1 setting out general obligations for the Parties was considered superfluous as it did not add to the specific obligations contained in each particular article. Its deletion was therefore suggested.

256. As regards the functions entrusted to the Commission on Narcotic Drugs by article 2, it was suggested that in accordance with the wording used in article 8 of the 1961 Convention, the article should state that the Commission "is authorized" to consider all matters pertaining to the aims of the convention.

257. The reporting procedure introduced in article 3 was commented upon by several speakers. Regarding the periodicity of the reports, it was stressed that annual reports would impose an excessive burden on Governments

United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

Vienna, 25 November-20 December 1988

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Volume II:

Summary records of plenary meetings

**Summary records of meetings of Committee I
and Committee II**



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29th meeting

Thursday, 15 December 1988, at 10.30 a.m.

Chairman: Mr. BAYER (Hungary)

CONSIDERATION OF A DRAFT CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (agenda item 4) (continued) (E/CONF.82/3 and Corr.1)

Article 12 (concluded)

1. The CHAIRMAN drew attention to the redraft of article 12 prepared by the informal working group. He said that the text was now available in all working languages.*

2. Mr. HARRISON (Australia), introducing the draft, said that the elements were interrelated and that any improvements adopted should not interfere with the balance reached.

3. The draft proposed by the informal working group was based on three premises: that there was a need for an article 12 in the convention; that the concerns that had been raised had to be met; and that article 12 had to be in entire conformity with the international law of the sea.

4. Paragraph 1 was taken from the original draft in document E/CONF.82/3, with the addition of the phrase "in conformity with the international law of the sea".

5. Paragraph 2 was the original text in document E/CONF.82/3 as amended in accordance with the proposal of France, which had been accepted by the Committee.

6. Paragraph 3, a crucial paragraph, was carefully worded, containing some elements of paragraph 3 of the basic text. He drew attention to the phrase "freedom of navigation". In the Committee's discussion on article 12 the previous week, one of the main difficulties had been the reference to the zones to which paragraph 3 was to apply. The informal working group, after considerable discussion, had agreed that the concept of zones should be abandoned and another formulation found to clarify where the action contemplated in paragraph 3 might take place. The phrase "freedom of navigation" should not be seen as in any way affecting the rights of States to exercise exclusive jurisdiction in their territorial sea.

7. The word "authorization" was deliberately used to stress the positive nature of the decision and of the action which the flag State in the exercise of its sovereignty was to take with regard to its vessel. Nothing in the article was intended in any way to affect the rights of the flag State with regard to its vessel and there was no obligation in the article for a flag State to provide the authorization

requested of it: it was entirely at its discretion to decide whether it would allow another State to act against its vessel or not.

8. Paragraph 4 repeated the second part of paragraph 3 in the basic text by prescribing the sorts of action that might be taken either pursuant to an authorization given under paragraph 3 or pursuant to or in accordance with any agreement or arrangement or any treaties in force between the Parties concerned. It also highlighted the disjunctive nature of the various processes which might be taken against the vessel: boarding; search; and—only if evidence of illicit traffic were found—any further action. The word "seizure" had deliberately been omitted.

9. Paragraph 5 was designed to meet the concerns of all States that might be affected by the action contemplated in paragraphs 3 and 4, to ensure that the vessel itself was not endangered, that its crew and cargo were at all times protected, and that the legal rights and commercial interests of the Parties using the vessel were protected.

10. Paragraph 6 was intended to meet the concerns of States on the question of liability. The word "responsibility" was used because it was considered more acceptable in meeting the requirements of different legal systems.

11. Paragraph 7 was drawn from paragraph 4 of the basic text in document E/CONF.82/3.

12. Paragraph 8 was drawn from paragraph 6 of document E/CONF.82/3 and paragraph 9 from paragraph 7 of that document.

13. Paragraph 10 was based upon an amendment proposed by the Federal Republic of Germany (E/CONF.82/C.2/L.10). The concept, but because of lack of time not the wording, had been agreed by the informal working group. The proposed text had been prepared by two or three delegations in consultation but it was open to further examination.

14. Paragraph 11 was perhaps the most crucial paragraph. Several States had been extremely concerned that article 12 as originally drafted might adversely affect their rights and obligations as set out in the Convention on the Law of the Sea. Paragraph 11 was designed to ensure that there was no effect on those rights and obligations resulting from the exercise of the rights and obligations set out in article 12. The new draft was the result of very careful and constructive thought by a number of delegations.

15. The CHAIRMAN said that the text seemed to be a balanced one and urged delegations not to amend it.

*For the text, see document E/CONF.82/C.2/L.13/Add.11, para. 8.

16. Mr. de la GUARDIA (Argentina) thanked the members of the informal working group, in particular the Australian representative, for their hard work.

17. Paragraph 11 was a result of a compromise between very different stands. It took account of all situations and his delegation was prepared to accept it. However, his delegation would have preferred the original text, with the mention of zones, in document E/CONF.82/3.

18. Regarding paragraphs 3 and 4 of the new draft, he said that, with the disappearance of the concept of seizure which had been included in the original draft, it was no longer clear what the "appropriate action" mentioned in paragraph 4(c) was.

19. Regarding the Spanish version, he proposed that the expression "*derecho marítimo internacional*" used in paragraphs 1 and 11 as the equivalent of "international law of the sea" should be replaced by "*derecho internacional del mar*", and that, in paragraph 11, the words "*la necesidad de no interferir*", corresponding to "the need not to interfere", should be replaced by "*la necesidad de no injerirse*".

20. Mr. SABOIA (Brazil) endorsed the remarks made by the representative of Australia. The compromise text proposed was carefully balanced; even a change in the position of a paragraph might alter its meaning for some delegations.

21. The Brazilian delegation was ready to participate in the consensus adoption of the text.

22. Mr. TEWARI (India) congratulated those who had formulated the compromise draft. He would join in the consensus, but had some comments for the record concerning paragraph 11.

23. Article 33 of the United Nations Convention on the Law of the Sea provided that a coastal State might exercise the control necessary to prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea and punish infringement of those laws and regulations committed within its territory or territorial sea. The lack of a specific reference to that Convention might jeopardize the economic interests of coastal States. Because Indian customs waters extended to the limit of the contiguous zone, in which enforcement action was authorized as in any other part of the territory, his delegation had wished for a specific reference to the United Nations Convention on the Law of the Sea in article 12. In the present draft all reference to zones had been omitted. It was therefore all the more necessary that the safeguard clause (paragraph 11) should have contained an unambiguous reference to protection of the rights of coastal States in the contiguous zone which, *inter alia*, would have included EEZ. As now worded paragraph 11 was open to misinterpretation.

24. Mr. SZEKELY (Mexico) recalled his delegation's fears that a conflict might arise between the new Convention and the United Nations Convention on the Law of the Sea. A fragile balance had now been achieved on the

basis of concessions by all delegations. He thanked the informal working group for its redraft, which he fully supported.

25. Mr. STEWART (United States of America) thanked the Australian and Mexican representatives for their work in producing a redraft of article 12. His delegation's preference would, however, have been for the original text in document E/CONF.82/3, which did not prejudice the rights of any States.

26. Paragraph 3 of redrafted article 12 contained the phrase "a vessel exercising freedom of navigation in accordance with international law", which had been used to avoid mention of zones. His delegation would like that phrase to be amended to read: "a vessel operating where vessels may exercise freedom of navigation". His understanding was that the area in question was beyond the territorial sea.

27. He also suggested that, with respect to the notion of marks of registry, paragraph 3 should be brought into line with paragraph 2. He proposed the addition in paragraph 3, between the word "flag" and the words "of another Party", of the words "or displaying marks of registry" and, as a consequential change, the replacement of the words "notify the flag State and request" by the words "notify the flag State, request confirmation of registry and, if confirmed, request".

28. Paragraph 4 seemed to imply that the actions listed in subparagraphs (a) to (c) were exhaustive, which was clearly not the intention. He therefore proposed the insertion of the words "*inter alia*" after "the flag State may" in the third line of that paragraph.

29. In paragraph 6 his delegation would like the words "including conditions relating to responsibility" to be deleted. A flag State might impose any kind of condition it wished consistent with its obligations in paragraph 1. To mention any particular type of condition was unnecessary and might lead to problems of interpretation.

30. He understood that the intention in paragraph 10 was to repeat the wording used in article 23, paragraph 4, of the Convention on the High Seas and article 111, paragraph 5, of the Convention on the Law of the Sea which referred to "warships or military aircraft clearly marked and identifiable as being on government service", and he proposed that that wording should be adopted for paragraph 10.

31. The intent of paragraph 11 was to set aside any implication that the new convention was seeking to change the international law of the sea, but his delegation was troubled by the paragraph's exclusive focus on coastal States, which seemed to carry the negative implication that the rights of other States might not be protected. That was clearly not the intention. He therefore proposed amending the paragraph to read: "Any action taken in accordance with this article should take due account of the need not to interfere with or affect the rights and obligations and the exercise of jurisdiction of States

Parties, including coastal States Parties, in accordance with the international law of the sea.”

32. Mr. PARDOS CAÑABATE (Spain) thanked the informal working group for its efforts and supported the new text proposed.

33. He had a small amendment to propose to paragraph 3. His delegation considered that the concept “reasonable grounds to suspect that a vessel . . . is engaged in illicit traffic” (“. . . se dedica al tráfico ilícito”) was too wide. He therefore proposed the more restrictive wording “. . . is engaged in illicit traffic at a given moment”.

34. He could accept the amendments proposed by the United States representative to paragraph 3.

35. Mr. BARNETT (Jamaica) thanked the informal working group for having produced a satisfactory compromise text.

36. His delegation believed that the Convention on the Law of the Sea was the appropriate basis for the determination of matters relating to the law of the sea, particularly in relation to zones and the jurisdiction that they implied, and it was happy that some recognition of the zones was implicit in paragraph 11, but was not inclined to accept the United States proposal to include the words “all States Parties including” after the words “jurisdiction of” in that paragraph.

37. He wondered why the word “aircraft” had been included in paragraph 10, which was supposed to be linked to the “appropriate action” in paragraph 4, which was itself linked with paragraph 3, and what the effect of paragraph 10 was on the article as a whole.

38. His delegation considered that the exercise of responsibility by the coastal State ought not to be jeopardized by any action taking place between the requesting State and flag State: it must always be informed of and involved in such action.

39. His delegation could accept the United States amendment concerning marks of registry in paragraph 3 but, regarding the amendment proposed in paragraph 4, he wondered whether the words “*inter alia*” should not be placed after the words “authorize the requesting State to” rather than after “the flag State may”.

40. Mr. WUNDERLICH PIDERIT (Chile) thanked the representatives of Australia and Mexico for their work on the redrafted article 12, which his delegation supported.

41. He pointed out that the wording of paragraph 10 was based on article 107 of the Convention on the Law of the Sea.

42. The expression “including conditions relating to responsibility” in paragraph 6 was extremely important and should be retained.

43. He proposed that the Spanish version of paragraphs 1 and 11 should be amended as suggested by the representative of Argentina.

44. *It was so agreed.*

45. Mr. SUKANDAR (Indonesia) said that the new drafting of article 12, particularly paragraph 11, reflected the complexity of the problem and the efforts involved in finding a balanced and acceptable text. The formulation proposed was a very general one. His delegation, while accepting that formulation in a spirit of compromise, wondered whether the text would provide sufficient guidance to those who would have to implement it.

46. As to the need not to affect the rights, obligations and extent of jurisdiction of coastal States in accordance with the international law of the sea, he believed that the intention was not to affect those rights primarily beyond the contiguous zone. That view was based on article 33 of the 1982 United Nations Convention on the Law of the Sea.

47. The new formulation of article 12 was acceptable to his delegation; any changes made in it should be linguistic and not substantive.

48. Mr. TANAKA (Japan) said that the proposed reformulation of article 12 was a very carefully drafted compromise accepted by all Parties. On the understanding that paragraph 11 would not be invoked to affect the rights of the coastal State under international law, his delegation was ready to join the consensus on accepting the proposal. It could accept the United States proposal to amend the words “coastal States” to read “States Parties including coastal States Parties” in paragraph 11.

49. Mr. FERRARIN (Italy) said that his delegation wished for absolute consistency between the text in the basic document and the current law of the sea. Taking into account the need to accommodate the position of other delegations, he thought that the text proposed by the informal working group was well balanced and he would be in favour of its adoption by consensus.

50. He had no difficulty in accepting the amendments proposed by the United States and Spanish representatives.

51. Mr. SIBLESZ (Netherlands) said that his delegation would have preferred the text of article 12 in document E/CONF.82/3, but since the new formulation met the concerns of the various delegations including his own he could accept it.

52. The proposed United States amendments to paragraph 3 and 4 would improve the text.

53. While agreeing with the substance of the amendments proposed by the United States to paragraphs 6 and 11, he considered that the present language reflected a balance that had been hard to achieve and he would be reluctant to see the debate on those paragraphs reopened.

54. With respect to the proposed amendments to paragraph 11, while he agreed with the logic of the United States position, the powers, authority and jurisdiction of States other than the coastal State were adequately

covered under the preceding paragraph and he could therefore accept paragraph 11 as it stood.

55. In paragraph 7 Parties were requested to designate an authority to act as a channel for requests under the preceding paragraphs. In dealing with paragraph 6 of article 5 on mutual legal assistance, which also requested Parties to designate an authority, Committee I had agreed to include a phrase allowing the designation of more than one authority under certain conditions. He suggested that similar language should be adopted in paragraph 7, which should be amended to read: "At the time of becoming Party to the Convention, each Party shall designate an authority or, when necessary, authorities to receive and respond to such requests".

56. A consequential amendment should be made to the last sentence of the paragraph, the words "The authority designated by each Party for this purpose shall be notified" being replaced by "Such designation shall be notified". A similar amendment had been adopted by Committee I in connection with article 5, paragraph 6.

57. Mr. LAVIÑA (Philippines) thanked the members of the informal working group for having produced a compromise text for article 12. His delegation was prepared to join the consensus on that text and shared the views expressed by the representatives of Brazil and India.

58. His delegation's understanding concerning paragraph 11 was that any action taken in accordance with article 12 should not interfere with or affect the rights and obligations and extent of jurisdiction of coastal States under the Convention on the Law of the Sea. In that connection he endorsed the statements made by the representatives of India and Indonesia.

59. The proposed amendments, some of which were interesting, might disturb the balance achieved, but he was prepared to discuss them if the Committee so decided. He agreed with the point made by the Netherlands representative concerning the proposed amendment by the United States to paragraph 11.

60. He accepted the Netherlands amendment to paragraph 7 concerning the designation of authorities, which should be passed on to the Drafting Committee.

61. He reserved his right to speak again if the discussion on the consensus was reopened.

62. Mr. GASPAR (Portugal) thanked the informal working group for its work, but said that the formulation agreed upon did not fully meet his delegation's concerns.

63. His delegation considered that both because of its scope and the danger of potential conflict, article 12 would affect the balance on which the international law of the sea was based, which must be preserved. Boarding and searching a vessel were exceptional measures which might well lead to conflict especially when other States had rights in the same maritime zone.

64. In a spirit of compromise, his delegation was prepared to accept the consensus, but any amendment to the wording of paragraph 11 would disturb the delicate balance achieved and be very difficult for him to accept.

65. Mr. GONZALEZ (Cuba) considered that the re-drafted article 12 was much better than the original text in document E/CONF.82/3. However, the measures in paragraphs 4 and 5 would be hard to apply to merchant shipping and were likely to affect maritime trade, in particular for developing countries with no merchant fleet or with limited tonnage, which had to use ships flying foreign flags for their foreign trade. His delegation considered that the measures proposed might give rise to other problems in other areas. Nevertheless it would not oppose the consensus.

66. Mr. ZURITA (Venezuela) said that his delegation had originally been in favour of the text of article 12 in document E/CONF.82/3, but the text presented by the informal working group was well balanced and each paragraph was so drafted as to take account of all the concerns expressed. His delegation fully supported that text and he endorsed the Chairman's appeal not to disturb its fragile balance.

67. Mr. VALL (Mauritania) said that his country had just ratified the Convention on the Law of the Sea and had had to make great efforts to adapt its legislation to that instrument. His delegation would have liked a more explicit reference in paragraph 7 to the rights of the coastal State to protect its interests in areas defined by the Convention on the Law of the Sea. Those interests were continually under threat because of a certain fashion of interpreting international law.

68. He endorsed the United States amendments to paragraphs 4 and 6 of the redraft.

69. His delegation believed that there should be the clearest provisions to ensure that the fight against illicit traffic at sea was effective within the framework of the Convention on the Law of the Sea, and it would join the consensus.

70. Mr. HUGLER (German Democratic Republic) welcomed the proposed redraft of article 12 and supported the appeal to retain the balance achieved.

71. His delegation had some problems with the words "a Party shall respond expeditiously to a request from another Party to determine whether a vessel that is flying its flag is registered under its law" in paragraph 7. That wording was based on the original proposal for article 12. However, proof of the link between the ship and the flag State was not the registration of the vessel under the national law of the flag State but its nationality. According to article 91, paragraph 1, of the Convention on the Law of the Sea, a ship had the nationality of the State whose flag it was entitled to fly. Article 7 should therefore be amended by replacing the words "is registered under its law" by the words "is entitled to fly its flag".

72. Mr. TEWARI (India) agreed with the substance of the compromise redraft. He could accept the proposed linguistic amendments but not the amendments of substance; in particular, he could not accept the United States amendment to paragraph 11.
73. He agreed with the Indonesian representative's interpretation of paragraph 11, i.e. that the rights and obligations and extent of jurisdiction of coastal States under the United Nations Convention on the Law of the Sea and the rights conferred on them in the EEZ would not be affected in the contiguous zone.
74. Mr. MOAYEDODDIN (Islamic Republic of Iran) said that his delegation, a member of the informal working group, had had serious concerns regarding the right of coastal States up to the limit of the EEZ. His delegation joined the consensus on the redrafted article 12 as it stood, but could not accept any changes, and especially not to paragraph 11.
75. Mr. SABOIA (Brazil) said that his delegation had always desired to preserve the balance of rights and obligations, in particular those of the coastal State with regard to certain zones specified in the Convention on the Law of the Sea.
76. The proposed United States amendment to replace the words "a vessel exercising freedom of navigation" by "a vessel operating where vessels may exercise freedom of navigation" would by implication reintroduce the question of zones and disturb the balance of the compromise text.
77. With respect to the United States amendment to paragraph 6, he said that the words "including conditions relating to responsibility" replaced a whole paragraph. The proposal to eliminate them would present problems for a number of delegations.
78. Paragraph 11, the most delicate part of the compromise, took into account the concerns of coastal States with regard to their rights. The working group had made a conscious effort at flexibility, and the United States amendment would create enormous problems and possibly reopen the whole discussion.
79. Mr. BUTKE (Federal Republic of Germany) expressed regret that the United States representative was reopening the discussion on paragraph 6. The question of responsibility was a crucial one, since in most cases the flag State would not be prepared to give its authorization if it could not be assured that damage caused by unjustified measures would be compensated. His delegation could not accept paragraph 6 without the mention of conditions relating to responsibility.
80. His understanding was that normally the condition relating to responsibility in an agreement would be consistent with paragraph 1.
81. He could agree to the other amendments proposed by the United States.
82. Mr. WETUNGU (Kenya) said that redrafted article 12 was clear and largely acceptable. He would, however, prefer to see the word "ships" in the first line of paragraph 10 replaced by the word "vessels".
83. Mr. DZIOUBENKO (Union of Soviet Socialist Republics) said that his delegation would have preferred the original text of article 12, but would not oppose the consensus, on the understanding that it was without prejudice to the general principles of international law and his country's approach to them.
84. He asked whether article 12 presupposed that the flag State had the right to subject any authorization it gave for any action in regard to its vessel to some kind of arrangement or agreement.
85. He had no difficulty with the proposed amendment to paragraph 6 and could support the Netherlands amendment to paragraph 7 and the United States amendment to paragraph 11, which he did not think would disturb the balance of the consensus or in any way detract from the rights of coastal States.
86. Mr. ASBALI (Libyan Arab Jamahiriya) wondered what had happened to the paragraphs of the article which had been adopted earlier with minor amendments. He had raised certain points during the earlier discussion. Provision needed to be made concerning the consequences to the shipowner if drugs or other material were found on board his vessel and any prejudice to his rights if nothing was found. It was also unclear whether the search could be carried out in the ship's country of destination if that was not a State Party and whether the vessel could be sent to a State Party if there was any doubt. His delegation reserved its position on the article.
87. He suggested that in paragraph 2 the wording "reasonable grounds to suspect" should be amended to "good grounds to suspect".
88. Mrs. ROUCHEREAU (France) said that her delegation would have preferred the initial text in document E/CONF.82/3 with the addition of the paragraph 3 *bis* proposed by her delegation referring to the rights of the coastal State in the contiguous zone.
89. She endorsed the comments of the representative of Argentina concerning paragraph 11 of the new draft, particularly in connection with the rights of coastal States in the contiguous zone.
90. Her delegation accepted the compromise draft and supported the proposal to refer in paragraph 10 to warships and military aircraft, as in article 107 of the Convention on the Law of the Sea.
91. She also supported the Netherlands amendment to paragraph 7 and could accept the United States amendment to paragraph 3.
92. With respect to the United States amendments to paragraphs 6 and 11, since those paragraphs were the result of a difficult compromise it would be better not to

change them. France, like the United States, would have preferred no explicit reference to the question of responsibility.

93. Mr. SAVOV (Bulgaria) said that his delegation would have preferred the original text in document E/CONF.82/3 but was ready to join the consensus on the compromise text submitted by the informal working group.

94. The text of article 12 had to be in line with the Convention on the Law of the Sea. Paragraph 10 should be understood in the sense of article 107 of the Convention on the Law of the Sea. However, he could not understand how ships or aircraft other than those mentioned in that Convention would have the right to take the action contemplated and wondered why the requirements were not more specific.

95. The United States amendment to paragraph 11 was superfluous and he agreed with the remarks of the Netherlands representative in that regard.

96. His delegation understood the words "in accordance with the international law of the sea" as meaning "in accordance with the International Convention on the Law of the Sea", and would support the text on that understanding.

97. He supported the proposal of the representative of the German Democratic Republic to amend the wording in paragraph 7 to read "a vessel entitled to fly its flag".

98. Mr. EDWARDS (United Kingdom) said that his delegation would have preferred the original text of article 12 in E/CONF.82/3 but was prepared to accept the compromise text.

99. Turning to the proposed amendments, he said that the omission of the reference to marks of registry in paragraph 3 was probably involuntary, but he had doubts as to whether it was really necessary to include a reference to confirmation of registry, and considered that the reference in paragraph 7 would suffice.

100. His delegation could accept the United States amendments to paragraphs 6 and 11 or the compromise text. His understanding of paragraph 11 was that it was not intended to be construed as meaning that the rights, obligations and jurisdiction of States other than coastal States were in some way affected by the wording. The reference to coastal States had been included to meet the concerns of a number of delegations.

101. He agreed with the Netherlands representative in interpreting paragraph 6 in the light of the main object of the article as set out in paragraph 1.

102. He supported the Netherlands amendment to paragraph 7.

103. Mr. OPARA (Nigeria) said that the redraft represented a good compromise and was well articulated in terms of substance. He agreed with the Netherlands

representative on the need to include in paragraph 7 the phrase "or, when necessary, authorities" and also with the United States amendments to paragraphs 3 and 4. However, so far as paragraphs 6 and 11 were concerned, any rewording of the redraft would disturb the fragile balance achieved and he could not therefore support the amendments proposed by the United States.

104. Mr. QI Baoxin (China) thanked the informal working group for its efforts to overcome the problems of article 12. The proposed redraft was acceptable to his delegation and he hoped that it would be adopted, perhaps with some improvements, by the Committee in a spirit of co-operation.

105. Mr. HARRISON (Australia), having thanked all those who had expressed their appreciation of the redraft, said that the Committee was close to reaching a consensus on the text.

106. With respect to the proposed amendment to the first part of article 3, in his view the phrase "exercising freedom of navigation" was crucial. To change it would risk reopening the entire debate, and he therefore urged the United States representative to withdraw the amendment.

107. The proposal concerning marks of registry and the request for information was constructive and should be adopted, although he agreed with the United Kingdom representative that the question of confirmation was adequately covered by paragraph 7. That might perhaps be an issue for the Drafting Committee.

108. The United States representative had proposed to add the expression "*inter alia*" in paragraph 4 between the word "may" and the word "authorize". The purpose of paragraphs 3 and 4 was to give the maximum flexibility to the flag State and the requesting State to take the action which they both agreed was necessary. There was no intention to limit the action they might take and no intention to interfere with the sovereign right of the flag State to take action as it deemed fit. The phrase "*inter alia*" would therefore be appropriate in paragraph 4 to make it clear that the States concerned might take other action.

109. In reply to the USSR representative, he said that if a flag State insisted on entering into agreements or arrangements before it would consent to or authorize the action requested, it was entirely within its competence to do so.

110. A number of speakers had stressed that it was very important that the question of responsibility be addressed in paragraph 6. It had been so addressed in the most general terms, and those who had proposed wording on liability had compromised greatly to enable the present text to be arrived at. The Australian delegation considered that the words "including conditions relating to responsibility" should be retained, and he urged the United States representative to withdraw its amendment in that regard.

111. He supported the amendments proposed by the delegations of the German Democratic Republic and the Netherlands to paragraph 7.

112. Concerning paragraph 10, for his part he would have no difficulty in accepting the United States proposal to use the language of the Convention on the Law of the Sea.

113. The most important amendment proposed was to paragraph 11. Paragraphs 3 and 11 were linked. It was the concern of the coastal States that paragraph 3 might lead to a derogation of the rights and obligations which they were entitled to exercise under the international law of the sea. They therefore felt that their particular situation needed to be taken into account, and it was for that reason that paragraph 11 made specific mention of coastal States. The language of article 11 was part of the compromise reached. There was nothing in the convention designed to affect the rights of other States, but the question of the rights of coastal States was a crucial one. There was no intention on the part of the drafters of the article to derogate from the rights of any State under paragraph 11, but he believed that the language of that paragraph must be retained since many coastal States believed that their special concerns had to be treated specifically. He therefore urged the United States delegation not to press its amendment to paragraph 11.

114. Mr. SZEKELY (Mexico) said that after over a week's discussion a compromise draft had been produced. If any part of that text was changed the whole compromise would be affected. He endorsed the appeal of the Australian representative, considered that the record should make clear the preferences of delegations, and hoped that the text could be approved by consensus.

115. Mr. STEWART (United States of America) stressed that it was not his delegation's intention to tear down a structure that had been built with such difficulty and care but merely to improve it.

116. His delegation would not insist on its first proposed amendment to paragraph 3.

117. With respect to paragraph 6, given the tenor of the discussion his delegation would not press its proposal to delete the last five words but wished to indicate that any conditions mutually agreed were allowable.

118. With respect to paragraph 11, he said that his delegation's intention was to continue to protect the rights of coastal States to the extent that they existed or would be created in the future, although there was of course a difference of view about the extent and nature of such rights. On the understanding that the fact that coastal States' rights and obligations were specifically treated in paragraph 11 did not negatively prejudice the question of other States' rights and obligations, his delegation, in

response to the representative of Australia's appeal, would not insist on its amendment.

119. He suggested that paragraph 7 should be amended in the manner proposed by the German Democratic Republic and the Netherlands.

120. *It was so agreed.*

121. Mr. STEWART (United States of America) said he did not think that his proposal to add the words "or displaying marks of registry" in paragraph 3 and to replace the words "notify the flag State and request" in the same paragraph by the words "notify the flag State, request confirmation of registry and, if confirmed, request", or his proposal to amend paragraph 10 in the light of existing conventions, had given rise to problems. Perhaps those changes could be accepted.

122. *It was so agreed.*

123. Mr. BARNETT (Jamaica), referring to the amendment to paragraph 4 proposed by the United States representative, said that the placing of the expression "*inter alia*" between the word "may" and the word "authorize" in paragraph 4 would imply that the flag State could do other things than authorize the action to be taken in subparagraphs (a), (b) and (c). On the other hand if, as he had suggested, "*inter alia*" were placed after "may authorize the requesting State to", then (a), (b) and (c) would be among the other actions that might be taken.

124. Mr. STEWART (United States of America) said that that was a very helpful suggestion; he agreed that the words "*inter alia*" should be inserted after "may authorize the requesting State to".

125. *It was so agreed.*

126. The CHAIRMAN said that, if the text could now be adopted, he would invite delegations to hand in any statements and reservations in writing for inclusion in the summary records.*

127. *Article 12, as amended, was adopted.*

128. The CHAIRMAN thanked the representative of Australia and all the delegations that had enabled the Committee to reach a consensus and thus ensure that the convention would be functional.

The meeting rose at 1.25 p.m.

*See annex.

Annex

STATEMENTS IN CONNECTION WITH THE ADOPTION OF ARTICLE 12

(The statements summarized below in connection with the adoption of article 12 were submitted in writing by delegations, in response to the Chairman's invitation.)

The delegation of CANADA said in its written statement that paragraphs 3 and 4 of the text adopted provided for the flag State or State of registration to authorize a requesting State to take certain measures in respect of vessels suspected of being engaged in illicit traffic. It was the Canadian Government's practice, when responding to such requests, not to grant permission but rather to express no objection should the requesting Party demonstrate reasonable grounds for such measures. Canada believed that that practice was consistent with the intention of paragraphs 3 and 4 and met the obligations set out therein.

The delegation of INDIA said that the text relating to the rights and obligations and exercise of jurisdiction by coastal States as contained in paragraph 11 of article 12 had been considerably weakened. Pointing out that article 12 as adopted omitted all reference to the various marine zones, the Indian delegation stressed the importance of strengthening paragraph 11 to ensure that the rights and obligations and exercise of jurisdiction of coastal States which were obtained after prolonged and careful negotiation under the United Nations Convention on the Law of the Sea of 1982 were not adversely affected.

While joining in the consensus, the Indian delegation reiterated its preference for the wording as contained in paragraph 3 of the original Secretariat version of article 12 (contained in document DND/DCIT/WP.I, which read "and is on the high seas as defined in Part VIII of the United Nations Convention on the Law of the Sea").

The Indian delegation stated that according to its understanding the adopted version of article 12 would not be applicable to

the Indian customs waters. It was informed that, under the Indian Customs Law, the "Indian customs waters" extended into the sea up to the limit of India's contiguous zone.

The delegation of JAPAN said that the Japanese delegation, with the understanding that article 12 would in no way be invoked to affect the rights of coastal States under international law, would join in the consensus adoption of article 12.

The delegation of the UKRAINIAN SOVIET SOCIALIST REPUBLIC said that it would have preferred to see the text of article 12 of the Convention in the form submitted to the Conference in document E/CONF.82/3. That text was in conformity with one of the most important principles of the international law of the sea—the principle of freedom of navigation.

However, it had not opposed the consensus on the text prepared by the working group. Without wishing to mention all the amendments submitted during the debate on the working group's text, it would like to point out that the amendment to paragraph 11 submitted by the United States would have improved the text of article 12.

As his delegation understood paragraph 4, the flag State had the right to make any action against its vessels dependent on a relevant agreement or arrangement; the provisions of the paragraph must in no way be used to justify the taking of any action against a vessel without the permission of the flag State.

The delegation of the Ukrainian SSR accepted paragraph 11 in the light of the explanation given by the representative of Australia that the drafters did not intend to prejudice the rights of any State.

30th meeting

Thursday, 15 December 1988, at 4 p.m.

Chairman: Mr. BAYER (Hungary)

CONSIDERATION OF A DRAFT CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (agenda item 4) (continued) (E/CONF/82/3 and Corr.1)

Report of the Working Group on Final Clauses

1. The CHAIRMAN invited the Chairman of the Working Group on Final Clauses to introduce the Group's Report to the Committee.

2. Mr. van GORKOM (Netherlands), Chairman of the Working Group on Final Clauses, said that the Group recommended to the Committee the set of Final Clauses contained in document E/CONF.82/C.2/L.43.

3. It had considered the draft final clauses contained in the basic proposal in document E/CONF.82/3 which had not been examined in detail during the preparatory process as well as the draft final clauses prepared by the Secretariat contained in document E/CONF.82/C.2/L.16.

Annex 97

Organization for Economic Co-Operation and Development (OECD), *Activities to Reduce Pesticide Risks in OECD and Selected FAO Countries, Part I: Summary Report*, OCDE/GD(96)121 (1996)



General Distribution

OCDE/GD(96)121

**Activities to Reduce Pesticide Risks
in OECD and Selected FAO Countries**

Part I: Summary Report

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

Paris 1996

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Series on Pesticides No. 4

**Activities to Reduce Pesticide Risks
in OECD and Selected FAO Countries**

Part I: Summary Report

**Environment Directorate
Organisation for Economic Co-operation and Development
Paris 1996**

Protecting Sensitive Species and Habitats

By comparison with the increased attention to water resources, activities to protect vulnerable species and habitats seem less common among OECD countries. Several activities were reported, however, including the following:

- Several countries have placed tighter restrictions on pesticides that are toxic to honey bees, and/or to fish or other aquatic organisms. Japan restricts chemicals that are toxic to silkworms.
- Several countries have restricted or banned aerial spraying. For example: Denmark and Switzerland have placed such severe restrictions on aerial spraying, including the need to obtain a special authorisation, that it seldom occurs (in Switzerland only about 2,000 hectares of vineyards are aerially sprayed every year). Finland allows aerial spraying in forests only in very exceptional cases, and aerial spraying in general seldom occurs. Sweden has banned aerial spraying altogether.
- Japan prohibits aerial spraying for pine bark beetles in pine forests that are habitats for endangered plants and animals.
- The United Kingdom has begun funding farmers to practice traditional farming techniques for the benefit of the environment, under its Environmentally Sensitive Area Scheme. This programme started in 1987, following political concern over agricultural intensification leading to environmental damage. It focuses on preserving vulnerable wildlife habitats and environmentally sensitive areas and moorlands. The programme includes restrictions on pesticides, but has no specific goals for reduced use.

The UK is also researching the effects of pesticides on non-target species, and is modelling the risks associated with pesticide application to agricultural land, including effects on microbial biomass and leaching to surface waters.

- The United States is gradually implementing a programme to protect endangered and threatened species from pesticides. Developed in 1989, the programme is run at a county level, and is based on maps and bulletins that outline the species' habitats and specify limits on pesticide use. Compliance with the bulletins is legally enforceable.

The US is also conducting research aimed at recommending ways to change land use and farming practices so as to reduce environmental impacts. One project is looking at how improved farm management (in terms of pesticide and nutrient applications and animal husbandry) reduces non-point source pollution. A second project is studying rates and pathways of chemical movement, exposure of biological systems to agrochemicals, and effects of exposure.

Annex 98

Food and Agriculture Organization of the United Nations, *Guidelines on Good Practice for Aerial Application of Pesticides* (2001)



Guidelines on Good Practice for Aerial Application of Pesticides



Food and Agriculture Organization
of the United Nations

Rome, 2001

2.3 Product selection

The decision to select a given pesticide product must be based on an assessment of the risks and benefits and the hazard potential to both man and the environment.

In many, but not all, countries legislation is in place to control and regulate the manufacture, importation, distribution and sale of pesticides. Products are registered for use following local field evaluation for safety and efficiency and only approved and recommended products can be used.

Where there is a choice of product, the material offering the least hazard should always be selected. Where local pesticide regulations are not in place the *International Code of Conduct on the Distribution and Use of Pesticides (Amended version) FAO*, offers guidance.

2.4 Label information

The manufacturer's product label is the main source of information for the end user. It should be read and understood by anyone using the product. The user must also make sure that the label terminology is fully understood. The label is attached to the product container and usually reproduced on the outer container or wrapper of the transport container or carton. In most countries, adhering to the label recommendations is a legal obligation.

DO NOT USE AN UNAPPROVED OR NON-LABELLED PRODUCT

The product label carries statutory instructions for the user, and must cover the crops for which it is registered, the recommended dose rate, the number of treatments permitted during the growing season and how many days before harvest the last treatment may be applied. Additionally, the label will inform the user of the correct PPE to be used when handling and applying the product and advise on environmental protection measures to be carried out. Such measures may refer to a "non-spray" barrier (buffer zone).

break type and large enough to facilitate rapid filling. The valve must be positive in action to eliminate spillage.

The tank filling procedure must follow label recommendations for product introduction into the hopper, however, as agitation of the spray solution is limited during filling and “ferrying”, the use of a pre-mix facility is recommended.

The above point becomes more important in the case of a helicopter fitted with pannier tanks and an intermittent electric drive pump, which is only used when actually spraying.

Aircraft payload may need to be reduced to compensate for airstrip conditions or the effect of atmospheric conditions on engine performance, which in turn will determine how much spray liquid, can be loaded.

4.1.7 Prior warnings

Members of the public, not directly involved with the spray operation, may also be affected by an aerial pesticide application so the contractor/farmer may have a mandatory obligation to issue “prior warnings” to any person or organisation that might be affected or concerned.

Warnings must be given in ample time to beekeepers, owners of adjacent crops, livestock owners and those responsible for nearby environmentally sensitive sites. Where particularly toxic materials are to be used, it may be necessary to warn the emergency services, and the local environment and water authorities. The product label should give precise advice on prior warning and who to contact.

4.2 Field application

Adequate pre-preparation will make sure that the actual spraying is carried out under the safest conditions and accurate spray timing will help ensure that the product is used to optimum effect. Employers and operators must

Wind

Aircraft spraying is normally carried out when the surface wind speed is less than 6-7m/s, which is a safe speed for aircraft handling and safety. However, in areas of exceptional turbulence the above figures may have to be reduced. Reference to local rules and guidelines may indicate the cut-off wind speed for aerial spraying, however, it is inadvisable to spray when wind speeds exceed 8m/s under most circumstances. Wind speed and direction will also influence flying height. When the wind speed is less than 3m/s, a boom height of between 3 and 4 m above the crop will ensure good lateral movement of the spray but flying height must be reduced if the wind speed exceeds 3m/s.

Spraying must be carried out taking into account the crosswind to ensure that the flying speed and the application rate remain the same for both flight directions. The distance that the spray moves will vary according to wind strength and aircraft altitude.

Temperature

In conventional (water-based) spraying, high temperature, combined with low relative humidity will reduce droplet size through evaporation, which will increase the risk of drift. As temperature increases so atmospheric turbulence rises. Spraying must not be carried out where there is upward air movement or where a temperature inversion prevents the spray cloud settling within the treated area.

For ULV spraying, conditions of mild turbulence, similar to those recommended for conventional spraying, are preferable.

The relative humidity can be calculated from tables, by determining the difference between the wet and dry bulb thermometers (hygrometer). When the difference between the wet and dry bulbs exceeds 8°, aqueous spray suspensions should not be sprayed.

Annex 99

European Parliament, *Resolution on Plan Colombia and Support for the Peace Process in Colombia*, EUR. PARL. DOC. B5-0087 (1 Feb. 2001)



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67. Calls on the Commission, in view of the difficulties encountered to date in trying to ensure that the programmes are well managed, to institute the specific checks necessary to ensure that the associations or organisations which receive aid are solidly anchored within the social security system and meet their obligations;
68. Calls on the Commission, when implementing the aid programmes, particularly the MEDA programme, to use the universities, museums and cultural centres of the countries themselves as support, since these are bodies where civil society operates, and are therefore strongly linked with the fabric of society and the system of production, and can collaborate closely in disseminating technologies and management and innovation models;
69. Hopes that the Euro-Mediterranean Forum will be a genuine contact point for Members of Parliament from the EU and the Mediterranean countries, thereby helping to revitalise and expand the Euro-Mediterranean partnership;
70. Calls in addition for a standing body to be set up to bring together Members of the European Parliament and Members of the parliaments of partner countries;
71. Calls on the Council and Commission, as part of the reforms now taking place in the external service, to increase the volume of human resources allocated to the partnership, to set up a structure which is specific to the Commission and to take further steps to devolve the management of aid, by transferring responsibilities from the seat of authority to the delegations, and also to decentralise it, by transferring responsibilities from the Commission to the recipient countries (as the Commission has undertaken to do in general terms in its communication to the Council and Parliament concerning the development of the external service, COM(2000) 456);
72. Welcomes the Union's proposed action plan for Morocco and notes that its aim is development cooperation and that practical solutions to outstanding issues must therefore be found quickly; calls on the Council and Commission, therefore, to ensure that the programme abides by that aim;
73. Calls on the Council to exert the pressure needed to bring about a change in policy and on Commission to ensure that the Union assumes a more ambitious political role in the Mediterranean region;
74. Instructs its President to forward this resolution to the Council and the Commission and to the governments and parliaments of the Member States and the Mediterranean partner states which are signatory to the Barcelona Declaration.

12. 'Plan Colombia'

B5-0087/2001

European Parliament resolution on Plan Colombia and support for the peace process in Colombia

The European Parliament,

- having regard to its previous resolutions on Colombia,
 - having regard to the conclusions of the General Affairs Council of 9 October 2000,
 - having regard to the statement by the EU Presidency of 25 October 2000,
- A. whereas, in spite of concerted efforts at dialogue with the guerrillas and the peace talks under way, the parties have not yet succeeded in bringing an end to a conflict which has lasted for over three decades,

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- B. recalling the undertaking given by the Clinton administration and President Pastrana in September 1999 on the joint implementation of a 'plan for peace, prosperity and the strengthening of the state', otherwise known as Plan Colombia,
- C. whereas Plan Colombia is not the product of a process of dialogue amongst the various partners in society and whereas acceptance of the strategy for peace by all of the country's institutions would be a most welcome development which should involve not only action to combat drugs production and trafficking but also a strategy for social and economic recovery, the strengthening of institutions and social development, all of which need to be supported,
- D. whereas one of the objectives of Plan Colombia lies in stamping out drug trafficking and the spread of illegal crops by means of a strategy which favours aerial crop-spraying and the use of biological agents, methods which are leading to the forced displacement of families and communities and are seriously affecting Colombia's rich biodiversity,
- E. having regard to the declaration by the Support Group for the Peace Process in Colombia (Madrid, 7 July 2000), in which the participants expressed their full political support for the peace process under way, and the declaration by the EU delegation calling for greater efforts by the Colombian government with a view to breaking up paramilitary groups,
- F. having regard to the statement by the General Affairs Council of 9 October 2000, in which the European Union reaffirmed its support for the ongoing peace efforts and its willingness to play an active role in the negotiating process, which should involve consulting civil society and obtaining the agreement of all parties with a view to achieving peace which is founded on respect for human rights, humanitarian law and fundamental freedoms,
- G. whereas the problem of drug trafficking and related offences calls for a global approach based on the principles of shared responsibility and international cooperation between drug-producing and drug-consuming countries, with a particular view to further action to stamp out the laundering of money derived from drug trafficking,
- H. having regard to the dialogue established at the meeting held in Costa Rica in mid-October and the growth in dialogue between civil society and armed groups; having regard to the meeting of the Support Group for the Peace Process in Colombia (Bogota, 24/25 October 2000) attended by representatives of the Commission and the EU Presidency,
- I. whereas acts of violence and terrorism, assassinations, kidnappings and massacres, aimed at the civilian population in particular, have increased while the peace talks have been taking place and considering the impunity enjoyed by the perpetrators of such crimes and, in particular, by those who order the crimes to be carried out,
- J. having regard to the recent visit by Mrs Mary Robinson to Colombia and the attention which she drew to the inadequacy of the measures taken against paramilitary groups and to impunity in general; whereas not only tens of thousands of Colombians but also Europeans have been the victims of crimes which have gone unpunished, such as the Spanish volunteer Iñigo Eguiluz, the Belgian Daniel Gillard, the Italian Giacomo Turra, the Swiss Hildegard Feldmann and many others,
1. Reiterates its firm support for the peace process initiated by President Pastrana and urges the parties to pursue their efforts in this regard, in spite of the difficulties involved; calls on the FARC to return to the table and to continue the peace negotiations;
 2. Takes the view that, in addition to their military dimension, the prevailing situation and conflict in Colombia have a social and political dimension whose roots lie in economic, political, cultural and social exclusion;
 3. Believes that stepping up military involvement in the fight against drugs involves the risk of sparking off an escalation of the conflict in the region, and that military solutions cannot bring about lasting peace;

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4. Warns that Plan Colombia contains aspects that run counter to the cooperation strategies and projects to which the EU has already committed itself and jeopardise its cooperation programmes; expresses particular concern at the current situation in the Putumayo region;
5. Considers that the European Union must support the aspects of the peace process which involve the strengthening of institutions, alternative development, humanitarian aid and social development, since these are the ones which are most in accordance with its cooperation strategy;
6. Believes that the social movement, which has been severely affected by repression, NGOs and local communities must play an active role in the ongoing peace process; welcomes the fact that their role has been affirmed (in particular at the meeting in Costa Rica) and believes that it must be coordinated with the efforts being made at the negotiating table;
7. Believes that lasting peace cannot be achieved in Colombia without deep-seated changes to the means by which wealth is distributed, since many of the problems confronting the country stem from the fact that peasant farmers do not own land;
8. Highlights the importance of encouraging genuine agrarian reform, using notably land confiscated from drug barons, which presents peasant farmers with economic alternatives; therefore urges the Colombian government to implement ambitious reform policies designed to curb the increasing concentration of land and improve social conditions;
9. Stresses that European Union action should pursue its own, non-military strategy combining neutrality, transparency, the participation of civil society and undertakings from the parties involved in the negotiations;
10. Welcomes the conclusions of the 9 October 2000 Council meeting, which contain announcements concerning the implementation of a 'substantial European programme of socio-economic and institutional support for the peace process in Colombia, aimed at promoting and protecting respect for human rights, humanitarian law and fundamental freedoms, improving the living conditions of the local populations, encouraging the cultivation of alternative crops and the protection of biodiversity and supporting the introduction of structural reforms in all fields which fuel armed conflict';
11. Expresses its outrage at the large-scale massacres of country dwellers which have recently been carried out by paramilitary groups in the regions of Magdalena, Magdalena Medio, Cauca and Putumayo, and the threats which have been made to country dwellers in the Tumaco region and elsewhere; takes the view that securing significant results in the fight against impunity and against armed groups which violate human rights and contravene international humanitarian law is essential to the credibility of the rule of law; urges the Colombian government to continue its fight against paramilitary groups and its efforts to strengthen the foundations of the rule of law, and to implement immediately and in their entirety the United Nations recommendations on human rights;
12. Considers that the European Union must play a more determined role in the political protection and the funding of organisations (in particular organisations for the families of victims) which campaign to have crimes against humanity investigated, to preserve the memory of the victims of such crimes and to ensure that the perpetrators thereof do not go unpunished;
13. Welcomes the proposal by Commissioners Patten and Nielson to grant substantial support for the peace efforts in Colombia amounting to €105 million for the period 2000-2006; stresses that, so as to give credibility to the Union's action, initial measures contributing to the peace process should be introduced without delay and be aimed at promoting respect for human rights, humanitarian law and fundamental freedoms, improving the living conditions of the local populations, using civil society organisations and social movements as channels and bearing in mind the forced displacement of a section of the rural population, of which women and children form the vast majority;
14. Welcomes the decision by the Council of Ministers to undertake a six-monthly appraisal of the state of the peace process, the progress in implementing programmes and compliance with the respective undertakings and obligations of the Colombian government and the groups involved in the negotiations to strengthen peace, and asks the Council and Commission to inform Parliament at the same time;



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15. Is convinced that, in the fight against illegal crops, negotiated and agreed solutions, agrarian reform and alternative crops, together with criminal proceedings against traffickers and money launderers, should take precedence over crop-spraying campaigns; believes in this regard that the Union must take the necessary steps to secure an end to the large-scale use of chemical herbicides and prevent the introduction of biological agents such as *Fusarium oxysporum*, given the dangers of their use to human health and the environment alike;
16. Highlights the importance of strengthening regional cooperation and dialogue on the basis of the principle of international coresponsibility, given that past experience in the fight against illegal crops has shown that tackling this problem in one country alone merely serves to transfer it to neighbouring countries;
17. Stresses the need to step up inter-regional cooperation to curb and stamp out drug trafficking and combat money laundering; in this respect, the European Union ought to support Colombia's request to sign the Strasbourg Convention;
18. Calls on the Venezuelan government to cooperate with the Colombian government in jointly establishing mechanisms which will make it possible to resolve the border problems relating to the fight against drug production and trafficking;
19. Urges the Colombian government to follow the approach used in the talks with the FARC in establishing dialogue with the other guerrilla groups with a view to promoting the principles of neutrality and transparency and thus earning the support of the various armed groups for planned programmes and projects;
20. Urges all the armed groups to support a humanitarian agreement under which they would cease kidnapping, release their hostages, refrain from committing terrorist acts, from recruiting under-age supporters and from carrying out attacks on the civilian population; and conclude a serious ceasefire agreement;
21. Reiterates its support for the Office of the UN High Commissioner for Human Rights and its efforts to secure a humanitarian agreement in Colombia;
22. Instructs its President to forward this resolution to the Council, the Commission, the governments of Colombia, Venezuela and of the mediating countries.

13. Multidisciplinary Group on Organised Crime (MDG)

A5-0398/2000

European Parliament resolution on the report of the Multidisciplinary Group on Organised Crime (10972/2/1999 – C5-0039/2000 – 1999/0916(COS))

The European Parliament,

- having regard to the report of the Multidisciplinary Group on Organised Crime (10972/2/1999 – C5-0039/2000),
- having regard to the Joint Action of 5 December 1997, adopted by the Council on the basis of Article K.3 of the Treaty on European Union, establishing a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime⁽¹⁾,
- having regard Articles 29, 31, 32, 35, 36 and 39 of the Treaty on European Union,

(1) OJ L 344, 15.12.1997, p. 7.

Annex 100

Andean Community, Decision 501 Border Integration Zone in the Andean Community, Official Gazette of Agreements of Cartagena, No. 680 (28 June 2001)



Official Gazette of the Cartagena Agreement
Year XVII – Number 680
Lima, 28 June 2001

SUMMARY

Andean Council of Ministers of Foreign Affairs

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DECISION 501

Border Integration Zones (BIZ) in the Andean Community

THE ANDEAN COUNCIL OF
MINISTERS OF FOREIGN AFFAIRS.

TAKING INTO ACCOUNT: Articles 3, 16, 144 and 155 and Chapter XI of the Cartagena Agreement, the Minutes of Cartagena, the Minutes of Lima, Decision 459 and Proposal 49 of the Secretary General.

WHEREAS: The Cartagena Agreement determines that the Member Countries will undertake actions to boost the comprehensive development of border regions and effectively incorporate them into national and Andean economies;

In the Cartagena Agreement of the XI Meeting of the Andean Presidential Council, it was determined that, the establishment of a Common Market and implementation of a Community Policy for Integration and Border Development are among the priority tasks for deepening integration.

In the Minutes of Lima of the XII Meeting of the Andean Presidential Council it was determined that, based on guidelines as well as the framework established by the Andean Council of Ministers of Foreign Affairs,

comprehensive programs must be implemented for the development of Border Integration Zones and that, in the framework of an action plan for establishment of a common market, the approval of a Community Standard regarding Border Integration Zones is determined covering Border Integration Zones.

The Lima Minutes note that the Bank of Border Development projects shall be established in the Office of the Secretary General, with the support of IDB and CAF.

The referenced Community Policy adopted by Decision 459 determines that, Members Countries shall define and demarcate Border Integration Zones (BIZ) for development of their respective guidelines and objectives.

Sustainable development in bi-national border contexts and particularly for border integration Zones implies joint responsibility of Member Countries to assure the conservation and sustainable use of the ecosystems and natural resources of common interest, as well as the harmonious wellbeing of their populations; leading to strengthening of a culture of peace in said

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environments; it demands putting into practice the most progressive mechanisms of the Andean integration process and requires transforming border spaces into Zones that boost joint development.

The improvement and deepening of bilateral action and community support must allow border zones to constitute themselves into territorial portions that promote Andean Community interaction with third parties, in order to achieve a greater and improved insertion into the international economy,

Bilateral action and community support in border Zones must enable and encourage the respect and preservation of the ethnic and cultural identity of the inhabitants of those territorial Zones and promote their economic and social development;

The High Level Working Group for Border Integration and Development, created by Decision 459, revised the corresponding Decision Project in its Fourth meeting and recommended its approval, given the importance of BIZ for border development and integration.

DECIDES

Article 1. For the purposes of this Decision, the term “Border Integration Zone (BIA)” is understood as the territorial border contexts adjacent to Member Countries of the Andean Communities for which policies, plans, programs, and projects will be adopted to boost sustainable development and joint, shared, coordinated border integration as well as border integration directed towards obtaining mutual benefits, commensurate with each of their characteristics.

Article 2.- The Member Countries of the Andean Community can establish, through appropriate bilateral mechanisms, Border Integration Zones (BIZ) among themselves and, if they deem convenient, mechanisms with third parties.

Article 3. - The Border Integration Zones, the Border Integration Regions and the already existing Special Zones can tailor their provisions to the provisions set forth in the present decision.

Article 4. – The Border Integration Zones (BIZ) are designated with the goal of creating optimal conditions for sustainable boundary development and for the border integration among Member Countries of the Andean Community, in accordance with the following criteria:

- a) **In the aspect of social development:** stimulate and promote actions aiming to satisfy basic needs of the inhabitants of border Zones;
- b) **In the aspect of economic development:** encourage growth, modernization and diversification of the production base of the border Zones, taking advantage of the possibilities that enable integration mechanisms and advantages regarding the location of said Zones with respect to subregional, regional and international markets;
- c) **In the aspect of environmental sustainability:** procure that the social and economic development improves the population’s quality of life, taking into account the environmental limitations and maximizing their respective advantages;
- d) **In the institutional aspect:** promote the active participation of public and private institutions of the BIZ in

planning, monitoring and assessment processes regarding plans, programs and projects that allow consolidation of the development of these contexts, attempting to share obligations and responsibilities; and,

- e) **In the aspect of integration:** promote free transit of peoples, vehicles, merchandise and services, in the BIZs as well as harmonize and simplify migratory, customs and plant and animal procedures.

Article 5. - The following are objectives of the BIZ:

- a) Contribute to the diversification, strengthening, and establishment of economic, social, cultural, institutional and political connections among Member Countries;
- b) Contribute to the creation and entry into force, through appropriate national and bilateral bodies, of economic and institutional mechanisms that impart greater commercial fluidity to their territorial contexts and interconnect these with the rest of the Andean communities and the global market;
- c) Increase flexibility and dynamism in the economic and commercial exchange as well as the transit of peoples, merchandise, services and vehicles in said contexts and among these with third party markets;
- d) Establish effective mechanisms to jointly create and manage border labor markets and to administer the migratory, bilateral and international flows that develop in the BIZs;

e) Favor the local communities, eliminating obstacles that impede maximization of their production, commercial, and cultural capabilities, as well as their capacity to peacefully coexist;

f) Contribute towards the extension of the national administrative and economic decentralization processes.

g) Formalize and stimulate processes and social, economic, cultural and ethnic relationships that historically exist in said Zones.

h) Give adequate treatment to economic, social, and cultural demands that arise from the communities in the BIZs;

i) Increase and strengthen the demand and supply of basic and/or social services of common use, such as aqueducts, electrification, communication, road infrastructure, health, education, sporting and tourism.

j) Research and sustainably use contiguous renewable natural resources and promote mechanisms for their adequate conservation;

k) Contribute to the preservation and sustainable use of natural resources, paying particular interest to biological diversity;

l) Develop horizontal cooperation programs that promote the transfer of technical knowledge among Member Countries or border regions, geared towards adoption of joint technological packages and the development of productive activities that conjugate or complement efforts; and,

- m) Other factors that are bilaterally agreed.

Article 6. - In the identification and demarcation of BIAs, the Members Countries shall take the following criteria into account:

- a) That the BIZs should be border Zones where legal, administrative and official functions that are encouraged serve to make flexible, liberal, and dynamic, as well as maximize and formalize the productive and commercial capacity: creativity and the cultural richness of the population in the borders among the Member Countries.
- b) That both countries comprise cities which can currently or potentially promote development aiming to constitute themselves to support integration as well as gears for existent road development, or where construction of roads is contemplated in the short term.
- c) That both countries incorporate economic and socially depressed Zones requiring implementation of efforts in order to reverse the situation of backwardness and prepare them to play an active role in the integration processes;
- d) That they propitiate the demarcation of border Zones with high resource potential, which currently do not comprise part of the active border;
- e) That they contribute to the development of hydrographic watersheds where projects and activities of common interest are located, and that they propitiate the coordinated effort in protected natural Zones.

Article 7. – For the establishment of the BIA’s, to which article 2 refers, the participating countries will agree on the appropriate bilateral methods and can request the technical support from the Secretary General. The resultant Agreements will be communicated by the Member Countries to the Secretary General of the Andean Community that have struck them for respective publication in the Official Gazette of the Cartagena Agreement.

Article 8. – The participating countries will jointly elaborate the Border Development plans, programs and projects to be implemented within the BIZ’s, taking into account sustainability criteria, reason why they can solicit technical support from the Secretary General of the Andean Community.

Article 9. – In the BIZs that are established, the Member Countries will ensure to take on, among others, the following actions:

- a) Commit the participation of social actors, entrepreneurs, workers, private foundations and civil associations to the Andean integration project as well as with the strengthening of neighbor relationships, stimulating their respective efforts in the promotion of development of the BIZs;
- b) Stimulate private local, national, bi-national, and foreign investment, taking into account the particular vocation of each BIZ, guiding it towards new activities of a regional character, in order to open spaces or broaden existent spaces for the systematic growth of the local and bi-national business sector with close

- links to the economies of the rest of the Member Countries;
- c) Promote initiatives directed towards the creation of strategic business alliances in the BIAs and the creation of Andean Multinational Enterprises (AMEs);
 - d) Establish or perfect, where appropriate, transit regimes for people, vehicles and merchandise in order to boost the border integration processes and contribute to creating border markets;
 - e) Promote the development of participatory processes for ecological, economic, social and cultural zonification;
 - f) Boost the coordinated comprehensive management of common ecosystems;
 - g) Develop joint tourism programs that lead to achieving the best use of border resources and stimulating the economic activities linked with tourism circles that may arise;
 - h) Initiate joint programs for valuation and strengthening of common cultural identity;
 - i) Strengthen the national and bilateral court system regarding border issues, in order to allow Member Countries to establish a fluid exchange of information and make compatible objectives of mutual interest;
 - j) Promote meetings and the exchange of points of view and initiatives among local authorities, regional development bodies and legislative representatives of Member Countries, taking care not to undermine the existent national policies;
 - k) Implement joint or complementary projects for basic, road, telecommunications and energy infrastructure, as well as productive development, among others; and,
 - l) Promote the configuration of an urban – regional structure that favors the growth and diversification of roles and functions of border cities, providing adequate support for consolidation of development in border integration initiatives.
- Article 10 .** – The Bank of Border Integration and Border Development is established within the Secretary General of the Andean Community, which will rely, among others, on the support of the Inter-American Development Bank (BID) and the Corporación Andina de Fomento, “*Andean Progress*” Corporation” (CAF).
- Article 11.** – In order to finance plans, programs and projects in the BIZ’s, the Member Countries shall,:
- a) Deploy bi-national efforts in a and, if deemed appropriate, with participation of the Secretary General of the Andean Community, in light of sub-regional, regional, and multilateral financial bodies, promote the establishment of funds destined towards implementation of BIA plans, programs and projects; and
 - b) Study and agree on financial bilateral and / or community schemes that enable the financial, administrative and technological recovery of investments for regional, public and / or private development that are currently paralyzed and / or in a state of deterioration.

Article 12 . – Member Countries will adopt the necessary provisions to incorporate the development plans, programs and projects that are agreed on by the BIZ's in their respective National Development Plans, Investment Budgets, and as part of their National Border Policies.

Article 13 . – In the BIZ's bilateral establishment agreements to which article 2 refers, competencies will be established for the administration and implementation of plans, programs and projects, identified or agreed upon.

Article 14.- Member Countries shall agree, within the BIZ's, on the more favorable treatments as compared to those established in the various Andean legal frameworks for the rest of the subregional territory, as long as said treatments do not violate that framework.

Article 15. - The Secretary General of the Andean Community will annually convoke the existing BIZ bilateral mechanisms to a BIZ Assessment and Coordination Meeting, in which the functioning of the same will be analyzed, information regarding plans, program, and projects tailored and / or in a stage of implementation will be exchanged, and the existing achievements and difficulties will be verified. Member Countries and subregional competent bodies will be notified of the conclusions and recommendations of these Meetings.

TEMPORARY PROVISIONS

First. - Member Countries shall implement or will tailor themselves to the terms of the present Decision, at least one BIZ in each one of their common borders, within one year following the entry into effect of the present Decision.

Second.– Member Countries can implement border development or border integration programs or projects on the approval date of the present Decision, they may tailor them, if deemed appropriate, to the schematic of Border Integration Zones contained by this Decision.

Issued in the city of Valencia, Venezuela on the twenty-second day of the month of June of the year two thousand and one.

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**del Acuerdo
de Cartagena****SUMARIO****Consejo Andino de Ministros de Relaciones Exteriores**

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DECISION 499**Actualización de la Directiva No. 1 sobre formulación y ejecución de la Política Exterior Común**

EL CONSEJO ANDINO DE MINISTROS DE RELACIONES EXTERIORES,

VISTAS: Las Decisiones 458 "Lineamientos de la Política Exterior Común", 475 "Directiva No. 1 de la Política Exterior Común" y 476 "Seguimiento de la Política Exterior Común"; y

CONSIDERANDO: La necesidad de actualizar, a la luz de la experiencia, los criterios y pautas para la ejecución de la Política Exterior Común establecidos en la Directiva No. 1 aprobada mediante la Decisión 475, así como de disponer de un texto unificado al respecto;

DECIDE:

Artículo 1.- Aprobar las siguientes modificaciones e inclusiones a la Directiva No. 1 establecida mediante la Decisión 475:

- Reemplazar, en el Capítulo II, el acápite 9 por el siguiente:

"9. La agenda de la Política Exterior Común será aprobada anualmente por el Consejo Andino de Ministros de Relaciones Exteriores. Dicha agenda será actualizada trimestralmente en reuniones de Funcionarios de Alto Nivel de los Ministerios de Relaciones Exteriores, o en reuniones extraordinarias cuando las circunstancias así lo demanden, dando cuenta al Consejo."

- Incluir en el Capítulo II el siguiente nuevo acápite 10:

"10. La Secretaría Pro Témporte desarrollará conjuntamente con los funcionarios responsables de la coordinación y se-



mero de éstos serán determinados conforme al artículo 6 del Tratado.

La referida provisión deberá necesariamente estar considerada en el respectivo presupuesto que la Comisión apruebe para el Tribunal conforme a lo establecido en el artículo 16 del Tratado.

Artículo 143.- Utilización de medios tecnológicos en los procedimientos ante el Tribunal

En tanto sea posible, el Tribunal implementará los medios tecnológicos que haga confiable, rápido, eficaz y económico el trámite de los procesos que sean sometidos a su conocimiento.

Artículo 144.- Modificaciones al Estatuto

Los Países Miembros, el Tribunal y la Secretaría General podrán presentar iniciativas de modificación al presente Estatuto con sujeción a lo dispuesto en el artículo 13 del Tratado.

Artículo 145.- Vigencia

La presente Decisión entrará en vigencia 30 días después de su publicación en la Gaceta Oficial del Acuerdo de Cartagena.

Artículo 146.- Derogatorias

Quedan derogadas las Decisiones 184 y 394 de la Comisión.

DISPOSICIONES TRANSITORIAS

Primera.- Para efectos del ejercicio de las acciones laborales, los órganos e instituciones del Sistema Andino de Integración que no cuenten con un Reglamento o Estatuto de personal, lo emitirán dentro del año siguiente a la entrada en vigor de la presente Decisión.

Segunda.- El Consejo de Ministros de Relaciones Exteriores, a propuesta de la Comisión y en consulta con el Tribunal, adoptará la Decisión referente a la función arbitral prevista en la Sección V del Capítulo III del Tratado, la que se incorporará al presente Estatuto en lo pertinente.

Tercera.- Dentro de los tres meses siguientes a la entrada en vigencia del presente Estatuto, el Tribunal adecuará su estructura orgánica, su planta de personal y su Reglamento Interno.

Mientras ello ocurre, se aplicarán las disposiciones reglamentarias y orgánicas vigentes en cuanto no se opongan al Tratado y a este Estatuto.

Dada en la ciudad de Valencia, Venezuela, a los veintidós días del mes de junio del año dos mil uno.

DECISIÓN 501

Zonas de Integración Fronteriza (ZIF) en la Comunidad Andina

EL CONSEJO ANDINO DE MINISTROS DE RELACIONES EXTERIORES,

VISTOS: Los Artículos 3, 16, 144 y 155 y el Capítulo XI del Acuerdo de Cartagena, el Acta de Cartagena, el Acta de Lima, la Decisión 459 y la Propuesta 49 de la Secretaría General;

CONSIDERANDO: Que el Acuerdo de Cartagena establece que los Países Miembros emprenderán acciones para impulsar el desarrollo integral de las regiones de frontera e incorporarlas efectivamente a las economías nacionales y andina;

Que, en el Acta de Cartagena de la XI Reunión del Consejo Presidencial Andino se determinó que, entre las tareas prioritarias para profundizar la integración se encuentra el establecimiento del Mercado Común y la ejecución de una Política Comunitaria de Integración y Desarrollo Fronterizo;

Que, en el Acta de Lima de la XII Reunión del Consejo Presidencial Andino se establece que, con base en los lineamientos y en la normativa establecidos por el Consejo Andino de Ministros de Relaciones Exteriores, deben ejecutarse programas integrales para el desarrollo



de las Zonas de Integración Fronteriza, y que en el marco del programa de acción para el establecimiento del mercado común, en el tema de Integración y Desarrollo Fronterizo se determina la aprobación de una Norma Comunitaria sobre Zonas de Integración Fronteriza;

Que, en el Acta de Lima se señala que se establecerá, en la Secretaria General, el Banco de Proyectos de Desarrollo Fronterizo con el apoyo del BID y la CAF;

Que, la mencionada Política Comunitaria adoptada mediante Decisión 459 establece que, para el desarrollo de sus lineamientos y objetivos generales, los Países Miembros definirán y delimitarán Zonas de Integración Fronteriza (ZIF);

Que el desarrollo sostenible para ámbitos fronterizos binacionales y particularmente para las zonas de integración fronteriza implica la responsabilidad compartida de los Países Miembros para asegurar la conservación y uso sostenible de sus ecosistemas y recursos naturales de interés común, así como el bienestar armónico de sus poblaciones; conlleva el fortalecimiento de una cultura de paz en dichos ámbitos; demanda poner en práctica los mecanismos más avanzados del proceso de integración andino; y, requiere transformar los espacios fronterizos en áreas dinamizadoras del desarrollo compartido;

Que el perfeccionamiento y profundización de la acción bilateral y del apoyo comunitario debe propiciar que las áreas fronterizas se constituyan en porciones territoriales que potencien la interacción de la Comunidad Andina con terceros países, para lograr una mayor y mejor inserción en la economía internacional;

Que la acción bilateral y el apoyo comunitario en las zonas de frontera debe propiciar e incentivar el respeto y la preservación de la identidad étnica y cultural de los habitantes de esas porciones territoriales y promover su desarrollo económico y social;

Que el Grupo de Trabajo de Alto Nivel para la Integración y Desarrollo Fronterizo, creado por Decisión 459, en su Cuarta Reunión revisó el correspondiente Proyecto de Decisión y recomendó su aprobación dada la importancia de las ZIF para el desarrollo e integración fronterizo;

DECIDE:

Artículo 1.- A los efectos de esta Decisión, se entiende por "Zona de Integración Fronteriza" (ZIF) los ámbitos territoriales fronterizos adyacentes de Países Miembros de la Comunidad Andina para los que se adoptarán políticas y ejecutarán planes, programas y proyectos para impulsar el desarrollo sostenible y la integración fronteriza de manera conjunta, compartida, coordinada y orientada a obtener beneficios mutuos, en correspondencia con las características de cada uno de ellos.

Artículo 2.- Los Países Miembros de la Comunidad Andina podrán establecer, mediante los mecanismos bilaterales que convengan, Zonas de Integración Fronteriza (ZIF) entre sí y, de considerarlo conveniente, con terceros países.

Artículo 3.- Las Zonas de Integración Fronteriza, las Regiones Fronterizas de Integración y las Zonas Especiales ya existentes podrán adecuar sus disposiciones a lo establecido en la presente Decisión.

Artículo 4.- Las Zonas de Integración Fronteriza (ZIF) se establecen con la finalidad de generar condiciones óptimas para el desarrollo fronterizo sostenible y para la integración fronteriza entre los Países Miembros de la Comunidad Andina, conforme a los siguientes criterios:

- a) **En la dimensión del desarrollo social:** estimular y promover acciones orientadas a la satisfacción de las necesidades básicas de los pobladores de las zonas fronterizas;
- b) **En la dimensión del desarrollo económico:** fomentar el crecimiento, modernización y diversificación de la base productiva de las zonas fronterizas, aprovechando las posibilidades que habilitan los mecanismos de la integración y las ventajas de la ubicación de dichas zonas respecto de los mercados subregional, regional e internacional;
- c) **En la dimensión de la sostenibilidad ambiental:** procurar que el desarrollo social y económico mejore la calidad de vida de la población, considerando las limitaciones del medio ambiente y potenciando sus ventajas;



- d) **En la dimensión institucional:** promover la participación activa de las instituciones públicas y privadas de las ZIF en los procesos de planificación, seguimiento y evaluación de los planes, programas y proyectos que permitan consolidar el desarrollo de esos ámbitos, buscando compartir obligaciones y responsabilidades; y,
- e) **En la dimensión de la integración:** promover en las ZIF el libre tránsito de personas, vehículos, mercancías y servicios, así como armonizar y simplificar los procedimientos migratorios, aduaneros y fito/zoosanitarios.

Artículo 5.- Son objetivos de las ZIF:

- a) Contribuir a diversificar, fortalecer y establecer los vínculos económicos, sociales, culturales, institucionales y políticos entre los Países Miembros;
- b) Contribuir a la creación y la puesta en vigencia, a través de las instancias nacionales o bilaterales pertinentes, de los mecanismos económicos e institucionales que doten a sus ámbitos territoriales de mayor fluidez comercial y la interconecten con el resto de las economías andinas y con el mercado mundial;
- c) Flexibilizar y dinamizar el intercambio económico y comercial, así como la circulación de personas, mercancías, servicios y vehículos en dichos ámbitos y entre éstos con terceros mercados;
- d) Establecer mecanismos eficaces para crear y manejar conjuntamente los mercados fronterizos de trabajo y para administrar los flujos migratorios, bilaterales e internacionales, que se desarrollen en las ZIF;
- e) Favorecer a las colectividades locales, eliminando los obstáculos que dificultan una potenciación de sus capacidades productivas, comerciales, culturales y de coexistencia pacífica;
- f) Contribuir a profundizar los procesos nacionales de descentralización administrativa y económica;
- g) Formalizar y estimular procesos y relaciones sociales, económicas, culturales y étni-

cas históricamente existentes en dichas zonas;

- h) Atender adecuadamente las demandas económicas, sociales y culturales de los pueblos en las ZIF;
- i) Incrementar y fortalecer la oferta y el abastecimiento de servicios básicos y/o sociales de utilidad común, tales como acueductos, electrificación, comunicaciones, infraestructura vial, salud, educación y recreación deportiva y turística;
- j) Investigar y usar sosteniblemente los recursos naturales renovables contiguos y promover mecanismos para su adecuada conservación;
- k) Contribuir a la conservación y utilización sostenible de los recursos naturales, prestando particular interés a la diversidad biológica;
- l) Desarrollar programas de cooperación horizontal que promuevan la transferencia de conocimientos técnicos entre Países Miembros o regiones fronterizas, encaminados a la adopción de paquetes tecnológicos conjuntos y al desarrollo de actividades productivas que conjuguen o complementen esfuerzos; y,
- m) Otros que se acuerden bilateralmente.

Artículo 6.- En la identificación y delimitación de las ZIF, los Países Miembros tendrán en cuenta los siguientes criterios:

- a) Que sean áreas de frontera donde las condiciones jurídicas, administrativas y funcionales que se promuevan sirvan para flexibilizar, liberalizar, dinamizar, potenciar y formalizar la capacidad productiva y comercial; la creatividad y la riqueza cultural de la población en las fronteras entre los Países Miembros;
- b) Que comprendan, en ambos países, ciudades actualmente o potencialmente dinamizadoras del desarrollo con miras a constituirse en soporte de la integración, así como ejes de articulación vial existentes o cuya construcción esté prevista en el corto plazo;
- c) Que incorporen, en ambos países, áreas económica y socialmente deprimidas, que re-



quieran de la conjugación de esfuerzos a fin de revertir la situación de atraso y prepararlas para desempeñar un papel activo en los procesos de integración;

- d) Que propicien la articulación de zonas fronterizas con alto potencial de recursos, que en la actualidad no formen parte de la frontera activa;
- e) Que coadyuven al desarrollo de cuencas hidrográficas binacionales en las que se localicen proyectos y actividades de interés compartido, y que propicien la gestión coordinada de áreas naturales protegidas.

Artículo 7.- Para el establecimiento de las ZIF, a que se refiere el artículo 2, los países participantes acordarán los mecanismos bilaterales apropiados, y podrán solicitar el apoyo técnico de la Secretaría General. Los Acuerdos resultantes serán comunicados por los Países Miembros que los acuerden a la Secretaría General de la Comunidad Andina para su respectiva publicación en la Gaceta Oficial del Acuerdo de Cartagena.

Artículo 8.- Los Países participantes elaborarán en forma conjunta los planes, programas y proyectos de Desarrollo Fronterizo a ser ejecutados dentro de las ZIF, bajo criterios de sostenibilidad, para lo cual podrán solicitar apoyo técnico a la Secretaría General de la Comunidad Andina.

Artículo 9.- En las ZIF que se establezcan, los Países Miembros procurarán emprender, entre otras, las siguientes acciones:

- a) Comprometer la participación de los actores sociales, empresarios, trabajadores, fundaciones privadas y asociaciones civiles, con el proyecto integracionista andino, y con el fortalecimiento de las relaciones vecinales, estimulando su esfuerzo en la promoción del desarrollo de las ZIF;
- b) Estimular la inversión privada local, nacional, binacional y extranjera, teniendo en cuenta la vocación propia de cada ZIF, orientándola hacia nuevas actividades de carácter regional, a fin de abrir espacios o ampliar los existentes para el crecimiento sistemático del sector empresarial local y binacional, con estrechos vínculos con las economías de los demás Países Miembros;

- c) Promover iniciativas dirigidas a la generación en las ZIF de alianzas estratégicas empresariales y a la creación de Empresas Multinacionales Andinas (EMAs);
- d) Establecer o perfeccionar, según sea el caso, regímenes de tránsito de personas, vehículos y mercancías a fin de dinamizar los procesos de integración fronteriza y contribuir a generar mercados fronterizos;
- e) Promover el desarrollo de procesos participativos de zonificación ecológica, económica, social y cultural;
- f) Impulsar el manejo integral coordinado de ecosistemas compartidos;
- g) Desarrollar programas turísticos conjuntos, que conduzcan a lograr el mejor aprovechamiento de los recursos fronterizos y estimular las actividades económicas vinculadas a los circuitos turísticos que se propicien;
- h) Emprender programas conjuntos de valoración y fortalecimiento de la identidad cultural común;
- i) Fortalecer las instancias nacionales y bilaterales sobre temas fronterizos de tal manera que permitan a los Países Miembros establecer un fluido intercambio de información y compatibilizar objetivos de interés mutuo;
- j) Promover el encuentro e intercambio de puntos de vista e iniciativas entre autoridades locales, organismos de desarrollo regional y representantes legislativos de los Países Miembros, sin menoscabo de las políticas nacionales existentes;
- k) Ejecutar proyectos compartidos o complementarios de infraestructura básica, vial, telecomunicaciones y energía, así como de desarrollo productivo, entre otros; y,
- l) Promover la configuración de una estructura urbano - regional que favorezca el crecimiento y la diversificación de los roles y funciones de las ciudades fronterizas, ofreciendo un adecuado soporte a la consolidación de las iniciativas de desarrollo e integración fronteriza.

Artículo 10.- Se establece en la Secretaría General de la Comunidad Andina el Banco de Proyectos de Integración y Desarrollo Fronterizo, el cual contará, entre otros, con el apoyo



del Banco Interamericano de Desarrollo (BID) y de la Corporación Andina de Fomento (CAF).

Artículo 11.- Para la financiación de planes, programas y proyectos en las ZIF, los Países Miembros:

- a) Gestionarán en forma binacional y, de considerarlo conveniente, con la participación de la Secretaría General de la Comunidad Andina, ante organismos financieros subregionales, regionales y multilaterales, el establecimiento de fondos destinados a la ejecución de los planes, programas y proyectos para las ZIF; y
- b) Estudiarán y acordarán esquemas financieros bilaterales y/o comunitarios que permitan la recuperación financiera, administrativa y tecnológica de aquellas inversiones de desarrollo regional, públicas y/o privadas, que se encuentren paralizadas y/o en proceso de deterioro.

Artículo 12.- Los Países Miembros adoptarán las provisiones necesarias para incorporar en sus respectivos Planes Nacionales de Desarrollo, Presupuestos de Inversión, y como parte de sus Políticas Nacionales de Fronteras, los planes, programas y proyectos de desarrollo que acuerden para las ZIF.

Artículo 13.- En los acuerdos bilaterales de establecimiento de las ZIF a que se refiere el artículo 2, se establecerán las competencias para la administración y ejecución de los planes, programas y proyectos identificados o convenidos.

Artículo 14.- Los Países Miembros acordarán dentro de las ZIF tratamientos más favora-

bles que los establecidos en los distintos mecanismos del ordenamiento jurídico andino para el resto del territorio subregional, siempre que dichos tratamientos no vulneren tal ordenamiento.

Artículo 15.- La Secretaría General de la Comunidad Andina convocará anualmente a los mecanismos bilaterales de las ZIF existentes, a una Reunión de Evaluación y Coordinación de las ZIF, en la cual se analizará el funcionamiento de las mismas, se intercambiará información sobre los planes, programas y proyectos diseñados y/o en ejecución, y se verificará los logros y dificultades existentes. Las conclusiones y recomendaciones de estas Reuniones serán comunicadas a los Países Miembros y a los órganos subregionales competentes.

DISPOSICIONES TRANSITORIAS

Primera.- Los Países Miembros establecerán o adecuarán a los términos de la presente Decisión, por lo menos una ZIF en cada una de sus fronteras comunes, dentro del año siguiente al de la entrada en vigencia de la presente Decisión.

Segunda.- Los Países Miembros que a la fecha de la aprobación de la presente Decisión ejecuten planes, programas o proyectos de desarrollo e integración fronterizo, podrán adecuarlos, de considerarlo conveniente, al esquema de las Zonas de Integración Fronteriza contenida en esta Decisión.

Dada en la ciudad de Valencia, Venezuela, a los veintidós días del mes de junio del año dos mil uno.

DECISIÓN 502

Centros Binacionales de Atención en Frontera (CEBAF) en la Comunidad Andina

EL CONSEJO ANDINO DE MINISTROS DE RELACIONES EXTERIORES,

VISTOS: El Capítulo XI del Acuerdo de Cartagena, el Acta de Cartagena, el Acta de Lima, la Decisión 271 y sus modificatorias, el Capítulo XIII de la Decisión 398 y el Capítulo

XIV de la Decisión 399, la Decisión 459 y la Propuesta 50 de la Secretaría General;

CONSIDERANDO: Que el Acuerdo de Cartagena establece que los Países Miembros desarrollarán una acción conjunta para lograr un mejor aprovechamiento de su espacio físico,

Annex 101

Andean Community, Border Integration Zone Colombia-Ecuador, Diplomatic Notes DM/DDF
44552 & 54679/02 GM/DGAF, Official Gazette of Agreements of Cartagena, No. 888
(21 Jan. 2003)



Year XIX- Number 888

Lima, 21 January 2003

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[...]

**Colombia-Ecuador Border Integration Zone
Reversal Note DM/DDF 44552 of the Colombian Foreign Ministry of Foreign Affairs**

REPUBLIC OF COLOMBIA
MINISTRY OF FOREIGN AFFAIRS

DM/DDF 44552

Bogotá D.C., 28 November 2002

To your Excellency
Mr. HEINZ MOELLER FREILE
Minister of Foreign Affairs
Quito - Ecuador

Mr. Minister:



I have the honor of addressing your Excellency with occasion to make reference to Decision 501 of the Andean Community, related to the Border Integration Zones (BIZ); to the Convention on the Treatment of Persons, Vehicles, River and Sea Vessels, and Aircraft, dated 18 April 1990 which demarcated the Colombian-Ecuadorian Border Integration Zones and the Agreements reached via the Colombian-Ecuadorian Meetings regarding Border Integration Zones, formalized in the cities of Quito and Bogotá on February and April 2002, respectively.

With regards to this matter, on behalf of the Colombian Government, I allow myself to propose to Your Excellency, the establishment, within the Border Integration Zone, of three Strategic Development Zones, defined in the Andean, Amazon and Pacific Regions, in order to generate joint action geared towards promoting economic, social, environment and institutional development of the Border Integration Zone.

In this sense, I allow myself to express to you that the Border Integration Zones, with respect to the Colombian sector, will be comprised by the following territories:

Strategic Zone for Andean Regional Development:

In Colombia: The Municipalities of Ipiales, Cumbal, Cuaspud, Aldana, Contadero, Córdoba, Funes, Guachucal, Guaitarilla, Gualmatán, Iles, Imués, Mallama, Ospina, Pasto, Potosí, Providencia, Puerres, Pupiales, Santa Cruz, Sapuyes, Tangua and Túquerres, in the department of Nariño.

Strategic Zone for Development of the Amazon Region

In Colombia, the Municipalities of Orito, Valle del Guamuez, San Miguel, Puerto Asís, Puerto Guzmán, Puerto Caicedo, Villagarzón, Mocoa, Santiago, San Francisco, Colón, Sibundoy and Puerto Leguízano, in the department of Putumayo.

Strategic Zone for Development Pacific Region:

In Colombia: The Municipalities of Barbacoas, Ricaurte and Tumaco, in the department of Nariño.

The other commitments established for the Border Integration Zones agreed in Title One, Chapter I of the Convention among the Republics of Ecuador and Colombia regarding the Transit of Peoples, Vehicles, River and Sea Vessels and Aircraft, signed in Esmeraldas on 18 April 1990 will continue in force, as well as the exchange of the Chancellor's Notes dated 23 August 1993 and 24 August 2000.

In the case of relying on the consent of the Illustrious Government of the Republic of Ecuador, the present note as well as its response, in which Ecuador specifies the Strategic Development Zones, the Parties will reach an agreement, within the framework of Decision 501 of the Andean Community and the convention of Esmeraldas of 1990.

With the conviction that development of the Border Integration Zone will contribute to strengthening the friendship and cooperation ties between our two countries, I opportunely take advantage of this occasion to reiterate to Your Excellency the certainty of my highest and most distinguished regards.

CAROLINA BARCO
Minister of Foreign Affairs



Reversal Note 54679/02 GM/DGAF issued by Ecuador's Ministry of Foreign Affairs

REPUBLIC OF ECUADOR
MINISTRY OF FOREIGN AFFIARS

Ecuadorian Sector, will be comprised of the following territories:

Note No. 54679/02 GM/DGAF

Quito, 28 November 2002

To Your Excellency
Ms. CAROLINA BARCO
Ministry of Foreign Affairs
Bogotá, D.C. – Colombia

Ms. Minister:

I have the honor of addressing Your Excellency in order to make reference to your attentive note No. DM/DDF 44552; about Decision 501 of the Andean Community, regarding the Border Integration Zones (BI); to the Convention on the Transit of Peoples, Vehicles, River and Sea Vessels and Aircraft of 18 April 1990, which established the Colombian-Ecuadorian Border Integration Zone and the Agreements achieved in the Colombian – Ecuadorian Meetings regarding Border Integration Zones, signed in the cities of Quito and Bogotá on February and April 2002, respectively,

In this regard, on behalf of the Government of Ecuador, I allow myself to propose to your Excellency the establishment, within the Border Integration Zone, of three Strategic Development Zones, defined in the Andean, Amazon and Pacific regions, for purposes of creating joint actions to promote economic, social environmental and institutional development of the BIA.

In this sense, I allow myself to express to Your Excellency that the Strategic Development Zones, with regards to the

Strategic Development Zone- Andean Region

In Ecuador: The Counties of Tulcán, Espejo, Montúfar, Mira, Bolivar, and San Pedro de Huaca in the Province of Carchi.

Strategic Development Zone – Amazon Region

In Ecuador: The Counties of Lago Agrio, Shushufundi, Cascales, Gonzalo Pizarro, Putumayo, Sucumbíos and Cuyabena, in the Province of Sucumbíos.

Strategic Development Zone – Pacific Region

In Ecuador: The Counties of Atacames, San Lorenzo, Esmeraldas, Río Verde, Eloy Alfaro, Muisne and Quinindé, in the province of Esmeraldas.

The other commitments established for the Border Integration Zones agreed in Title One, Chapter I of the Convention among the Republics of Ecuador and Colombia regarding the Transit of Peoples, Vehicles, River and Sea Vessels and Aircraft, signed in Esmeraldas on 18 April 1990 will continue in force, as well as the exchange of the Chancellor's Notes dated 23 August 1993 and 24 August 2000.

In the case of relying on the consent of the Illustrious Government of the Republic of Colombia, the present note as well as its response, in which Colombia specifies the Strategic Development Zones, the Parties will reach an agreement, within the framework of Decision 501 of the Andean



Community and the convention of Esmeraldas of 1990.

With the conviction that the development of the Border Integration Zone will contribute to strengthening the friendship and cooperation ties between our two countries, I take advantage of this occasion to reiterate to Your Excellency the certainty of my highest and most distinguished regard.

HEINZ MOELLER FREILE
Minister of Foreign Affairs

Año XIX - Número 888

Lima, 21 de enero de 2003

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NOTA

Conforme a lo previsto en la Decisión 501, las Zonas de Integración Fronteriza (ZIF) son los ámbitos territoriales fronterizos adyacentes de Países Miembros de la Comunidad Andina, para los que se adoptarán políticas y ejecutarán planes, programas y proyectos para impulsar el desarrollo sostenible y la integración fronteriza de manera conjunta, compartida, coordinada y orientada a obtener beneficios mutuos, en correspondencia con las características de cada uno de ellos, conforme a los criterios consignados en las dimensiones del desarrollo social y económico, sostenibilidad ambiental, así como en la dimensión institucional y de la integración.

Dentro de este contexto y en desarrollo de los compromisos adquiridos con el proceso de integración, las Cancillerías de los Países Miembros se encuentran trabajando en la delimitación de las respectivas ZIF, habiendo acordado como mecanismo bilateral para su establecimiento el Canje de Notas. Los Acuerdos resultantes de conformidad con el artículo 7 de la mencionada Decisión 501, deben ser publicados en esta Gaceta.

Secretaría General de la Comunidad Andina

Zona de Integración Fronteriza Colombia-Ecuador**Nota Reversal DM/DDF 44552 del Ministerio de Relaciones Exteriores de Colombia**

REPUBLICA DE COLOMBIA
MINISTERIO DE RELACIONES EXTERIORES

DM/DDF 44552

Bogotá D.C., 28 de noviembre de 2002

A Vuestra Excelencia
El Señor HEINZ MOELLER FREILE
Ministro de Relaciones Exteriores
Quito - Ecuador

Señor Ministro:

Para nosotros la Patria es América



Tengo el honor de dirigirme a Vuestra Excelencia con ocasión de hacer referencia a la Decisión 501 de la Comunidad Andina, relativa a las Zonas de Integración Fronteriza (ZIF); al Convenio sobre Tránsito de Personas, Vehículos, Embarcaciones Fluviales y Marítimas y Aeronaves, del 18 de abril de 1990 que estableció la Zona de Integración Fronteriza Colombo-Ecuatoriana; y a los Acuerdos logrados en las Reuniones Colombo - Ecuatorianas sobre Zonas de Integración Fronteriza, celebradas en las ciudades de Quito y Bogotá en febrero y abril del 2002, respectivamente.

Al respecto, en nombre del Gobierno de Colombia, me permito proponer a Vuestra Excelencia el establecimiento, dentro de la Zona de Integración Fronteriza de tres Areas Estratégicas de Desarrollo, definidas en las regiones Andina, Amazónica y Pacífica, para los efectos de generar acciones conjuntas que promuevan el desarrollo económico, social, ambiental e institucional de la Zona de Integración Fronteriza.

En este sentido, me permito manifestarle que las Areas Estratégicas de Desarrollo, en lo que respecta al sector colombiano, estará conformada por los siguientes territorios:

Area Estratégica de Desarrollo Región Andina:

Por Colombia: Los Municipios de Ipiales, Cumbal, Cuaspud, Aldana, Contadero, Córdoba, Funes, Guachucal, Guaitarilla, Gualmatán, Iles, Imués, Mallama, Ospina, Pasto, Potosí, Providencia, Puerres, Pupiales, Santa Cruz, Sapuyes, Tangua y Túquerres, en el departamento de Nariño.

Area Estratégica de Desarrollo Región Amazónica:

Por Colombia: Los Municipios de Orito, Valle del Guamuez, San Miguel, Puerto Asís, Puerto

Guzmán, Puerto Caicedo, Villagarzón, Mocoa, Santiago, San Francisco, Colón, Sibundoy y Puerto Leguizamó, en el departamento del Putumayo.

Área Estratégica de Desarrollo Región Pacífica:

Por Colombia: Los Municipios de Barbacoas, Ricaurte y Tumaco, en el departamento de Nariño.

Se mantendrán vigentes los demás compromisos establecidos para la Zona de Integración Fronteriza acordada en el Título Uno, Capítulo I del Convenio entre las Repúblicas del Ecuador y de Colombia sobre Tránsito de Personas, Vehículos, Embarcaciones Fluviales y Marítimas y Aeronaves, suscrito en Esmeraldas el 18 de abril de 1990, y los canjes de Notas de Cancillería de 23 de agosto de 1993 y de 24 de agosto de 2000.

En el caso de contar con la anuencia del Ilustrado Gobierno de la República del Ecuador, la presente nota y su respuesta, en la que se precisen por parte del Ecuador las Áreas Estratégicas de Desarrollo, constituirán un acuerdo entre las Partes, en el marco de la Decisión 501 de la Comunidad Andina y del Convenio de Esmeraldas de 1990.

Con el convencimiento de que el desarrollo de la Zona de Integración Fronteriza contribuirá al fortalecimiento de los vínculos de amistad y cooperación entre nuestros dos países, me valgo de la ocasión para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

CAROLINA BARCO
Ministra de Relaciones Exteriores



**Nota Reversal 54679/02 GM/DGAF del Ministerio
de Relaciones Exteriores del Ecuador**

REPUBLICA DEL ECUADOR
MINISTERIO DE RELACIONES EXTERIORES

Nota N° 54679/02 GM/DGAF

Quito, 28 de noviembre de 2002

A Vuestra Excelencia
La Señora CAROLINA BARCO
Ministra de Relaciones Exteriores
Bogotá, D. C. - Colombia

Señora Ministra:

Tengo el honor de dirigirme a Vuestra Excelencia con ocasión de hacer referencia a su atenta nota No. DM/DDF 44552; a la Decisión 501 de la Comunidad Andina, relativa a las Zonas de Integración Fronteriza (ZIF); al Convenio sobre Tránsito de Personas, Vehículos, Embarcaciones Fluviales y Marítimas y Aeronaves del 18 de abril de 1990, que estableció la Zona de Integración Fronteriza Colombo-Ecuatoriana; y, a los Acuerdos logrados en las Reuniones Colombo - Ecuatoriana sobre Zonas de Integración Fronteriza, celebradas en las ciudades de Quito y Bogotá en febrero y abril del 2002, respectivamente.

Al respecto, en nombre del Gobierno del Ecuador, me permito proponer a Vuestra Excelencia el establecimiento, dentro de la Zona de Integración Fronteriza, de tres Areas Estratégicas de Desarrollo, definidas en las regiones Andina, Amazónica y Pacífica, para los efectos de generar acciones conjuntas que promuevan el desarrollo económico, social, ambiental e institucional de la ZIF.

En este sentido, me permito manifestar a Vuestra Excelencia que las Areas Estratégicas de Desarrollo, en lo que respecta al sector ecuatoriano, estará conformada por los siguientes territorios:

Area Estratégica de Desarrollo Región Andina:

Por Ecuador: Los Cantones de Tulcán, Espejo, Montúfar, Mira, Bolívar, y San Pedro de Huaca, en la Provincia del Carchi.

Area Estratégica de Desarrollo Región Amazónica:

Por Ecuador: Los Cantones de Lago Agrio, Shushufindi, Cascales, Gonzalo Pizarro, Putumayo, Sucumbíos y Cuyabeno, en la Provincia de Sucumbíos.

Area Estratégica de Desarrollo Región Pacífica:

Por Ecuador: Los Cantones de Atacames, San Lorenzo, Esmeraldas, Río Verde, Eloy Alfaro, Muisne y Quinindé, en la Provincia de Esmeraldas.

Se mantendrán vigentes los demás compromisos establecidos para la Zona de Integración Fronteriza acordada en el Título Uno, Capítulo I, del Convenio entre las Repúblicas del Ecuador y de Colombia sobre Tránsito de Personas, Vehículos, Embarcaciones Fluviales y Marítimas y Aeronaves, suscrito en Esmeraldas el 18 de abril de 1990, y los canjes de Notas de Cancillería de 23 de agosto de 1993 y de 24 de agosto de 2000.

En el caso de contar con la anuencia del Ilustrado Gobierno de la República de Colombia, esta nota de respuesta junto con la remitida por Vuestra Excelencia, en la que se precisan por parte de Colombia las Áreas Estratégicas de Desarrollo, constituirán un acuerdo entre las Partes, en el marco de la Decisión 501 de la Comunidad Andina y del Convenio de Esmeraldas de 1990.

Con el convencimiento de que el desarrollo de la Zona de Integración Fronteriza contribuirá al fortalecimiento de los vínculos de amistad y cooperación entre nuestros países, me valgo de la ocasión para reiterar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

HEINZ MOELLER FREILE
Ministro de Relaciones Exteriores

Annex 102

*Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of
Indigenous People, Mr. Rodolfo Stavenhagen, Mission to Colombia,
U.N. Doc. E/CN.4/2005/88/Add.2 (10 Nov. 2004)*



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COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 15 of the provisional agenda

INDIGENOUS ISSUES**Human rights and indigenous issues****Report of the Special Rapporteur on the situation of human
rights and fundamental freedoms of indigenous people,
Mr. Rodolfo Stavenhagen****Addendum****MISSION TO COLOMBIA***

* The executive summary of this report will be distributed in all official languages. The report itself, which is annexed to the summary, will be distributed in the original language and in English.

7. This report contains the Special Rapporteur's assessment of the human rights situation of indigenous people in Colombia and is based on information obtained from various sources and an exchange of views with State, judicial, military, departmental and municipal authorities, leaders and representatives of indigenous communities and representatives of human rights and non-governmental organizations.

I. SCHEDULE FOR THE VISIT

8. The Special Rapporteur visited Sierra Nevada de Santa Marta, in the department of César, the departments of Cauca and Putumayo, and the capital, Bogotá, where he held consultations with government authorities at the national and departmental levels. In Bogotá, the Special Rapporteur met senior government officials, including the President, Mr. Álvaro Uribe; the Vice-President, Mr. Francisco Santos; the Minister of the Interior and Justice, Mr. Sabas Petrelt; the Minister of Foreign Affairs, Ms. Carolina Barco; the Director of the Presidential Programme for Human Rights, Mr. Carlos Franco; the Director of the Human Rights Department of the Ministry of the Interior, Mr. Rafael Bustamante; the Director of the Office of Ethnic Affairs of the Ministry of the Interior, Mr. Jesús Ramírez; and the Director of the Human Rights Office of the Ministry of Defence, Colonel Castillo. The Special Rapporteur also met representatives of the Social Solidarity Network, the Family Welfare Institute, the Colombian Rural Development Institute (INCODER), the Ministry of Education and the Ministry of Health.

9. In the course of his tour of the various regions, the Special Rapporteur met departmental and local officials, members of civil-society and grass-roots associations, and representatives of more than 30 indigenous communities, including the Inga, the Wayuu, the Quichua, the Pasto, the Paez, the Embera, the Yanakona, the Kankuamo, the Arhuaco, the Yuko and the Wiwa.

10. The Special Rapporteur had meetings with legislators, Constitutional Court judges, representatives of the Office of the Procurator-General, and the Ombudsman, Mr. Volmar Pérez Ortiz. He also had discussions with representatives of United Nations agencies, human rights NGOs and academic institutions.

II. LEGAL AND INSTITUTIONAL FRAMEWORK

11. The institutional framework for the protection and promotion of the rights of Colombia's indigenous peoples is based primarily on the 1991 Constitution, which recognizes the multicultural and multi-ethnic make-up of the country.

12. The principal gain for indigenous people in this Constitution was the recognition of their traditional reserves and respect for their cultures, languages and traditions, which were long-standing claims. In order to implement these provisions, land was granted to indigenous communities under Act No. 160 of 1994, through the establishment, extension, rehabilitation and restructuring of reserves. The number of recognized indigenous reserves now stands at 647; these cover a total of 31,066,430 hectares, hold 85,818 families or 441,550 people, and comprise some 30 per cent of the national territory.

47. After a brief boom in marijuana cultivation in the 1970s (the “*bonanza marimbera*”), the drug economy now centres on coca, although it must be said that, as in other Andean countries, traditional coca farming for local use has always been widely practised among Colombia’s indigenous communities. It is highly unlikely that there will be any decline in the commercial trade in psychotropic drugs as long as international demand continues to rise.

48. There is ample evidence that the paramilitary and guerrilla groups fund their activities with the income from drug trafficking; it is for this reason that the battle for control of these territories, and of strategic corridors such as Putumayo, which happen to be where the indigenous peoples live, is becoming increasingly violent, exacting an enormous human, social and cultural toll on these communities and indeed on the country as a whole. FARC moved into the Amazon region during the 1970s and the cultivation of illicit crops intensified in the 1980s, which in turn enabled the guerrillas to step up their action: between 1983 and 1990 the number of fronts increased from 27 to 60. In the late 1980s, the paramilitary self-defence groups arrived on the scene and challenged the guerrilla forces for control of coca production. AUC became increasingly active and was responsible for the Mapiripán massacre in 1997, in which members of the armed forces were also involved.

49. In the Government’s military policy, the fight against drug trafficking and the war on the guerrilla groups have gradually fused into a single strategy. This has led, in recent years, to a redrawing of the parameters of the internal armed conflict, which is no longer seen as a political and military conflict but is now considered a fight against “terrorism”. This has also affected the treatment of the indigenous peoples in conflict zones; their increasing opposition to militarization is sometimes seen by the military and political authorities as support for “terrorism”. According to the Latin American Human Rights Association (ALDHU), the pressure on the indigenous peoples is mounting, and the withdrawal of FARC, the spread of drug crops to their territories and the presence of paramilitaries and of large numbers of police have increased the threats and danger they face.

50. Several means are employed to eradicate illicit crops, but the Government concentrates mainly on spraying, which it considers to be the most efficient method. Colombia’s Minister for Foreign Affairs told the Special Rapporteur that, despite the criticism levelled at the Government over spraying, it still considers this method of combating the growing of illicit crops to be a “lesser evil” which must be accepted.

Indigenous organizations described to the Special Rapporteur the adverse effects of indiscriminate spraying, including environmental damage to the topsoil, fauna, flora and water, the destruction of subsistence crops and direct damage to human health, including birth defects. The Special Rapporteur was also told that there are technical and scientific studies to substantiate these assertions. The indigenous peoples see the aerial spraying of coca plantations as yet another violation of their human rights and, save for a few occasions when they have given their consent, actively oppose the practice; this position again brands them as guerrilla sympathizers, as happened after the rights marches organized by certain indigenous communities to protest against the spraying. The Office of the Ombudsman has received 318 complaints concerning spraying operations in three municipalities in Putumayo in July 2002 and their effect on 6,070 families and 5,034 hectares of land.

51. The Awa community in Nariño has informed the Special Rapporteur of various kinds of damage caused over the last three years to large tracts of rainforest in several areas of the municipalities of Tumaco and Barbacoas, as a result of spraying with glyphosate. The greatest damage was done, they say, to sources of fresh water, killing native fish and affecting human health, causing aching bones, vomiting, dizziness, fever and other ailments, particularly among children.

52. The Mutilon-Bari community of Norte de Santander reports, among other violations, indiscriminate bombings by the security forces in 2003 - an operation known, significantly, as Operation Holocaust - and damage from aerial spraying with glyphosate in the course of the same year. The Organization of Indigenous Communities of Puerto Asís, Putumayo, has also reported the damaging effects of spraying. The Latin American Institute for Alternative Legal Services (ILSA) considers that the Programme for Aerial Eradication of Illicit Coca violates the rights to food security, health and a clean environment. In the Amazon region, the Government has signed an agreement with the indigenous organizations for the eradication of illicit coca crops.

C. The environment, land and human rights

53. Apart from the environmental and cultural impact of illicit crops, spraying and the armed conflict, one of the most sensitive subjects in the area of indigenous people's human rights is the threat hanging over the biodiversity of the Amazon tropical forest, a region which, despite being sparsely populated, has a high degree of indigenous cultural diversity and is now at serious risk.

54. Indigenous people's natural environment is currently under great pressure as a result of intensive economic activities such as logging, oil drilling, a range of mining operations (including mining for gold, coal, minerals and saltpetre) and the construction of hydroelectric megaprojects such as the Urrá dam, or of highways connecting the countries and regions of the Amazon.

55. The need for prior, informed consultation with indigenous communities, in accordance with ILO Convention No. 169, has become one of the major issues in the human rights arena. The communities maintain that the mechanism does not operate in the same way in all parts of the country. In the indigenous territories of Antioquia, the Special Rapporteur was told that mining and other projects were launched without prior consultation or the consent of the indigenous communities. On the other hand, the indigenous peoples of the Sierra Nevada, the Wayuu people in Guajira and the Awa in Nariño report that they have made some headway with consultation processes.

56. In Putumayo, the Special Rapporteur was told of the large, uncontrolled waves of migrants prompted by the oil boom, which have pushed ethnic groups back into minimal territorial holdings where their very survival as communities is at risk. The U'wa indigenous people, who live in the departments of Casanare, Arauca, Boyacá, Santander and Norte de Santander, told the Special Rapporteur that they are heading for sociocultural extinction as a result of the policies of colonization, deterritorialization and intimidation applied in State operations to exploit natural resources on their lands, particularly in oil prospecting and drilling.

This is a major challenge, with many obstacles to overcome. The human, economic and social development indicators for the indigenous population show levels below the national average, particularly in respect of indigenous women and girls. According to a study by the Cauca Indigenous Regional Council, only 50 per cent of school-age children are actually in school, and in Antioquia the figure is less than 40 per cent.

77. For bilingual education to become a reality for all indigenous school-age children in Colombia, a sustained effort will be required, along with extensive resources for, inter alia, teacher training, school construction, production of educational materials, evaluation of results and continuity of teaching methods, all of which are at present compromised by the constraints on the public purse and the various national priorities in resource allocation.

78. The same applies to health services, particularly in the areas of mother-and-childcare, reproductive health for indigenous women, child nutrition (including among the displaced population) and cultural determinants of health among indigenous peoples. In this context, it is worrying to note that the armed conflict has claimed the lives of large numbers of traditional doctors from indigenous communities and that the violence has hampered communities' ability to collect traditional plants and products in the natural environment for use in health care in accordance with indigenous cultural practice. The violence has also frightened off doctors and health workers and affected vaccination campaigns.

79. The Embera Katio people of Alto Sinú informed the Special Rapporteur of their high mortality rate - more than twice the national rate; what is more, their infant mortality rate is 3.2 times the national rate. They are demanding better health care from the State and allege that there is no effective protection for their cultural integrity.

80. Act No. 691 of 2001 guarantees indigenous people's right to health services. To date, according to the Government, more than half a million indigenous people are covered by the subsidized health scheme, and President Uribe has indicated that by the end of his term of office all indigenous people in the country will be covered. Seven health-service providers operate in indigenous areas, but this is not enough and they alone cannot guarantee the realization of indigenous peoples' right to health.

IV. CONCLUSIONS

81. The precarious human rights situation of Colombia's indigenous peoples reflects the gap between progressive domestic legislation and the ineffectiveness of the institutions responsible for protecting these peoples, against a background of internal armed conflict involving numerous warring parties whose actions directly affect indigenous communities' chances of survival.

82. The spread of narcotics cultivation and trafficking, and efforts to combat that spread, notably by spraying fields from the air, have had an adverse effect on indigenous peoples' environment, economy, social life, health and culture.

83. Certain small indigenous communities in the Amazon region are especially vulnerable, and indeed are in real danger of extinction as peoples.

103. **The relevant State bodies should apply, with immediate effect and without exception, the precautionary measures established by the Inter-American Commission on Human Rights for various indigenous peoples.**

104. **The Anti-Terrorist Statute should under no circumstances be invoked against any indigenous people charged with an offence as a result of involvement in legitimate action to resist, oppose or protest against violations committed against them by any armed group.**

105. **No indigenous people should be detained by the armed forces unless a warrant for their arrest has been issued by a competent judicial authority. The duties of the military and the judiciary should be kept strictly separate, including in conflict zones.**

The environment and spraying

106. **Except where expressly requested by an indigenous community which has been fully apprised of the implications, no aerial spraying of illicit crops should take place near indigenous settlements or sources of provisions.**

Sustainable development and basic social services

107. **The State should promote and extend the coverage of alternative sustainable development projects, under development plans drawn up by the indigenous communities, and to that end should request the fullest possible international cooperation.**

108. **No investment or infrastructure projects, harvesting or mining of natural resources or new production projects should be encouraged without full and legitimate prior consultation and the involvement of the indigenous peoples. An agreed approach to the consultation process should be worked out.**

109. **As part of the plans for free education for all - which the State is under an obligation to provide - the bilingual and intercultural education programme should be reinforced in indigenous areas, and the role of private educational establishments should always be limited to supplementing the work of the State.**

110. **The Government's plans to provide health service coverage to the entire indigenous population should embrace and protect traditional medicine and its practitioners within the indigenous communities.**

111. **State entities working with indigenous populations should produce and make use of statistics disaggregated by ethnic group, so that they can focus their work more effectively. It is recommended that they should work out a suitable methodology in cooperation with academic and research institutions.**

B. Recommendations to the armed groups

112. **The armed groups should refrain from recruiting minors, and those already recruited should be returned to their families immediately and given appropriate care by specialist State institutions.**

Annex 103

Commission of European Communities, *The Impact Assessment of the Thematic Strategy on the Sustainable Use of Pesticides*, SEC(2006) 894 (12 July 2006)





COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.7.2006
SEC(2006) 894

COMMISSION STAFF WORKING PAPER

Accompanying the

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**establishing a framework for Community action to achieve a sustainable use of
pesticides**

{COM(2006) 373 final}

**THE IMPACT ASSESSMENT OF THE THEMATIC STRATEGY ON THE
SUSTAINABLE USE OF PESTICIDES**

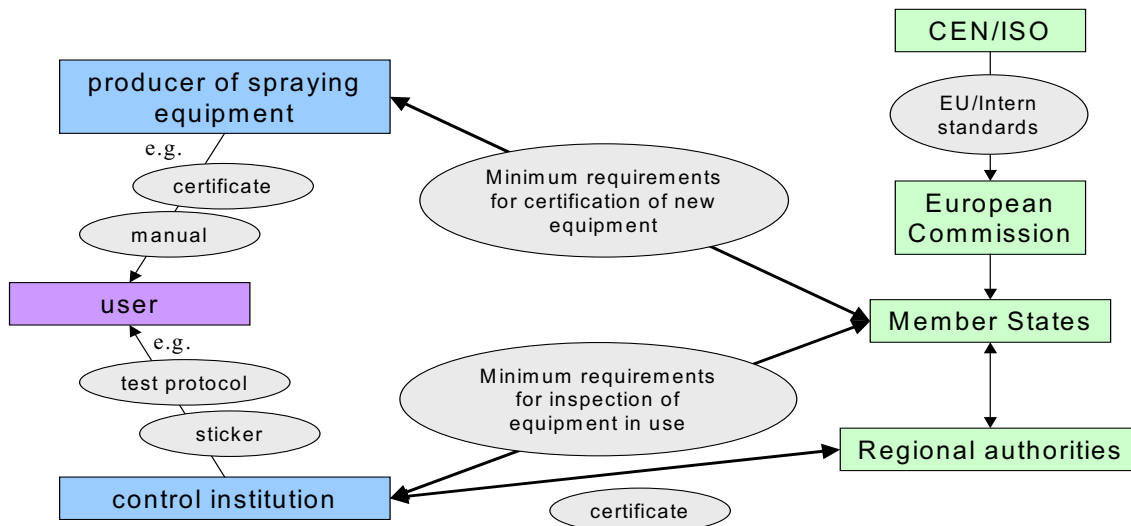


Figure 6-8: Information flow – testing of spraying equipment

6.1.3. General prohibition of aerial spraying

Legal situation

There is no harmonised European wide regulation with respect to aerial spraying and the present situation in the Member States varies between a total ban (e.g. in Estonia) and no restriction at all in Malta. In most Member States aerial spraying of pesticides is allowed but different restrictions are in place. Aerial spraying can be performed with airplanes or with helicopters.

Table 6-9 gives an overview of the current situation in Member States based on the evaluation of the answers received to the questionnaires and personal interviews with national experts.

Involved stakeholders

A change of the EU-policy related to the application of pesticides by aerial spraying will cause effects in various fields and affect several groups either directly or indirectly. The most important actors concerned are:

- *Aerial spraying service companies*
In most countries specialised service companies carry out aerial spraying of pesticides. The companies provide for the relevant equipment (planes, helicopters), in most cases trained and certificated pilots, as well as the specific know how.
- *Users (farmers)*
The user decides for his plants whether aerial spraying or ground spraying is the most effective way to apply pesticides.

- *Aerial spraying equipment producers*
Producers of the necessary special equipment for the aerial spraying of pesticides (helicopters, special sprayers) will also be concerned by any new measures.
- *Ground spraying service companies*
In most cases ground spraying is done by the farmer or his employees. But sometimes external service companies are involved.
- *Ground sprayer producers*
Ground sprayer producers are also involved as a ban or severe reduction of aerial spraying results in an increased need for ground sprayers.
- *Authorities*
Mainly local authorities are concerned.
- *Bystanders, operators (health effects), environment*

With respect to health effects, the direct exposure of the operators during the application process and the handling of pesticides are of special interest. The health of bystanders can be affected by spray drift or direct contact with the pesticides (e.g. if a person stays in an area which is treated with pesticides by plane or helicopter).

With regard to the environment, the effects on plants, soil and water as well as the unintended treatment of non-target plants and wild life have to be taken into consideration.

Table 6-9: Aerial spraying – current legal situation in MS⁹⁵

	AT	BE	CY	CZ	DE	DK	EE	ES	FI	FR	GR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	SE	SI	SK	UK
Total ban							X															X			
Ban with exception	X		X								X			X								X			
Severe restrictions		X	X	X	X	X		X	X	X	X	X	X	X	X		X		X	X	X				X
• Authorisation in advance		•	•	•	•	•		•	•	•		•	•	•	•		•		•	•	•				•
• Advance warning with possibilities for authorities to restrict		•	•	•	•	•		•	•	•		•	•	•	•		•		•	•	•				•
Non severe restrictions		X	X	X	X	X		X	X	X	X	X			X				X						X
• Trained and certified pilots		•	•	•	•	•		•	•	•	•	•			•				•		•				•
• Restricted to certain crop type											•														
• Guidelines for best practice		•	•	•	•	•			•	•		•							•		•				•
financial instruments																									
no restrictions																		X							

NB: A country can provide both 'severe' and 'non severe restrictions'. For each kind, the most used ones (e.g. authorisation in advance / guidelines) are detailed.

95

Source: questionnaires and interviews.

Material flows and key figures

The following figures give an overview on the use of pesticides applied by aerial spraying in the different Member States.

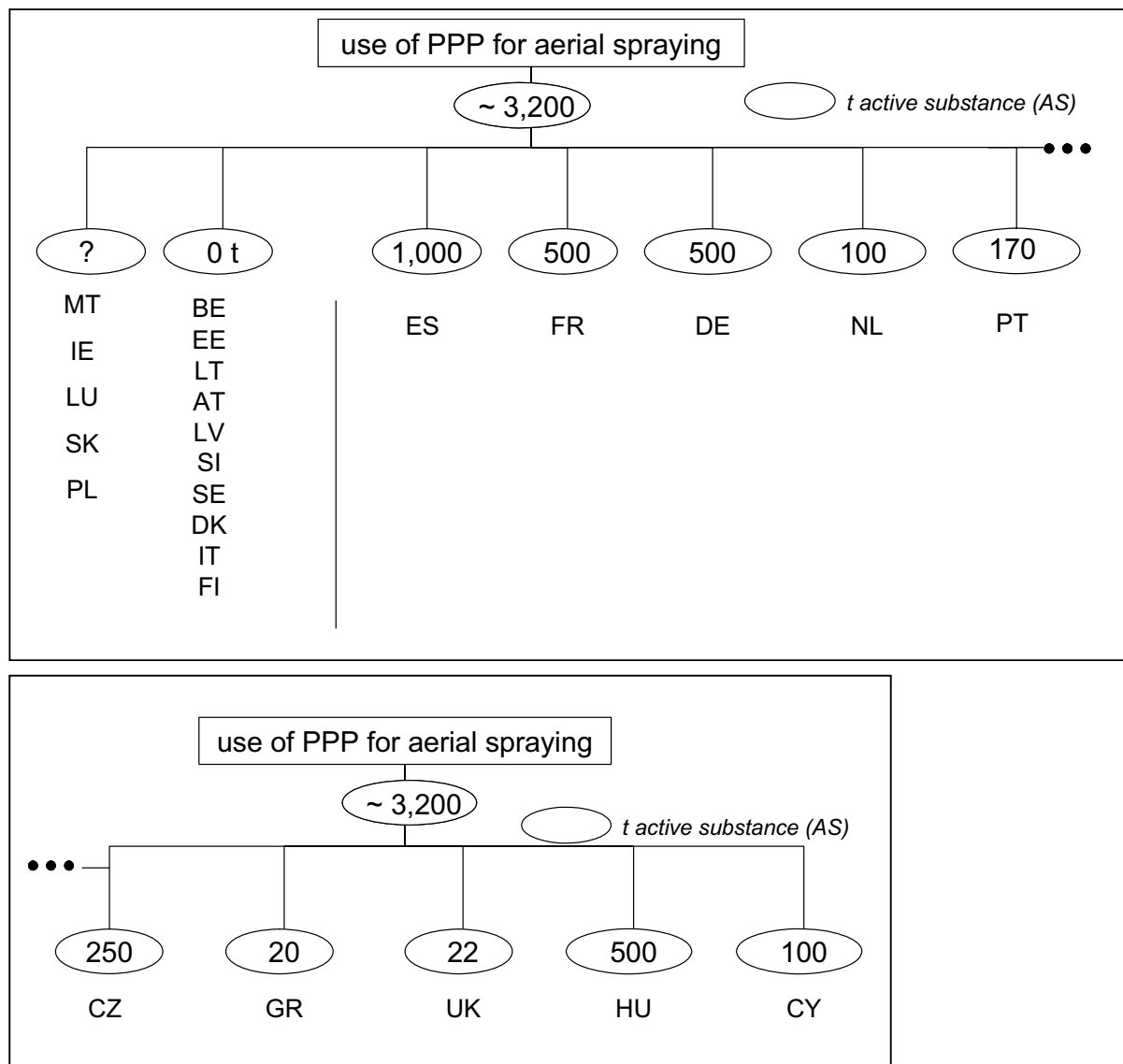


Figure 6-10: Amount of PPP used for aerial spraying in the European Community⁹⁶

Taking into consideration – as far as available – the reported data from authorities / stakeholders and additional data from Eurostat, a total amount of about 3,200 t (AS) is applied by aerial spraying per year. The most important countries with respect to aerial application are Spain, France, Germany and Hungary. Ten Member States reported that no aerial spraying takes place either because it is banned or because there was no need for it. Regarding the plant-specific use, arable crops are by far the most important application field with more than 62% (see Figure 6-11). Application is relatively stable from year to year.

⁹⁶ Source: Eurostat, ECPA, questionnaires, interviews.

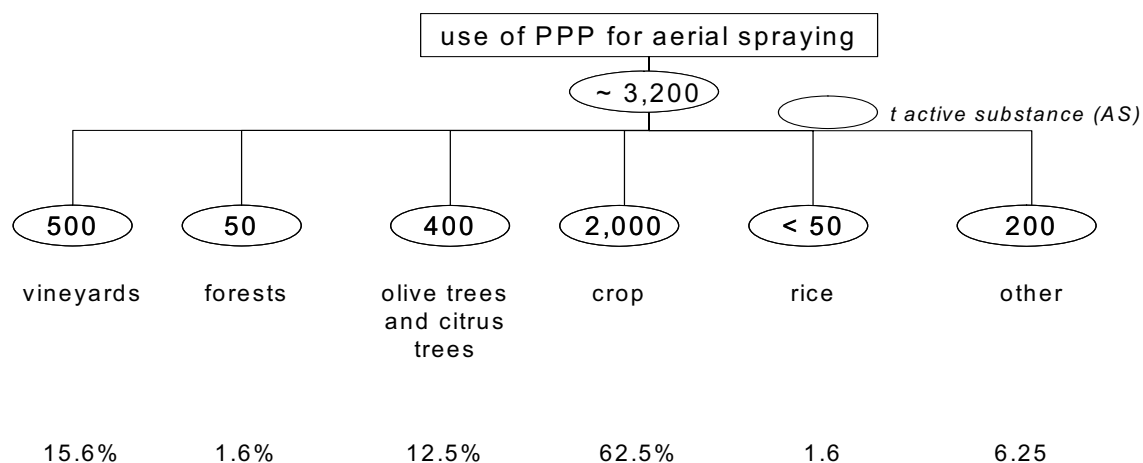


Figure 6-11: Fields of application for aerial spraying

Contrary to the treatment of arable crops or vineyards, the aerial application of pesticides for forests is subject to considerable annual fluctuations as the treatment normally only takes place in case of acute pest affection.

Economic flows and key figures

The economic situation of aerial spraying of pesticides is illustrated in the following table.

Table 6-12: Economic data aerial spraying – total figures

Total expenses for aerial spraying	~ € 60 million
Total number of companies involved	~ 120
Total number of aircrafts	> 300
Total number of jobs directly correlated with aerial spraying	~ 800

About 120 companies, more than 300 aircrafts and around 800 jobs are directly correlated with the application of PPPs by the means of aircrafts. The total expenses for aerial spraying in the European Community can be estimated to € 60 million per year (without the costs of pesticides). The importance of aerial spraying with respect to various crops is shown in the following table.

Table 6-13: Economic data aerial spraying – crop specific estimation

	vineyards	olive, citrus	Rice	Other crops
Total expenses for aerial spraying (M€)	10	7	1	38
Monetary value of the crop in EU (M€)	20,000	11,000	800	136,000
% aerial / monetary value	0.05	0.06	0.1	0.03

Information flows and key figures

Figure 6-14 illustrates the potential relations with respect to the information flow between the involved stakeholders.

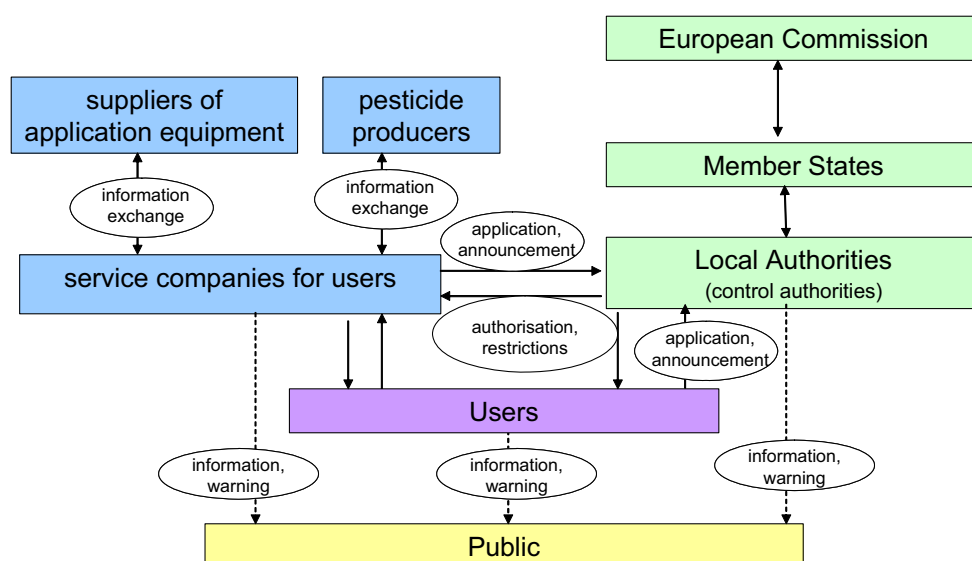


Figure 6-14: Information flow – aerial spraying (source: questionnaires, interviews)

To what extent the above shown relations are put into practice depends on the legal requirements in the countries. In some countries the user/service company has to apply for an authorisation in advance which normally defines a higher administrative effort than only an announcement in advance (application announcement). Also the post-application communication between service companies and relevant authorities is regulated differently. For example in France the service company has to report to the authorities within 5 days after aerial treatment.

There are also differences between the Member States as far as the information or warning of the public is concerned. In some countries the local authorities are responsible for warning of the public, in other countries the user/service company has the obligation to warn the public in advance with adequate means e.g. with posted signs.

The information flow between equipment suppliers and pesticides producers is of informal character and serves mainly as an information exchange to improve the effectiveness of pesticides and equipment.

6.1.4. Enhanced protection of the aquatic environment

Legal situation

The feedback from the different countries on the *status quo* concerning the size of the area which is relevant for surface water and ground water protection within the individual Member States was relatively inhomogeneous and shows different situations:

- In Cyprus special areas for the protection of surface water are established around existing dams for the collection of water and cover approximately 3000 ha;

Annex 104

Commission of European Communities, *A Thematic Strategy on the Sustainable Use of Pesticides*,
Technical Annex, SEC(2006) 895 Final (12 July 2006)





COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.7.2006
SEC(2006) 895

COMMISSION STAFF WORKING DOCUMENT

Accompanying the

**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE
EUROPEAN PARLIAMENT, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

A Thematic Strategy on the Sustainable Use of Pesticides

TECHNICAL ANNEX

{COM(2006) 372 final}

2. MEASURES CONSTITUTING THE THEMATIC STRATEGY

The Communication from the Commission on the Thematic Strategy on the Sustainable Use of Pesticides⁵ provides for the general framework, the necessary background information and the content of the Strategy.

Thematic Strategies are new tools, which follow a holistic concept in addressing a specific topic. A lot of emphasis has therefore been put on integration of the measures of the Strategy in existing policies and legislation. Only when integration into other instruments or policies is not possible, new legislation – in particular a Framework Directive on the Sustainable Use of Pesticides – or other appropriate instruments are proposed.

In accordance with this concept, this Technical Annex will describe in more detail, following the outline given in the Communication, the measures that will be part of the Thematic Strategy – either proposed as part of a new instrument or integrated into existing instruments – and those measures that were evaluated, but are eventually not proposed as part of the Thematic Strategy.

As for the new instruments, the Communication is accompanied by a proposal for a Directive of the European Parliament and the Council (hereinafter referred to as the draft Directive) setting out a framework of legal requirements to achieve a sustainable use of pesticides. In parallel, the Commission proposes a draft Regulation of the European Parliament and the Council with regard to the collection of statistical information on sales and use of plant protection products. Obviously, measures that are best integrated into existing instruments have to respect the timetables and procedures for adoption foreseen in these instruments.

2.1. New measures that cannot be integrated into existing instruments

2.1.1. *Establishment of National Plans to reduce hazards, risks and dependence on chemical control for plant protection (National Action Plans - NAPs)*

The setting up and implementation of national action plans in the Member States will be a cornerstone of the Thematic Strategy. Experience in several Member States has shown that such national action plans have been highly successful to achieve a more sustainable use of pesticides.

In the draft Directive, Member States will be obliged to set up NAPs that will set individual objectives to reduce hazards, risks and dependence on chemical control for plant protection, and group together all objectives to be achieved under Community legislation related to pesticides (including the Framework Directive). In setting up their NAPs, Member States have to pay attention to good co-ordination and integration avoiding overlaps with the river basin management plans under the Water Framework Directive, the management plans under the Habitats Directive, and national/regional rural development plans. Member States will have two years to establish their plans and start implementing the required measures.

2.1.2. *Involvement of stakeholders*

In the spirit of what is foreseen in Directive 2003/35/EC providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment⁶,

⁵ COM(2006) 372.

⁶ OJ L 156, 25.6.2003, p. 17

involving all stakeholders is essential for the success of the Thematic Strategy. Therefore, when setting up, implementing, and revising their NAPs, Member States should ensure appropriate participation of all relevant stakeholders. Member States should ensure sufficient co-operation with other relevant stakeholder groups such as those established under the Water Framework Directive for the river basin management plans, those established under the Habitats Directive for the Natura 2000 management plans, and those for the elaboration of rural development plans.

The draft Directive contains provisions that Member States shall ensure that the core provisions on participation foreseen in Directive 2003/35/EC are also applied in the development of the NAPs. The detailed arrangements for public participation and the level at which this will be organised should be determined by the Member States so as to give the public early and effective opportunities to participate in the process.

2.1.3. Creation of a system of awareness raising and training of all professional users and distributors of pesticides

In order to ensure that those who use pesticides (in particular professional users) are fully aware of the risks linked to this use, Member States will have to set up systems of training and official recognition of training attendance (*via* certificates) for professional users and distributors. The programme of the training shall include *inter alia* notions on legislation, risks from pesticide use, safe practices for storing, handling and disposing of pesticides and their packaging, notions on Integrated Pest Management and low-pesticide input cultivation techniques, maintenance of application equipment. Moreover, the general public should be better informed through awareness raising campaigns, information passed on through retailers/distributors, and other appropriate measures.

In the draft Directive, Member States are obliged to ensure that all professional distributors and users of pesticides have access to appropriate training. Distributors selling pesticides classified as toxic or very toxic shall have at least one person in their employment who has attended a whole training session and who has to be present and available at the place of sales to provide information to customers regarding pesticide use. Distributors selling pesticides to non-professional users will have to provide general information regarding the risks on pesticide use. The organisational aspects (like the training institutions/organisms involved, certification of training bodies, financing aspects, licensing bodies, training frequency, etc.) remain at the discretion of the Member States.

Regulation (EC) No 1698/2005⁷ already offers some possibilities for providing financial incentives for the training of farmers and agricultural workers (in particular in Article 20).

Member States will report on the measures they have set up and the Commission, in co-operation with the Thematic Strategy Expert Group (see Chapter 2.1.11), will develop guidelines for training and education of farmers, professional users and distributors, taking into account the diversity of situations in the various regions of the Community, which would address:

- a minimal list of elements to be included in the training courses, like legislation, toxicology, ecotoxicology, low-pesticide pest-control systems, non-chemical alternatives,

⁷ Council Regulation (EC) No 1698/2005 of 17 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, p. 1).

comparative assessment, environmental management, pest forecasting, good practice integrating IPM concepts, compliance with measures adopted in the context of the Water Framework Directive 2000/60/EC, etc.;

- the minimal compulsory training frequency - possibly as a function of the category of users;
- special training and licensing requirements for users entitled to apply more hazardous pesticides;
- guidelines for mandatory training and certification / licensing of distributors / retailers;
- duration of validity and required qualification for certificates/licences delivered to the distributors and professional users;
- legal obligations that those certificates / licences shall imply for the stakeholders concerned: for instance, any intentional misuse or misinformation would lead automatically to the withdrawal of certificates/licences;
- obligation for distributors / retailers of informing non-professional users and alternative information campaigns for the non-professional users.

2.1.4. Compulsory inspection of application equipment

Well designed and maintained application equipment is key to reduce adverse impacts of pesticides on human health (in particular the operators) and the environment, and to guarantee the most efficient and economic use by ensuring compliance of the actual quantities applied with the authorised dosages. Following the examples already set in some Member States, the draft Directive requires Member States to set up regular control and maintenance verifications of application equipment in use. This would thus also apply to equipment already in use in those Member States where an equivalent measure was not implemented before. The legal obligations should establish:

- the objectives of the control (regular and reproducible spraying pattern, identification of unsuitable apparatus, etc.) and the conditions of validity of the certificate delivered by the control body;
- the listing of essential requirements which have to be fulfilled, for instance by adhering to existing or newly developed CEN standards for the control methodologies.

Essential environmental protection requirements for the placing on the market of new pesticide application equipment should be ensured as well. A legislative proposal to this end should be adopted at the latest by 2008, possibly within the framework of Directive 2006/42/EC on Machinery. For new equipment or parts thereof, e.g. nozzles, specific standards should be developed in support of those requirements. This would allow requiring use of such material as a risk mitigation method in certain vulnerable situations (e.g. particular nozzle-types which decrease spray-drift for the protection of surface water).

The organisational aspects (like public or private inspection systems, quality control of inspection bodies involved, financing, fees to be paid by owners, etc.) will remain at the discretion of the Member States, who will have to report to the Commission. Through co-operation between the Member States and stakeholders in the Thematic Strategy Expert Group, guidance and best practices should be developed. Possibilities to support farmers

under Regulation (EC) No 1698/2005 in order to upgrade or replace their spraying equipment could be examined, where necessary.

2.1.5. *Prohibition of aerial spraying*

Aerial spraying of pesticides has the potential of causing significant adverse impacts on human health and the environment, in particular from spray drift. Therefore, it should only be used by way of derogation where it represents clear advantages and also environmental benefits compared to other spraying methods, or where there are no viable alternatives.

The draft Directive therefore requires Member States to ban aerial spraying, allowing derogation for crops and areas where aerial spraying can have advantages or environmental / health benefits (e.g. treatment of larger surfaces in shorter time which allows quicker response to pest forecasting and weather conditions, less refilling / washing and tank residues, reduced operator exposure, etc.) or where there are no viable alternatives (e.g. on specific crops such as rice, forests, etc.). Member States will have to report on these derogations, which will be discussed in the Thematic Strategy Expert Group in order to define guidelines and criteria.

Among the conditions for derogation, the following seem indispensable:

- pilots have to be well trained and certified / licensed for pesticide spraying;
- the equipment used has to be specifically designed, certified, and maintained;
- modern technologies (model calculations, specific nozzles, reduced boom width, etc.) need to be fully exploited to further reduce risks;
- detailed log-books about substances used and use conditions have to be maintained.

2.1.6. *Enhanced protection of the aquatic environment*

Specific measures to protect surface and groundwater are required to reduce the risks from pesticides to the aquatic environment. A number of pesticides are identified as priority hazardous substances or hazardous substances in the Water Framework Directive (2000/60/EC) and therefore specific measures will be taken with regard to them. Overall, coherence between the Water Framework Directive (WFD) and the Directives 91/414/EEC and 98/8/EC needs to be strengthened in order to better enforce risk mitigation measures concerning the aquatic environment decided within the product authorisation by adequate provisions in the WFD.

The draft Directive will require Member States to establish pollution reduction programmes addressing pesticides in the framework of the River Basin Management Plans, which must include, among others, measures such as mandatory buffer strips or the use of particular technical equipment reducing spray drift. Strongly reduced or zero use of pesticides shall be ensured by Member States in the specific safeguard zones according to Article 7(3) of Directive 2000/60/EC (Water Framework Directive). Member States will also have to ensure that application of pesticides is reduced as far as possible on or along infrastructure close to water bodies (like railway lines or roads), on sealed surfaces with high risk of run-off into surface water or sewage systems, or on very permeable surfaces.

Annex 105

Organization for Economic Co-Operation and Development (OECD), Joint Meeting of the Chemicals Committee and The Working Party on Chemicals, Pesticides and Biotechnology, *Report of the OECD Pesticide Risk Reduction Steering Group: The Second Risk Reduction Survey*, ENV/JM/MONO (2006)14 (19 July 2006)



Unclassified

ENV/JM/MONO(2006)14



Organisation de Coopération et de Développement Economiques
Organisation for Economic Co-operation and Development

19-Jul-2006

English - Or. English

**ENVIRONMENT DIRECTORATE
JOINT MEETING OF THE CHEMICALS COMMITTEE AND
THE WORKING PARTY ON CHEMICALS, PESTICIDES AND BIOTECHNOLOGY**

**ENV/JM/MONO(2006)14
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**OECD SERIES ON PESTICIDES
Number 30**

Report of the OECD Pesticide Risk Reduction Steering Group: The Second Risk Reduction Survey

English - Or. English

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Complete document available on OLIS in its original format

**Report of the OECD Pesticide
Risk Reduction Steering Group**

The Second Risk Reduction Survey

11 April 2006

PART C - MISCELLANEOUS AND OPTIONAL QUESTIONS

59. During the development of the survey questionnaire in early 2004 with the participation of member countries, it was agreed to include a section on miscellaneous and/or specific questions that some countries wanted to ask other countries. The following sections summarise the results based on the eighteen responses.

a) Is aerial spraying authorised? If so, under what conditions?

60. Eleven respondents (*Australia, Canada, Germany, Hungary, Japan, Korea, New Zealand, Netherlands, Slovak Republic, Switzerland, UK*) indicated that aerial spraying is authorised in their countries, but subject to special provisions (only for products registered for aerial spraying; with special authorisation; only by licensed operators; according to exposure limits or spray drift guidelines).

61. Three respondents (*Ireland, Norway, Sweden*) indicated that aerial spraying is not permitted in their countries, but in rare cases, derogations are possible. In *Slovenia*, it is not allowed.

b) How are the problems of private/amateur use being addressed?

62. Five countries (*Australia, Japan, Korea, New Zealand, Switzerland*) indicated that home and garden use products are subject to the same risk assessment framework as agricultural pesticides, but generally only low toxicity pesticides with packaging size restriction are allowed. *Japan* and *New Zealand* added that guidance on pesticide use for private/amateur users has been established and distributed through local governments and retailers, but more work is still needed. *Canada* and the *UK* have legal registration regimes for such use, but stress the importance of education, communications and advice/guidance.

63. Six countries (*Germany, Hungary, Netherlands, Norway, Sweden, UK*) indicated that only a few substances and certain products with low toxicity or diluted and ready-to-use products are authorised for amateur use, and are listed in a certain category for such use, sold only in small packages, labelled for home and garden use, and in *Norway* with a high environmental tax. *Hungary* reported problems with low user awareness and knowledge on proper handling.

64. *Ireland* responded that no problems with amateur use have been encountered.

c) How is the effectiveness of communication and information provision ensured?

65. Eleven countries (*Australia, Canada, Germany, Japan, Hungary, Ireland, New Zealand, Norway, Sweden, Switzerland, UK*) responded to this question, and all of them indicated that changes in legislation including those related to authorisations are documented in official gazettes and directly communicated to stakeholders. Such information is also disseminated through web-sites, extension services, state/prefecture/local governments and farmers' cooperatives/associations, seminars and workshops.

66. *Japan* and *New Zealand* indicated that no evidence or evaluation of the effectiveness of present communication methods exists, while *Ireland* indicated that effectiveness needs to be improved. *Canada* has carried out public surveys to assess the impact and success of communications and information

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SWEDEN

Part A: Evaluation of Pesticide Risk Reduction Efforts since 1994/5

1. Introduction of the policy framework/context for pesticide risk reduction

National risk reduction programmes on pesticides have been in force since 1987 in Sweden. Up to now, three stages covering 5 years each have been completed and a new 5 year long programme has recently been proposed to the Government. Responsible agencies are the Swedish Board of Agriculture and the National Chemicals Inspectorate. The programmes have been performed in consultation with the Swedish Environmental Protection Agency, the National Food Administration and the Swedish Work Environment Authority.

Targets and results

Period	Targets (compared to the base period 1981-85)	Results
1987-1990	Target: 50 % use reduction	49 % use reduction achieved.
1991-1996	Target: 75 % use reduction	64 % use reduction achieved.
1997-2001	No use target, but further reduction in risks expressed by indicators	Based on environmental and human health risk indicators the reduction was 63% and 77% respectively (year 2000).
2002-2006	No use target, but further reduction in risks expressed by new indicators	Mid-term results at www.kemi.se

In the first two stages of the Swedish risk reduction programme on agricultural pesticides, the following measures were included:

- changeover to pesticides and authorisation provisions which implies less risks,
- safer handling of pesticides, improvement of regulation, training and information activities,
- reduced use of pesticides.

The latter was expressed in each stage; as to reduce by half the quantity of active substances used over the period covered, 1986-1990 and 1991-1996 respectively. Accordingly, the two-fold halving added up in a goal of 75 percent reduction in 1996 compared with the average use during 1981-85. However, this goal was not possible to achieve. In 1996 the reduction in sold quantities was 64 percent.

Risk indicators

The national Pesticide Risk Indicators (PRI) used during the period 1997-2001 has been refined to better reflect risk trends.

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Old PRI	New PRI
Based on (for each active substance): <ul style="list-style-type: none"> • sold quantity • current hazard classification (including also persistence, bioaccumulation and mobility properties) 	Based on (for each active substance): <ul style="list-style-type: none"> • the theoretically maximum number of hectare doses • current hazard classification (including also persistence, bioaccumulation and mobility properties) • exposure related factors such as formulation type, application method and treatment frequency
Two types of indicators; one related to environmental risks and one to human health risks.	Two types of indicators; one related to environmental risks and one to human health risks.
Has been in use since 1997	Will replace the old PRI from 2003 and onwards.

Methodology and annual results of the new PRI can be found at www.kemi.se.

Another indicator to be used at farm level has also been developed. The aim is to use a more realistic approach by defining local exposure conditions. Another important aspect is that by using these tools, farmers can check their own progress in relation to risk reduction. On a long term, the intention is to aggregate results from the farm level so it also can be used to express risk trends at the national level.

No economic analyses have so far been conducted for any of the measures in the programme.

2. Modifications, new policies, strategies, goals or targets introduced since the first survey in 1994/5

In the third stage of the programme, no quantitative goal targeting on further use reductions was proposed. Instead, *risk indicators* were used to follow up progress. These indicators have recently been refined to measure progress of the ongoing fourth stage of the programme, see section above.

The programme objective has been to reduce pesticide risk resulting from professional use in agriculture and horticulture. Forestry, home garden, industrial and amenity uses have not been included in the programme.

3. Major risk reduction achievements over the last 10 years

a) Examples of key elements

Pesticide regulation

- Extensive review of all existing pesticides between 1990 and 1994.

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- The use of comparative assessments, the precautionary principle and decision-making criteria² to facilitate prompt and easy authorisation procedures. About 80 out of 180 existing active substances were removed from the market during the national review period.
- Phase-out activities on certain unacceptable pesticides considered to be indispensable.
- A new regulation on the handling of pesticides came into force in 1997.

Additional instruments and activities

- Mandatory training. A four-day long training course is required for all farmers using pesticides professionally.
- Advisory service focusing on integrated and need-based crop protection. Examples of areas covered are:
 - pest forecasting and warning services
 - demonstration trials (for example on unsprayed edge zones) and field courses
 - information on possibilities to reduce the dose rates.
- Research and development on need based crop protection, organic farming, spraying techniques etc.
- Programme for voluntary testing of spraying equipment.
- Voluntary information campaign “Safe Pesticide Use” launched by the Federation of Swedish Farmers in a jointly collaboration with the Crop Protection Industry, the Board of Agriculture, the Chemicals Inspectorate, and the Environmental Protection Agency.
- Monitoring programmes on pesticide residues in food and water.
- Environmental levy (30 SEK per kg active substance).

b) Experiences reached

Important factors that have contributed to the success of the Swedish risk reduction programme on pesticides are;

- Integration of and balance between mandatory and voluntary elements,
- A variety of additional activities performed at different levels (local to national) and driven by different stakeholders (farmers, authorities, research institutions),
- Full support on the programme from the Federation of Swedish Farmers (80 % of the farmers are members of FSF),
- A close and encouraging contact between authorities under the Ministry of Agriculture and the Ministry of Environment. The mission to develop the programme was given as a shared task to the Swedish Board of Agriculture and the National Chemicals Inspectorate.

² Andersson L *et al.* (1992), “Principles for Identifying Unacceptable Pesticides”, The Swedish National Chemicals Inspectorate, KEMI Report No 4/92.

4. Least successful strategies which faced difficulties

Circumstances interfering with the programme objectives

- A high dependency on pesticides still remains in food production.
- The fully harmonised EU legislation on pesticides (Directive 91/414/EEC) is setting barriers for individual member state programmes aiming at a reduction in chemical dependency by regulatory means.
- It is not possible to involve all farmers. Some farmers are not open for information on risk reduction possibilities and they are not prepared to change their manner.

Part B: The Next Ten Years

5. Future Work

The ongoing fourth stage of the programme

The overall aim with the proposed fourth stage of the programme (2002-2006) is to continue the successful activities already implemented. More focus will be given to a number of selected use areas, which require particular attention. Several of these concern the contamination of *surface water and groundwater*.

- Mixing, loading and cleaning of the spraying equipment.
- Spraying in vulnerable areas.
- Weed control in sandy soils and in row sown crops.
- Late autumn and early spring (spring crop) applications.

More attention will also be given to pesticide risks in *the horticultural sector* compared to the earlier stages.

- Frequent applications in strawberries, apples and potatoes.
- Air blast spraying technique in fruit orchards.
- Direct or indirect exposure to (re-entry) workers from treated plants in glasshouse production.

Grower associations are prepared to take a more active part in the programme, for instance by defining a *national standard for Good Plant Protection Practice*. A programme for *mandatory testing of spraying equipment* will also be proposed.

Part C: Optional

6. Miscellaneous/specific questions some countries/organizations wanted to ask other countries in the questionnaire

Aerial spraying

Aerial spraying is generally forbidden but derogations are possible. Two derogations have been granted for plant protection purposes (application in forests) during the latest 20 years.

Annex 106

European Commission, *EU Policy for a Sustainable Use of Pesticides: The Story Behind the Strategy* (2007)



EU Policy for a sustainable use of pesticides

The story behind the Strategy

European Commission



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1. INTRODUCTION

European environment policy has evolved significantly since the 1970s. It has given the EU cleaner air and water and a better understanding of our dependence on a healthy environment. It is one of the policy areas most supported by EU citizens, who recognise that environmental problems go beyond national and regional borders and can only be resolved through concerted action at EU and international level. From an initial focus on single pollutants and impacts it has moved into an integration phase, with the emphasis on understanding and addressing the pressures on the environment and examining the effects of different policies and behaviour patterns.

Seven thematic strategies were adopted by the Commission in 2005 and 2006. They address various environmental areas and form part of this new approach to environmental policy-making. They are based on a deep review of existing policy, and required several years of scientific and economic analysis together with extensive consultation. They exemplify the better regulation approach of the Commission and will make an important contribution to sustainable development and the agenda set in Lisbon to make EU the most competitive and dynamic knowledge-based economy in the world.

Moreover, the strategies are key mechanisms for delivering the objectives set out in the Sixth Environmental Action Programme (**6th EAP**)¹ adopted by the Council and Parliament for the period 2002-2012. The strategies are specified in the 6th EAP and fall under its four main priorities: climate change, biodiversity, health and resource use. The seven strategies cover:

- Air quality
- The marine environment
- The sustainable use of resources
- Waste prevention and recycling
- The sustainable use of pesticides
- Soil quality
- The urban environment

The thematic strategies provide broad analyses of issues by theme. They look at pressures and

impacts on the environment, which often cut across these themes. They examine the links between environmental impacts and sectoral policies. They look at a broad range of options and a varied policy mix, including the use of market-based instruments, technology and innovation to deal with the problems identified in a strategic and effective manner. They take a longer-term perspective, setting the framework for Community and Member State action for the next two decades, i.e. they propose strategic objectives and explore short- and medium-term measures where appropriate, thus helping to meet the EU's global commitments.

Each strategy takes the form of a package comprised of:

- an overall approach towards the thematic issue, presented in a Communication that highlights issues and proposes solutions,
- legislative proposals (for some of the strategies),
- an impact assessment.

Each strategy is the result of a thorough development process. There is first a preliminary communication – a kind of Green Paper – that sets out issues and possible approaches to dealing with them. These documents are then subject to extensive consultation in expert working groups, in the impact assessment process and on the internet. A broad range of stakeholders are consulted: Member States, academics, business and trade associations, individual companies, NGOs and other representatives of civil society. This process culminates in policy proposals that are knowledge-based and practical.

The thematic strategy on the sustainable use of pesticides (“the Strategy”) was adopted by the European Commission on 12 July 2006². Its roots are in the 6th EAP (see page 8). It is accompanied by a detailed impact assessment³ and a legislative proposal to create an overall coherent and consistent policy framework for pesticide use⁴.

The purpose of this summary brochure is to describe the process leading to the adoption of this Strategy and to summarise its content.

(1) Decision 1600/2002/EC laying down the Sixth Community Environment Action Programme; OJ L 242, 10.9.2002, p. 1

(2) COM(2006) 372 final

(3) SEC(2006) 894 final

(4) COM(2006) 373 final

3. DEVELOPMENT OF THE STRATEGY

3.1. Historical background

Since 1992, in co-operation with the Dutch authorities, the European Commission has been conducting a project on the sustainable use of plant protection products. The first phase ended in June 1994 with a workshop called "Framework for the Sustainable Use of Plant Protection Products in the European Union", where recommendations were made for further studies. These studies were completed and discussed at a workshop held in Brussels from 12 - 14 May 1998.

3.2. Consultation process

A broad approach was chosen to define the Strategy, involving all stakeholders in a fully transparent two-stage process (see Figure 3).

3.2.1. Consultation on the preliminary communication

The first step was the presentation of a Communication, which was submitted for public consultation.

On the basis of preliminary studies, the Communication²⁰ recounted the shortcomings of the current situation with regard to the use-phase in the life-cycle of plant protection products. It provided extensive background information on the benefits and risks of using pesticides, and presented a list of essential points to be addressed. It envisaged the kind of measures which could be taken to address the use-phase more specifically and to reverse negative trends. However, it did not go as far as prioritising such measures.

The Commission consulted the general public and all stakeholders and institutions on this Communication, including the European Parliament, the Council, the European Economic and Social Committee. It received more than 150 contributions from various stakeholders²¹. In addition, on 4 November 2002 the Commission organised a conference with more than 190 participants representing all stakeholder groups²².

Overall, there was a lot of support from all stakeholders for most of the measures listed in

the Communication, although institutions and some stakeholders did differ on the details, e.g. on whether a measure should be implemented at Community level or Member State level, or whether it should be legally binding or voluntary. The most controversial issues were aerial spraying, quantitative use reduction targets, and taxation.

3.2.2. Consultation on the Impact Assessment

As required under the Better Regulation initiative, the Commission was then invited to assess the economic, social and environmental impacts of the future Strategy proposal. To that end, an Inter-Service Group (ISG) was set up in order to receive feedback from other Directorates-General of the Commission on the measures proposed.

A study was carried out by an independent consultant, BiPRO GmbH. As required by the Commission's methodology, BiPRO developed a 'Policy Option Paper', outlining several options for potential measures, before estimating their impacts on the current legal situation in the Member States. For each of the measures proposed in the draft Directive, three to five options, ranging from voluntary to highly prescriptive, were examined with regard to their economic, social, health and environmental impacts on the various stakeholders and authorities. A "no-option scenario" was used as the reference against which to appraise the anticipated costs and benefits of the measures proposed. BiPRO delivered a report which was based on a survey of competent authorities and stakeholders. It contained recommendations on which stakeholders were invited to comment²³.

Numerous conferences were organised by various stakeholders on specific issues (e.g. comparative assessment/substitution, application equipment, IPM/ICM concepts, and others). The Commission itself organised meetings on issues such as aerial spraying. In addition, the Commission launched an open Internet consultation from March to May 2005, which gave rise to almost 1 800 responses²⁴.

The Commission used the report of the external consultant and the contributions of stakeholders to develop the proposal for the Thematic Strategy on the Sustainable Use of Pesticides.

(20) 'Towards a Thematic Strategy on the sustainable Use of Pesticides' COM(2002) 349 final

(21) Opinions submitted available at: http://ec.europa.eu/environment/ppps/1st_step_consul.htm

(22) Conference documents and proceedings available at: http://ec.europa.eu/environment/ppps/1st_step_conf.htm

(23) Reactions to consultant's study available at: http://ec.europa.eu/environment/ppps/2nd_step_react.htm

(24) Results available at: http://ec.europa.eu/environment/ppps/pdf/stats_consult.pdf

Annex 107

Paul Hunt, UN Special Rapporteur on the Right to the Highest Attainable Standard of Health,
Closing Remarks to the Press, Quito, Ecuador (18 May 2007)



**MISSION OF PAUL HUNT, THE UN SPECIAL RAPPORTEUR ON THE
RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF HEALTH**

**CLOSING REMARKS TO THE PRESS, FRIDAY 18 MAY 2007, QUITO,
ECUADOR**

I would like to warmly thank the Government for inviting me to Ecuador. I also thank the UN Development Programme (UNDP) for organising an excellent schedule of meetings. Special thanks are also due to the Ministry of Foreign Affairs and Pan American Health Organisation.

I have met with the Ministers of Foreign Affairs and Coordination for Internal and External Security, as well as senior officers in both Ministries. Also, the Scientific Commission of Ecuador, the Ombudsman, senior officials in the Ministries of Finance and Health, the Governors of Sucumbios and Orellana, senior public officials in Lago Agrio, as well as the UN Country Team. On Wednesday 16 May, I visited three communities in the northern zone. Additionally, I have met with many representatives of civil society.

Prior to arriving in Quito, I met with the UN Department of Political Affairs in New York, as well as the Organisation of American States and the Pan American Health Organisation (PAHO) in Washington DC.

I take this opportunity to warmly thank all those who have given their time and advice.

These are my *preliminary* conclusions and recommendations. They will be amplified by a report to the United Nations as soon as possible.

I confirm that I am not a member of the UN secretariat. Rather, I am appointed by the UN Human Rights Council to provide right to health advice, as an independent expert, to the UN General Assembly and UN Human Rights Council.

The focus of my mission was aerial spraying of glyphosate, combined with additional components, along the Colombia-Ecuador border. (As a short hand I will use the term glyphosate for this combination of glyphosate and additional components.) The mission did not take samples or do laboratory tests: it was not a scientific mission. Rather, it reviewed the existing scientific evidence, took personal testimonies, consulted with experts, collected additional information – and examined all this material through the lens of the human right to health.

The right to health includes access to both health care and the underlying determinants of health, such as safe water, adequate sanitation and a safe environment.

General right to health issues

I met with non-governmental organisations (NGOs) to find out their concerns about other right to health issues in Ecuador unrelated to the aerial spraying. The NGOs raised a wide range of serious right to health concerns. Their gravity explains why the Government recently declared the health sector to be in a state of emergency.

Shortly, I will write to the Government about some of the serious issues raised by the NGOs, such as:

- the absence of an inclusive health system, including health care and the underlying determinants of health, responsive to local and national priorities, and accessible to all, including indigenous peoples, Afro-Ecuadorians, refugees, internally displaced persons, and those living in poverty;
- the serious neglect of mental health care;
- discrimination against people living with HIV/AIDS;
- the high incidence of gender-based violence, as well as inadequate support for those affected;
- high maternal mortality rates;
- inadequate access to, and information about, contraceptives, including emergency contraception;
- environmental contamination arising from the oil industry;
- discrimination against sexual minorities in the provision of health services.

I will make my letter public, as well as any reply from the Government.

The northern zone and Plan Ecuador

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.

I was deeply impressed by the spirit of the people and communities I met in the northern border. But I was also shocked by what I found. Clearly, the northern zone is suffering from many years of profound, systemic neglect, exacerbated by environmental degradation. Frankly, I was dismayed that such desperate conditions could exist in a middle-income country like Ecuador.

The present Government deserves great credit for recognising the gravity of the situation and adopting Plan Ecuador. This multi-sectoral Plan - with its emphasis on enhanced coordination - represents a huge stride in the right direction.

I also commend the UN coordination and contribution that is taking shape in the northern border zone, such as the inter-agency HIV/AIDS initiative in Sucumbios.

As Plan Ecuador is rolled-out I hope it will be possible to make some refinements. For example, I recommend that the Plan is made as participatory as possible. Genuine participation by ordinary people will strengthen the Plan. The world is littered with 'top-down' plans that failed because the drafters - well intentioned and in a hurry - did not listen to the people.

It is very important that the Government allocates adequate funds for the Plan otherwise it will become just another paper exercise. Also, I strongly urge Ecuador's development partners to provide 'matching-funds' and technical assistance for Plan Ecuador, consistent with their human rights responsibilities of international assistance and cooperation.

I also recommend that the Government establish an accountability mechanism for the Plan – that is, a small, independent unit that keeps a close eye on whether or not the Plan is reaching its targets and achieving its objectives. This independent mechanism would help to identify where the Plan is working and where there are difficulties. It might report annually to the Government. To be credible, it must be independent of Government.

A human-rights based approach to Plan Ecuador should be adopted.

As the Special Rapporteur on the right to health I am especially alarmed by the completely inadequate health system available to individuals and communities in the north. For example, the system has failed to respond to the health needs arising from the aerial spraying of glyphosate.

It is imperative that Plan Ecuador addresses the lamentable condition of the health system as swiftly as possible.

An excellent first step would be to establish an integrated primary health care system in the northern border area of Sucumbios – that is, about six sub-centres of primary health care, plus 10-15 mobile health teams consisting of one doctor and one nurse, with appropriate transportation. As well as providing essential medicines, the mobile health teams would also provide basic health information and education to communities. One ambulance and radio phones would also be needed to refer emergencies to other health facilities, for instance if a woman has complications during pregnancy.

I cannot give a blueprint here. A swift situational analysis is needed. A detailed plan should be prepared, ensuring coordination with existing initiatives. Despite the urgency, the views of communities and individuals must be sought. Because of its simplicity, this proposal could be implemented quite swiftly and without huge cost.

In the neighbouring province of Napo, a comparable system has already been introduced in coordination with PAHO – and with good results.

PAHO could be invited to provide technical assistance. Ecuador's development partners could be invited to provide 'matching-funds', consistent with their human rights responsibilities of international assistance and cooperation.

In short, integrated, accessible, affordable primary health care would help to deliver Plan Ecuador. Part of a broader health strategy and plan, it would reduce suffering and save lives.

Aerial spraying of glyphosate

In my opinion, there is an overwhelming case that the aerial spraying of glyphosate along the Colombia-Ecuador border should not re-commence. More studies - already identified in earlier reports – should be undertaken and completed. These are needed for a number of reasons, not least in relation to compensation. As President Uribe of Colombia is reported to have said on 30 April 2007, where damage is proven, compensation should be paid.

My UN report will set out the reasons for my opinion.

In summary, Colombia has a human rights responsibility of international assistance and cooperation, including in health. Consequently, as a minimum, Colombia must not jeopardise the enjoyment of the right to health in Ecuador. It must 'do no harm' to its neighbour.

There is credible, reliable evidence that the aerial spraying of glyphosate along the Colombia-Ecuador border damages the physical health of people living in Ecuador. There is also credible, reliable evidence that the aerial spraying damages their mental health. Military helicopters sometimes accompany the aerial spraying and the entire experience can be terrifying, especially for children.

This evidence is sufficient to trigger the precautionary principle. Accordingly, the spraying should cease until it is clear that it does *not* damage human health.

It would be manifestly unfair to require Ecuador to prove that the spraying damages human health because Ecuador does not have access to essential information that is required to make that assessment. For example, Ecuador does not know the precise composition of the herbicide that Colombia is using. Thus, Colombia has the responsibility to show that the spraying damages neither human health nor the environment.

When Colombia's international human rights responsibilities are read, in this way, with the precautionary principle, there is no doubt in my mind that Colombia should not recommence aerial spraying of glyphosate on its border with Ecuador. This legal argument may also apply to other relevant parties. In summary, to ensure conformity with its international human rights responsibilities, Colombia should respect a ten-kilometre no-spray zone along the border.

I accept that glyphosate is used in Ecuador, but there are at least two important distinctions between the Ecuadorian use of glyphosate and its use on the border by Colombia. First, Colombia adds some components to the glyphosate, whereas Ecuadorians do not. Second, Ecuadorians manually and directly applies the herbicide, whereas Colombia uses aerial spraying. Thus, any suggested equivalence between Ecuadorian and Colombian practice is misleading and disingenuous.

Conclusion

The glyphosate aerial spraying issue has become deeply politicised. When an issue becomes politicised 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 forgotten or obscured.

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

Annex 108

United Nations Office on Drugs and Crime, *Coca Cultivation in the Andean Region, A Survey of Bolivia, Colombia, Ecuador and Peru* (June 2007)





COCA CULTIVATION IN THE ANDEAN REGION

A survey of Bolivia, Colombia, Ecuador and Peru



data collection

data transfer

data transfer

June 2007

UNODC's Illicit Crop Monitoring Programme (ICMP) promotes the development and maintenance of a global network of illicit crop monitoring systems in the context of the illicit crop elimination objective set by the United Nations General Assembly Special Session on Drugs. It provides overall coordination and direct technical support and supervision to UNODC supported annual illicit crop surveys at the country level.

This reports presents the results of the annual coca cultivation surveys in Bolivia, Colombia, and Peru, which were conducted jointly by UNODC (ICMP) and the respective Governments with a regional perspective.

The implementation of UNODC's Illicit Crop Monitoring Programme in the Andean region was made possible thanks to financial contributions from the Governments of Austria, Colombia, France, the Netherlands, Turkey, the United Kingdom, the United States of America, and from the European Commission.

This report and other ICMP survey reports can be downloaded from:

www.unodc.org/unodc/en/crop_monitoring.html

The boundaries, names and designations used in all maps in this document do not imply official endorsement or acceptance by the United Nations.

This document has not been formally edited.

Map 1: Coca cultivation density in the Andean Region, 2006



Sources: National monitoring systems supported by UNODC - Governments of Bolivia, Colombia and Perú
 The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

Annex 109

European Parliament and the Council of the European Union, *Directive 2009/128/EC: Establishing a Framework for Community Action to Achieve the Sustainable Use of Pesticides* (21 Oct. 2009)



DIRECTIVES

DIRECTIVE 2009/128/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 21 October 2009

establishing a framework for Community action to achieve the sustainable use of pesticides

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) In line with Articles 2 and 7 of Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme ⁽⁴⁾, a common legal framework for achieving a sustainable use of pesticides should be established, taking account of precautionary and preventive approaches.
- (2) At present, this Directive should apply to pesticides which are plant protection products. However, it is anticipated that the scope of this Directive will be extended to cover biocidal products.
- (3) The measures provided for in this Directive should be complementary to, and not affect, measures laid down in

other related Community legislation, in particular Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds ⁽⁵⁾, Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁽⁶⁾, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽⁷⁾, Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin ⁽⁸⁾ and Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 on the placing of plant protection products on the market ⁽⁹⁾. These measures should also not prejudice voluntary measures in the context of Regulations for Structural Funds or of Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽¹⁰⁾.

- (4) Economic instruments can play a crucial role in the achievement of objectives relating to the sustainable use of pesticides. The use of such instruments at the appropriate level should therefore be encouraged while stressing that individual Member States can decide on their use without prejudice to the applicability of the State aid rules.
- (5) National Action Plans aimed at setting quantitative objectives, targets, measures, timetables and indicators to reduce risks and impacts of pesticide use on human health and the environment and at encouraging the development and introduction of integrated pest management and of alternative approaches or techniques in order to reduce dependency on the use of pesticides should be used by Member States in order to facilitate the implementation of this Directive. Member States should monitor the use of plant protection products containing active substances of particular concern and

⁽¹⁾ OJ C 161, 13.7.2007, p. 48.

⁽²⁾ OJ C 146, 30.6.2007, p. 48.

⁽³⁾ Opinion of the European Parliament of 23 October 2007 (OJ C 263 E, 16.10.2008, p. 158), Council Common Position of 19 May 2008 (OJ C 254 E, 7.10.2008, p. 1) and Position of the European Parliament of 13 January 2009 (not yet published in the Official Journal). Council Decision of 24 September 2009.

⁽⁴⁾ OJ L 242, 10.9.2002, p. 1.

⁽⁵⁾ OJ L 103, 25.4.1979, p. 1.

⁽⁶⁾ OJ L 206, 22.7.1992, p. 7.

⁽⁷⁾ OJ L 327, 22.12.2000, p. 1.

⁽⁸⁾ OJ L 70, 16.3.2005, p. 1.

⁽⁹⁾ See page 1 of this Official Journal.

⁽¹⁰⁾ OJ L 277, 21.10.2005, p. 1.

establish timetables and targets for the reduction of their use, in particular when it is an appropriate means to achieve risk reduction targets. National Action Plans should be coordinated with implementation plans under other relevant Community legislation and could be used for grouping together objectives to be achieved under other Community legislation related to pesticides.

- (6) The exchange of information on the objectives and actions Member States lay down in their National Action Plans is a very important element for achieving the objectives of this Directive. Therefore, it is appropriate to request Member States to report regularly to the Commission and to the other Member States, in particular on the implementation and results of their National Action Plans and on their experiences. On the basis of information transmitted by the Member States, the Commission should submit relevant reports to the European Parliament and to the Council, accompanied, if necessary, by appropriate legislative proposals.
- (7) For the preparation and modification of National Action Plans, it is appropriate to provide for the application of Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment ⁽¹⁾.
- (8) It is essential that Member States set up systems of both initial and additional training for distributors, advisors and professional users of pesticides and certification systems to record such training so that those who use or will use pesticides are fully aware of the potential risks to human health and the environment and of the appropriate measures to reduce those risks as much as possible. Training activities for professional users may be coordinated with those organised in the framework of Regulation (EC) No 1698/2005.
- (9) Sales of pesticides, including Internet sales, are an important element in the distribution chain, where specific advice on safety instructions for human health and the environment should be given to the end user at the time of sale, in particular to professional users. For non-professional users who in general do not have the same level of education and training, recommendations should be given, in particular on safe handling and storage of pesticides as well as on disposal of the packaging.
- (10) Considering the possible risks from the use of pesticides, the general public should be better informed of the overall impacts of the use of pesticides through awareness-raising campaigns, information passed on through retailers and other appropriate measures.
- (11) Research programmes aimed at determining the impacts of pesticide use on human health and the environment, including studies on high-risk groups, should be promoted at European and national level.
- (12) To the extent that the handling and application of pesticides require the setting of minimum health and safety requirements at the workplace, covering the risks arising from exposure of workers to such products, as well as general and specific preventive measures to reduce those risks, those measures are covered by Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work ⁽²⁾ and Directive 2004/37/EC of the European Parliament and of the Council of 29 April 2004 on the protection of workers from the risks related to their exposure to carcinogens or mutagens at work ⁽³⁾.
- (13) Since Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery ⁽⁴⁾ will provide for rules on the placing on the market of pesticide application equipment ensuring that environmental requirements are met, it is appropriate, in order to minimise the adverse impacts of pesticides on human health and the environment caused by such equipment, to provide for systems for regular technical inspection of pesticide application equipment already in use. Member States should describe in their National Action Plans how they will ensure the implementation of those requirements.
- (14) Aerial spraying of pesticides has the potential to cause significant adverse impacts on human health and the environment, in particular from spray drift. Therefore, aerial spraying should generally be prohibited with derogations possible where it represents clear advantages in terms of reduced impacts on human health and the environment in comparison with other spraying methods, or where there are no viable alternatives, provided that the best available technology to reduce drift is used.
- (15) The aquatic environment is especially sensitive to pesticides. It is therefore necessary for particular attention to be paid to avoiding pollution of surface water and groundwater by taking appropriate measures, such as the establishment of buffer and safeguard zones or planting hedges along surface waters to reduce exposure of water bodies to spray drift, drain flow and run-off. The dimensions of buffer zones should depend in particular on soil characteristics and pesticide properties, as well as agricultural characteristics of the areas concerned. Use of pesticides in areas for the abstraction of drinking water, on or along transport

⁽¹⁾ OJ L 156, 25.6.2003, p. 17.

⁽²⁾ OJ L 131, 5.5.1998, p. 11.

⁽³⁾ OJ L 158, 30.4.2004, p. 50.

⁽⁴⁾ OJ L 157, 9.6.2006, p. 24.

- routes, such as railway lines, or on sealed or very permeable surfaces can lead to higher risks of pollution of the aquatic environment. In such areas the pesticide use should, therefore, be reduced as far as possible, or eliminated, if appropriate.
- (16) Use of pesticides can be particularly dangerous in very sensitive areas, such as Natura 2000 sites protected in accordance with Directives 79/409/EEC and 92/43/EEC. In other places such as public parks and gardens, sports and recreation grounds, school grounds and children's playgrounds, and in the close vicinity of healthcare facilities, the risks from exposure to pesticides are high. In these areas, the use of pesticides should be minimised or prohibited. When pesticides are used, appropriate risk management measures should be established and low-risk pesticides as well as biological control measures should be considered in the first place.
- (17) Handling of pesticides, including storage, diluting and mixing the pesticides and cleaning of pesticide application equipment after use, and recovery and disposal of tank mixtures, empty packaging and remnants of pesticides are particularly prone to unwanted exposure of humans and the environment. Therefore, it is appropriate to provide for specific measures addressing those activities as a complement to the measures provided for under Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste ⁽¹⁾, and Council Directive 91/689/EEC of 12 December 1991 on hazardous waste ⁽²⁾. Measures should also encompass non-professional users, since inappropriate handling is very likely to occur in this group of users due to their lack of knowledge.
- (18) The application of general principles and crop and sector-specific guidelines with respect to integrated pest management by all farmers would result in a better targeted use of all available pest control measures, including pesticides. Therefore, it would contribute to a further reduction of the risks to human health and the environment and the dependency on the use of pesticides. Member States should promote low pesticide-input pest management, in particular integrated pest management, and establish the necessary conditions and measures for its implementation.
- (19) On the basis of Regulation (EC) No 1107/2009 and of this Directive, implementation of the principles of integrated pest management is obligatory and the subsidiarity principle applies to the way the principles for integrated pest management are implemented. Member States should describe in their National Action Plan how they ensure the implementation of the principles of integrated pest management, with priority given wherever possible to non-chemical methods of plant protection and pest and crop management.
- (20) It is necessary to measure the progress achieved in the reduction of risks and adverse impacts from pesticide use for human health and the environment. Appropriate means are harmonised risk indicators that will be established at Community level. Member States should use those indicators for risk management at national level and for reporting purposes, while the Commission should calculate indicators to evaluate progress at Community level. Statistical data collected in accordance with the Community legislation concerning statistics on plant protection products should be used. Member States should be entitled to use, in addition to harmonised common indicators, their national indicators.
- (21) Member States should determine penalties applicable to infringements of national provisions adopted pursuant to this Directive and ensure that they are implemented. The penalties should be effective, proportionate and dissuasive.
- (22) Since the objective of this Directive, namely to protect human health and the environment from possible risks associated with the use of pesticides, cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (23) This Directive respects the fundamental rights and observes the principles recognised notably by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to promote the integration into Community policies of a high level of environmental protection in accordance with the principle of sustainable development as laid down in Article 37 of that Charter.
- (24) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽³⁾.
- (25) In particular, the Commission should be empowered to establish and update the Annexes to this Directive. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, inter alia, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

⁽¹⁾ OJ L 114, 27.4.2006, p. 9.

⁽²⁾ OJ L 377, 31.12.1991, p. 20.

⁽³⁾ OJ L 184, 17.7.1999, p. 23.

(26) In accordance with point 34 of the Interinstitutional agreement on better law-making⁽¹⁾, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Directive establishes a framework to achieve a sustainable use of pesticides by reducing the risks and impacts of pesticide use on human health and the environment and promoting the use of integrated pest management and of alternative approaches or techniques such as non-chemical alternatives to pesticides.

Article 2

Scope

1. This Directive shall apply to pesticides that are plant protection products as defined in point 10(a) of Article 3.
2. This Directive shall apply without prejudice to any other relevant Community legislation.
3. The provisions of this Directive shall not prevent Member States from applying the precautionary principle in restricting or prohibiting the use of pesticides in specific circumstances or areas.

Article 3

Definitions

For the purposes of this Directive, the following definitions shall apply:

1. 'professional user' means any person who uses pesticides in the course of their professional activities, including operators, technicians, employers and self-employed people, both in the farming and other sectors;
2. 'distributor' means any natural or legal person who makes a pesticide available on the market, including wholesalers, retailers, vendors and suppliers;

⁽¹⁾ OJ C 321, 31.12.2003, p. 1.

3. 'advisor' means any person who has acquired adequate knowledge and advises on pest management and the safe use of pesticides, in the context of a professional capacity or commercial service, including private self-employed and public advisory services, commercial agents, food producers and retailers where applicable;

4. 'pesticide application equipment' means any apparatus specifically intended for the application of pesticides, including accessories that are essential for the effective operation of such equipment, such as nozzles, manometers, filters, strainers and cleaning devices for tanks;

5. 'aerial spraying' means application of pesticides from an aircraft (plane or helicopter);

6. 'integrated pest management' means careful consideration of all available plant protection methods and subsequent integration of appropriate measures that discourage the development of populations of harmful organisms and keep the use of plant protection products and other forms of intervention to levels that are economically and ecologically justified and reduce or minimise risks to human health and the environment. 'Integrated pest management' emphasises the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms;

7. 'risk indicator' means the result of a method of calculation that is used to evaluate risks of pesticides on human health and/or the environment;

8. 'non-chemical methods' means alternative methods to chemical pesticides for plant protection and pest management, based on agronomic techniques such as those referred to in point 1 of Annex III, or physical, mechanical or biological pest control methods;

9. the terms 'surface water' and 'groundwater' have the same meaning as in Directive 2000/60/EC;

10. 'pesticide' means:

- (a) a plant protection product as defined in Regulation (EC) No 1107/2009;
- (b) a biocidal product as defined in Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing on the market of biocidal products⁽²⁾.

⁽²⁾ OJ L 123, 24.4.1998, p. 1.

*Article 4***National Action Plans**

1. Member States shall adopt National Action Plans to set up their quantitative objectives, targets, measures and timetables to reduce risks and impacts of pesticide use on human health and the environment and to encourage the development and introduction of integrated pest management and of alternative approaches or techniques in order to reduce dependency on the use of pesticides. These targets may cover different areas of concern, for example worker protection, protection of the environment, residues, use of specific techniques or use in specific crops.

The National Action Plans shall also include indicators to monitor the use of plant protection products containing active substances of particular concern, especially if alternatives are available. Member States shall give particular attention to the plant protection products containing active substances approved in accordance with Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant products on the market⁽¹⁾ which, when subject to renewal of approval under Regulation (EC) No 1107/2009 will not fulfil the criteria relevant for approval laid down in Annex II, points 3.6 to 3.8 of that Regulation.

On the basis of such indicators and taking into account where applicable the risk or use reduction targets achieved already prior to the application of this Directive, timetables and targets for the reduction of use shall also be established, in particular if the reduction of use constitutes an appropriate means to achieve risk reduction with regard to priority items identified under Article 15(2)(c). These targets may be intermediate or final. Member States shall use all necessary means designed to achieve these targets.

When drawing up and revising their National Action Plans, Member States shall take account of the health, social, economic and environmental impacts of the measures envisaged, of specific national, regional and local conditions and all relevant stakeholder groups. Member States shall describe in their National Action Plans how they will implement measures pursuant to Articles 5 to 15 in order to achieve the objectives referred to in the first subparagraph of this paragraph.

The National Action Plans shall take into account plans under other Community legislation on the use of pesticides, such as planned measures under Directive 2000/60/EC.

2. By 14 December 2012, Member States shall communicate their National Action Plans to the Commission and to other Member States.

National Action Plans shall be reviewed at least every five years and any substantial changes to National Action Plans shall be reported to the Commission without undue delay.

3. By 14 December 2014, the Commission shall submit to the European Parliament and to the Council a report on the information communicated by the Member States in relation to the National Action Plans. The report shall contain methods used and the implications concerning the establishment of different types of targets to reduce the risks and use of pesticides.

By 14 December 2018, the Commission shall submit to the European Parliament and to the Council a report on the experience gained by Member States on the implementation of national targets established in accordance with paragraph 1 in order to achieve the objectives of this Directive. It may be accompanied, if necessary, by appropriate legislative proposals.

4. The Commission shall make information communicated in accordance with paragraph 2 available to the public on a website.

5. The provisions on public participation laid down in Article 2 of Directive 2003/35/EC shall apply to the preparation and the modification of the National Action Plans.

CHAPTER II

TRAINING, SALES OF PESTICIDES, INFORMATION AND AWARENESS-RAISING*Article 5***Training**

1. Member States shall ensure that all professional users, distributors and advisors have access to appropriate training by bodies designated by the competent authorities. This shall consist of both initial and additional training to acquire and update knowledge as appropriate.

The training shall be designed to ensure that such users, distributors and advisors acquire sufficient knowledge regarding the subjects listed in Annex I, taking account of their different roles and responsibilities.

2. By 14 December 2013, Member States shall establish certification systems and designate the competent authorities responsible for their implementation. These certificates shall, as a minimum, provide evidence of sufficient knowledge of the subjects listed in Annex I acquired by professional users, distributors and advisors either by undergoing training or by other means.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

Certification systems shall include requirements and procedures for the granting, renewal and withdrawal of certificates.

3. Measures designed to amend non-essential elements of this Directive relating to amending Annex I in order to take account of scientific and technical progress shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(2).

Article 6

Requirements for sales of pesticides

1. Member States shall ensure that distributors have sufficient staff in their employment holding a certificate referred to in Article 5(2). Such persons shall be available at the time of sale to provide adequate information to customers as regards pesticide use, health and environmental risks and safety instructions to manage those risks for the products in question. Micro distributors selling only products for non-professional use may be exempted if they do not offer for sale pesticide formulations classified as toxic, very toxic, carcinogenic, mutagenic or toxic for reproduction pursuant to Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations ⁽¹⁾.

2. Member States shall take necessary measures to restrict sales of pesticides authorised for professional use to persons holding a certificate referred to in Article 5(2).

3. Member States shall require distributors selling pesticides to non-professional users to provide general information regarding the risks for human health and the environment of pesticide use, in particular on hazards, exposure, proper storage, handling, application and safe disposal in accordance with Community legislation on waste, as well as regarding low-risk alternatives. Member States may require pesticide producers to provide such information.

4. The measures provided for in paragraphs 1 and 2 shall be established by 14 December 2015.

Article 7

Information and awareness-raising

1. Member States shall take measures to inform the general public and to promote and facilitate information and awareness-raising programmes and the availability of accurate and balanced information relating to pesticides for the general public, in particular regarding the risks and the potential acute and chronic effects for human health, non-target

organisms and the environment arising from their use, and the use of non-chemical alternatives.

2. Member States shall put in place systems for gathering information on pesticide acute poisoning incidents, as well as chronic poisoning developments where available, among groups that may be exposed regularly to pesticides such as operators, agricultural workers or persons living close to pesticide application areas.

3. To enhance the comparability of information, the Commission, in cooperation with the Member States, shall develop by 14 December 2012 a strategic guidance document on monitoring and surveying of impacts of pesticide use on human health and the environment.

CHAPTER III

PESTICIDE APPLICATION EQUIPMENT

Article 8

Inspection of equipment in use

1. Member States shall ensure that pesticide application equipment in professional use shall be subject to inspections at regular intervals. The interval between inspections shall not exceed five years until 2020 and shall not exceed three years thereafter.

2. By 14 December 2016, Member States shall ensure that pesticide application equipment has been inspected at least once. After this date only pesticide application equipment having successfully passed inspection shall be in professional use.

New equipment shall be inspected at least once within a period of five years after purchase.

3. By way of derogation from paragraphs 1 and 2 and, following a risk assessment for human health and the environment including an assessment of the scale of the use of the equipment, Member States may:

- (a) apply different timetables and inspection intervals to pesticide application equipment not used for spraying pesticides, to handheld pesticide application equipment or knapsack sprayers and to additional pesticide application equipment that represent a very low scale of use, which shall be listed in the National Action Plans provided for in Article 4.

The following additional pesticide application equipment shall never be considered as constituting a very low scale of use:

- (i) spraying equipment mounted on trains or aircraft;

⁽¹⁾ OJ L 200, 30.7.1999, p. 1.

- (ii) boom sprayers larger than 3 m, including boom sprayers that are mounted on sowing equipment;

- (b) exempt from inspection handheld pesticide application equipment or knapsack sprayers. In this case the Member States shall ensure that operators have been informed of the need to change regularly the accessories, of the specific risks linked to that equipment, and that operators are trained for the proper use of that application equipment in accordance with Article 5.

4. The inspections shall verify that pesticide application equipment satisfies the relevant requirements listed in Annex II, in order to achieve a high level of protection for human health and the environment.

Pesticide application equipment complying with harmonised standards developed in accordance with Article 20(1) shall be presumed to comply with the essential health and safety and environmental requirements.

5. Professional users shall conduct regular calibrations and technical checks of the pesticide application equipment in accordance with the appropriate training received as provided for in Article 5.

6. Member States shall designate bodies responsible for implementing the inspection systems and inform the Commission thereof.

Each Member State shall establish certificate systems designed to allow the verification of inspections and recognise the certificates granted in other Member States following the requirements referred to in paragraph 4 and where the time period since the last inspection carried out in another Member State is equal to or shorter than the time period of the inspection interval applicable in its own territory.

Member States shall endeavour to recognise the certificates issued in other Member States provided that the inspection intervals referred to in paragraph 1 are complied with.

7. Measures designed to amend non-essential elements of this Directive relating to amending Annex II in order to take account of scientific and technical progress shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(2).

CHAPTER IV

SPECIFIC PRACTICES AND USES

Article 9

Aerial spraying

1. Member States shall ensure that aerial spraying is prohibited.

2. By way of derogation from paragraph 1 aerial spraying may only be allowed in special cases provided the following conditions are met:

(a) there must be no viable alternatives, or there must be clear advantages in terms of reduced impacts on human health and the environment as compared with land-based application of pesticides;

(b) the pesticides used must be explicitly approved for aerial spraying by the Member State following a specific assessment addressing risks from aerial spraying;

(c) the operator carrying out the aerial spraying must hold a certificate as referred to in Article 5(2). During the transitional period where certification systems are not yet in place, Member States may accept other evidence of sufficient knowledge;

(d) the enterprise responsible for providing aerial spray applications shall be certified by a competent authority for authorising equipment and aircraft for aerial application of pesticides;

(e) if the area to be sprayed is in close proximity to areas open to the public, specific risk management measures to ensure that there are no adverse effects on the health of bystanders shall be included in the approval. The area to be sprayed shall not be in close proximity to residential areas;

(f) as from 2013, the aircraft shall be equipped with accessories that constitute the best available technology to reduce spray drift.

3. Member States shall designate the authorities competent for establishing the specific conditions by which aerial spraying may be carried out, for examining requests pursuant to paragraph 4 and for making public information on crops, areas, circumstances and particular requirements for application including weather conditions where aerial spraying may be allowed.

In the approval the competent authorities shall specify the measures necessary for warning residents and bystanders in due time and to protect the environment in the vicinity of the area sprayed.

4. A professional user wishing to apply pesticides by aerial spraying shall submit a request for approval of an application plan to the competent authority accompanied by evidence to show that the conditions referred to in paragraphs 2 and 3 are fulfilled. The request for application of aerial spraying in accordance with the approved application plan shall be submitted in due time to the competent authority. It shall contain information about the provisional time of spraying and the amounts and the type of pesticides applied.

Member States may provide that requests for applications of aerial spraying in accordance with an approved application plan, for which no answer was received on the decision taken within the time period laid down by the competent authorities, shall be deemed to be approved.

In particular circumstances such as emergency or specific difficult situations, single requests for application of aerial spraying may also be submitted for approval. Where justified, competent authorities shall have a possibility to apply an accelerated procedure in order to verify that the conditions referred to in paragraphs 2 and 3 are fulfilled before the application of aerial spraying.

5. Member States shall ensure that the conditions referred to in paragraphs 2 and 3 are met by conducting appropriate monitoring.

6. The competent authorities shall keep records of the requests and approvals as referred to in paragraph 4 and shall make available to the public the relevant information contained therein such as the area to be sprayed, the provisional day and time of the spraying and the type of pesticide, in accordance with the applicable national or Community law.

Article 10

Information to the public

Member States may include in their National Action Plans provisions on informing persons who could be exposed to the spray drift.

Article 11

Specific measures to protect the aquatic environment and drinking water

1. Member States shall ensure that appropriate measures to protect the aquatic environment and drinking water supplies from the impact of pesticides are adopted. Those measures

shall support and be compatible with relevant provisions of Directive 2000/60/EC and Regulation (EC) No 1107/2009.

2. The measures provided in paragraph 1 shall include:

- (a) giving preference to pesticides that are not classified as dangerous for the aquatic environment pursuant to Directive 1999/45/EC nor containing priority hazardous substances as set out in Article 16(3) of Directive 2000/60/EC;
- (b) giving preference to the most efficient application techniques such as the use of low-drift pesticide application equipment especially in vertical crops such as hops and those found in orchards and vineyards;
- (c) use of mitigation measures which minimise the risk of off-site pollution caused by spray drift, drain-flow and run-off. These shall include the establishment of appropriately-sized buffer zones for the protection of non-target aquatic organisms and safeguard zones for surface and groundwater used for the abstraction of drinking water, where pesticides must not be used or stored;
- (d) reducing as far as possible or eliminating applications on or along roads, railway lines, very permeable surfaces or other infrastructure close to surface water or groundwater or on sealed surfaces with a high risk of run-off into surface water or sewage systems.

Article 12

Reduction of pesticide use or risks in specific areas

Member States shall, having due regard for the necessary hygiene and public health requirements and biodiversity, or the results of relevant risk assessments, ensure that the use of pesticides is minimised or prohibited in certain specific areas. Appropriate risk management measures shall be taken and the use of low-risk plant protection products as defined in Regulation (EC) No 1107/2009 and biological control measures shall be considered in the first place. The specific areas in question are:

- (a) areas used by the general public or by vulnerable groups as defined in Article 3 of Regulation (EC) No 1107/2009, such as public parks and gardens, sports and recreation grounds, school grounds and children's playgrounds and in the close vicinity of healthcare facilities;
- (b) protected areas as defined in Directive 2000/60/EC or other areas identified for the purposes of establishing the necessary conservation measures in accordance with the provisions of Directives 79/409/EEC and 92/43/EEC;

- (c) recently treated areas used by or accessible to agricultural workers.

Article 13

Handling and storage of pesticides and treatment of their packaging and remnants

1. Member States shall adopt the necessary measures to ensure that the following operations by professional users and where applicable by distributors do not endanger human health or the environment:

- (a) storage, handling, dilution and mixing of pesticides before application;
- (b) handling of packaging and remnants of pesticides;
- (c) disposal of tank mixtures remaining after application;
- (d) cleaning of the equipment used after application;
- (e) recovery or disposal of pesticide remnants and their packaging in accordance with Community legislation on waste.

2. Member States shall take all necessary measures regarding pesticides authorised for non-professional users to avoid dangerous handling operations. These measures may include use of pesticides of low toxicity, ready to use formulations and limits on sizes of containers or packaging.

3. Member States shall ensure that storage areas for pesticides for professional use are constructed in such a way as to prevent unwanted releases. Particular attention shall be paid to location, size and construction materials.

Article 14

Integrated pest management

1. Member States shall take all necessary measures to promote low pesticide-input pest management, giving wherever possible priority to non-chemical methods, so that professional users of pesticides switch to practices and products with the lowest risk to human health and the environment among those available for the same pest problem. Low pesticide-input pest management includes integrated pest management as well as organic farming according to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products⁽¹⁾.

⁽¹⁾ OJ L 189, 20.7.2007, p. 1.

2. Member States shall establish or support the establishment of necessary conditions for the implementation of integrated pest management. In particular, they shall ensure that professional users have at their disposal information and tools for pest monitoring and decision making, as well as advisory services on integrated pest management.

3. By 30 June 2013, Member States shall report to the Commission on the implementation of paragraphs 1 and 2 and, in particular, whether the necessary conditions for implementation of integrated pest management are in place.

4. Member States shall describe in their National Action Plans how they ensure that the general principles of integrated pest management as set out in Annex III are implemented by all professional users by 1 January 2014.

Measures designed to amend non-essential elements of this Directive relating to amending Annex III in order to take account of scientific and technical progress shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(2).

5. Member States shall establish appropriate incentives to encourage professional users to implement crop or sector-specific guidelines for integrated pest management on a voluntary basis. Public authorities and/or organisations representing particular professional users may draw up such guidelines. Member States shall refer to those guidelines that they consider relevant and appropriate in their National Action Plans.

CHAPTER V

INDICATORS, REPORTING AND INFORMATION EXCHANGE

Article 15

Indicators

1. Harmonised risk indicators as referred to in Annex IV shall be established. However, Member States may continue to use existing national indicators or adopt other appropriate indicators in addition to the harmonised ones.

Measures designed to amend non-essential elements of this Directive relating to amending Annex IV in order to take account of scientific and technical progress shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(2).

2. Member States shall:
- (a) calculate harmonised risk indicators as referred to in paragraph 1 by using statistical data collected in accordance with the Community legislation concerning statistics on plant protection products together with other relevant data;
 - (b) identify trends in the use of certain active substances;
 - (c) identify priority items, such as active substances, crops, regions or practices, that require particular attention or good practices that can be used as examples in order to achieve the objectives of this Directive to reduce the risks and impacts of pesticide use on human health and the environment and to encourage the development and introduction of integrated pest management and of alternative approaches or techniques in order to reduce dependency on the use of pesticides.
3. Member States shall communicate the results of the evaluations carried out pursuant to paragraph 2 to the Commission and to other Member States and shall make this information available to the public.
4. The Commission shall calculate risk indicators at Community level by using statistical data collected in accordance with the Community legislation concerning statistics on plant protection products and other relevant data, in order to estimate trends in risks from pesticide use.

The Commission shall also use these data and this information to assess progress in achieving the objectives of other Community policies aimed at reducing the impact of pesticides on human health and on the environment.

The results shall be made available to the public on the website referred to in Article 4(4).

Article 16

Reporting

The Commission shall regularly submit to the European Parliament and to the Council a report on progress in the implementation of this Directive, accompanied where appropriate by proposals for amendments.

CHAPTER VI

FINAL PROVISIONS

Article 17

Penalties

Member States shall determine penalties applicable to infringements of the national provisions adopted pursuant to

this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Member States shall notify those provisions to the Commission by 14 December 2012 and shall notify it without delay of any subsequent amendment.

Article 18

Exchange of information and best practice

The Commission shall put forward as a priority for discussion in the expert group on the thematic strategy on the sustainable use of pesticides the exchange of information and best practice in the field of sustainable use of pesticides and integrated pest management.

Article 19

Fees and charges

1. Member States may recover the costs associated with any work pursuant to obligations under this Directive by means of a fee or charge.

2. Member States shall ensure that the fee or charge referred to in paragraph 1 is established in a transparent manner and corresponds to the actual cost of the work involved.

Article 20

Standardisation

1. The standards referred to in Article 8(4) of this Directive shall be established in accordance with the procedure provided for in Article 6(3) of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services ⁽¹⁾.

The request for developing these standards may be established in consultation with the Committee referred to in Article 21(1).

2. The Commission shall publish the references of the standards in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 204, 21.7.1998, p. 37.

3. When a Member State or the Commission considers that a harmonised standard does not entirely satisfy the requirements which it covers and which are set out in Annex II, the Commission or the Member State concerned shall bring the matter before the Committee set up by Article 5 of Directive 98/34/EC, giving its arguments. The Committee shall, having consulted the relevant European standardisation bodies, deliver its opinion without delay.

In the light of the Committee's opinion, the Commission shall decide to publish, not to publish, to publish with restriction, to maintain, to maintain with restriction or to withdraw the references to the harmonised standard concerned in or from the *Official Journal of the European Union*.

The Commission shall inform the European standardisation body concerned and, if necessary, request the revision of the harmonised standards concerned.

Article 21

Committee procedure

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health established by Article 58 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾.

2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 22

Expenditure

In order to support the establishment of a harmonised policy and systems in the field of sustainable use of pesticides, the Commission may finance:

(a) the development of a harmonised system including an appropriate database to gather and store all information relating to pesticide risk indicators, and to make such information available to the competent authorities, other interested parties and the general public;

(b) the performance of studies necessary for the preparation and development of legislation, including the adaptation of the Annexes to this Directive to technical progress;

(c) the development of guidance and best practices to facilitate the implementation of this Directive.

Article 23

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 14 December 2011.

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The method of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 24

Entry into force

This Directive shall enter into force on the day following its publication in the *Official Journal of the European Union*.

Article 25

Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 21 October 2009.

For the European Parliament
The President
J. BUZEK

For the Council
The President
C. MALMSTRÖM

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

ANNEX I

Training subjects referred to in Article 5

1. All relevant legislation regarding pesticides and their use.
 2. The existence and risks of illegal (counterfeit) plant protection products, and the methods to identify such products.
 3. The hazards and risks associated with pesticides, and how to identify and control them, in particular:
 - (a) risks to humans (operators, residents, bystanders, people entering treated areas and those handling or eating treated items) and how factors such as smoking exacerbate these risks;
 - (b) symptoms of pesticide poisoning and first aid measures;
 - (c) risks to non-target plants, beneficial insects, wildlife, biodiversity and the environment in general.
 4. Notions on integrated pest management strategies and techniques, integrated crop management strategies and techniques, organic farming principles, biological pest control methods, information on the general principles and crop or sector-specific guidelines for integrated pest management.
 5. Initiation to comparative assessment at user level to help professional users make the most appropriate choices on pesticides with the least side effects on human health, non-target organisms and the environment among all authorised products for a given pest problem, in a given situation.
 6. Measures to minimise risks to humans, non-target organisms and the environment: safe working practices for storing, handling and mixing pesticides, and disposing of empty packaging, other contaminated materials and surplus pesticides (including tank mixes), whether in concentrate or dilute form; recommended way to control operator exposure (personal protection equipment).
 7. Risk-based approaches which take into account the local water extraction variables such as climate, soil and crop types, and relieves.
 8. Procedures for preparing pesticide application equipment for work, including its calibration, and for its operation with minimum risks to the user, other humans, non-target animal and plant species, biodiversity and the environment, including water resources.
 9. Use of pesticide application equipment and its maintenance, and specific spraying techniques (e.g. low-volume spraying and low-drift nozzles), as well as the objectives of the technical check of sprayers in use and ways to improve spray quality. Specific risks linked to use of handheld pesticide application equipment or knapsack sprayers and the relevant risk management measures.
 10. Emergency action to protect human health, the environment including water resources in case of accidental spillage and contamination and extreme weather events that would result in pesticide leaching risks.
 11. Special care in protection areas established under Articles 6 and 7 of Directive 2000/60/EC.
 12. Health monitoring and access facilities to report on any incidents or suspected incidents.
 13. Record keeping of any use of pesticides, in accordance with the relevant legislation.
-

ANNEX II

Health and safety and environmental requirements relating to the inspection of pesticide application equipment

The inspection of pesticide application equipment shall cover all aspects important to achieve a high level of safety and protection of human health and the environment. Full effectiveness of the application operation should be ensured by proper performance of devices and functions of the equipment to guarantee the following objectives are met.

The pesticide application equipment must function reliably and be used properly for its intended purpose ensuring that pesticides can be accurately dosed and distributed. The equipment must be in such a condition as to be filled and emptied safely, easily and completely and prevent leakage of pesticides. It must permit easy and thorough cleaning. It must also ensure safe operations, and be controlled and capable of being immediately stopped from the operator's seat. Where necessary, adjustments must be simple, accurate and capable of being reproduced.

Particular attention should be paid to:

1. Power transmission parts

The power take-off driveshaft guard and the guard of the power input connection shall be fitted and in good condition and the protective devices and any moving or rotating power transmission parts shall not be affected in their function so as to ensure protection of the operator.

2. Pump

The pump capacity shall be suited to the needs of the equipment and the pump must function properly in order to ensure a stable and reliable application rate. There shall be no leakages from the pump.

3. Agitation

Agitation devices must ensure a proper recirculation in order to achieve an even concentration of the whole volume of the liquid spray mixture in the tank.

4. Spray liquid tank

Spray tanks including indicator of tank content, filling devices, strainers and filters, emptying and rinsing systems, and mixing devices shall operate in such a way as to minimise accidental spillage, uneven concentration distribution, operator exposure and residual content.

5. Measuring systems, control and regulation systems

All devices for measuring, switching on and off and adjusting pressure and/or flow rate shall be properly calibrated and work correctly and there shall be no leakages. Control of pressure and operation of pressure adjustment devices shall be easily possible during application. Pressure adjustment devices shall maintain a constant working pressure at constant revolutions of the pump, in order to ensure that a stable volume application rate is applied.

6. Pipes and hoses

Pipes and hoses shall be in proper condition to avoid disturbance of liquid flow or accidental spillage in case of failure. There shall be no leakages from pipes or hoses when run with the maximum obtainable pressure for the system.

7. Filtering

In order to avoid turbulence and heterogeneity in spray patterns, filters shall be in good condition and the mesh size of the filters shall correspond to the size of nozzles fitted on the sprayer. Where applicable the filter blockage indication system shall operate correctly.

8. Spray boom (for equipment spraying pesticides by means of a horizontally positioned boom, located close to the crop or the material to be treated).

The spray boom must be in good condition and stable in all directions. The fixation and adjustment systems and the devices for damping unintended movements and slope compensation must work correctly.

9. Nozzles

Nozzles must work properly to control dripping when spraying stops. To ensure homogeneity of the spray pattern, the flow rate of each individual nozzle shall not deviate significantly from the data of the flow rate tables provided by the manufacturer.

10. Distribution

The transverse and vertical (in case of applications in vertical crops) distribution of the spray mixture in the target area must be even, where relevant.

11. Blower (for equipment distributing pesticides by air assistance)

The blower must be in good condition and must ensure a stable and reliable air stream.

ANNEX III

General principles of integrated pest management

1. The prevention and/or suppression of harmful organisms should be achieved or supported among other options especially by:
 - crop rotation,
 - use of adequate cultivation techniques (e.g. stale seedbed technique, sowing dates and densities, under-sowing, conservation tillage, pruning and direct sowing),
 - use, where appropriate, of resistant/tolerant cultivars and standard/certified seed and planting material,
 - use of balanced fertilisation, liming and irrigation/drainage practices,
 - preventing the spreading of harmful organisms by hygiene measures (e.g. by regular cleansing of machinery and equipment),
 - protection and enhancement of important beneficial organisms, e.g. by adequate plant protection measures or the utilisation of ecological infrastructures inside and outside production sites.
 2. Harmful organisms must be monitored by adequate methods and tools, where available. Such adequate tools should include observations in the field as well as scientifically sound warning, forecasting and early diagnosis systems, where feasible, as well as the use of advice from professionally qualified advisors.
 3. Based on the results of the monitoring the professional user has to decide whether and when to apply plant protection measures. Robust and scientifically sound threshold values are essential components for decision making. For harmful organisms threshold levels defined for the region, specific areas, crops and particular climatic conditions must be taken into account before treatments, where feasible.
 4. Sustainable biological, physical and other non-chemical methods must be preferred to chemical methods if they provide satisfactory pest control.
 5. The pesticides applied shall be as specific as possible for the target and shall have the least side effects on human health, non-target organisms and the environment.
 6. The professional user should keep the use of pesticides and other forms of intervention to levels that are necessary, e.g. by reduced doses, reduced application frequency or partial applications, considering that the level of risk in vegetation is acceptable and they do not increase the risk for development of resistance in populations of harmful organisms.
 7. Where the risk of resistance against a plant protection measure is known and where the level of harmful organisms requires repeated application of pesticides to the crops, available anti-resistance strategies should be applied to maintain the effectiveness of the products. This may include the use of multiple pesticides with different modes of action.
 8. Based on the records on the use of pesticides and on the monitoring of harmful organisms the professional user should check the success of the applied plant protection measures.
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ANNEX IV

Harmonised risk indicators

Annex 110

United Nations Office on Drugs and Crime, *World Drug Report 2010* (2010)

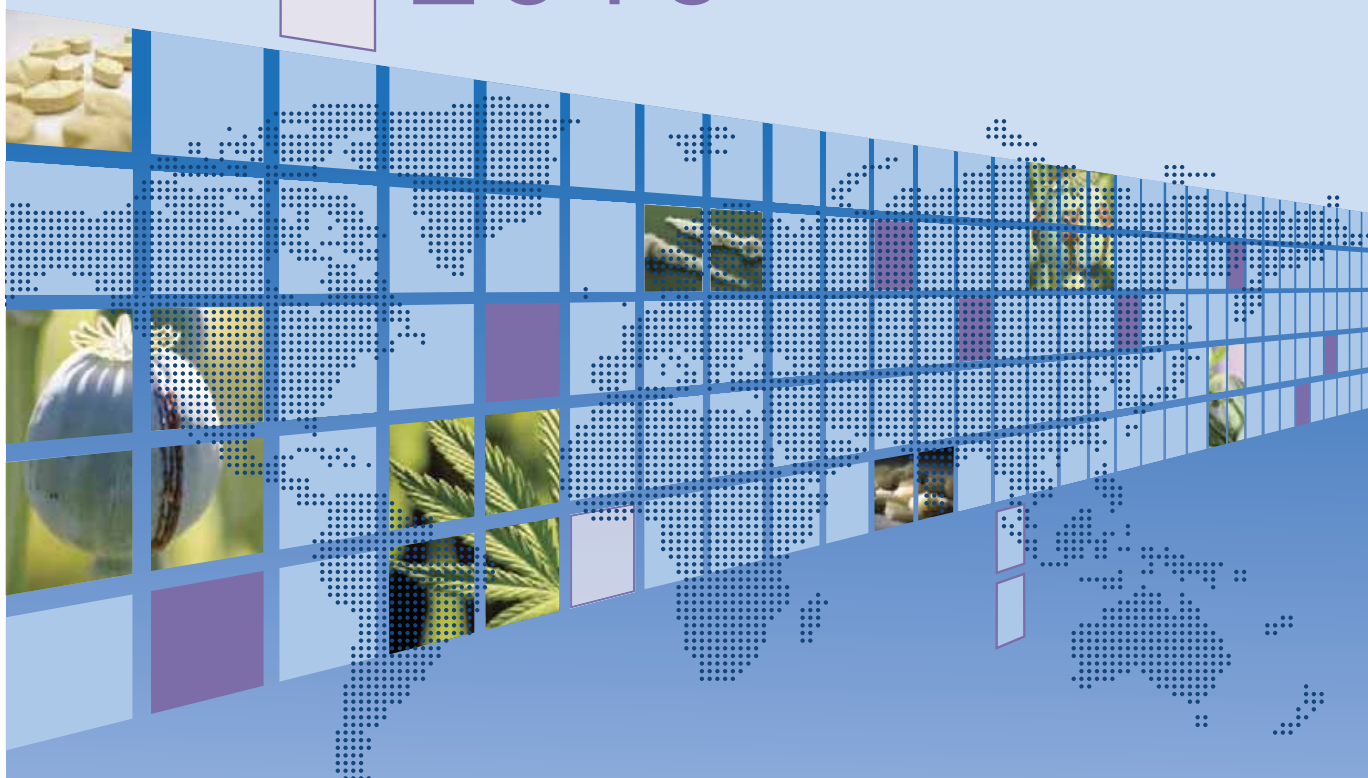




UNODC

United Nations Office on Drugs and Crime

WORLD DRUG REPORT 2010



2.3 Coca/cocaine



2.3.1 Production

Cultivation

The global area under coca cultivation decreased by 5% from 167,600 ha in 2008 to 158,800 ha in 2009, mainly due to a significant decrease in Colombia, which was not offset by increases in Peru and the Plurinational State of Bolivia. This is about the same level of cultivation as during the period 2003 to 2006. Colombia remained the country with the largest area under coca cultivation but the distance to the second largest, Peru, has shrunk due to two consecutive years of decreases in Colombia and increases in Peru over the same period.

In Colombia, the area under coca cultivation decreased for a third year to 68,000 ha, a 16% decrease over 2008. Most of the reduction took place in the departments of Putumayo, Nariño and Antioquía.

In 2009, coca cultivation in Peru increased by 7% from 2008 and reached 59,900 ha. Peru remained the second largest coca cultivating country, after Colombia. This is the country's third consecutive increase in three years. The cultivation level is 55% or 21,200 ha more than in 1999, when coca cultivation was at its lowest level in the last two decades at 38,700 ha. The area under cultivation in the three main growing regions Alto Huallaga, Apurímac-Ene and La Convención-Lares, where large parts are already covered with coca plantations, increased only slightly. Most of the increase in absolute and percentage terms took place in smaller growing regions such as Aguaytía, Inambari-Tambopata and Palcazú-Pichis-Pachitea, which have seen a considerable expansion of the area under coca cultivation since 2004.

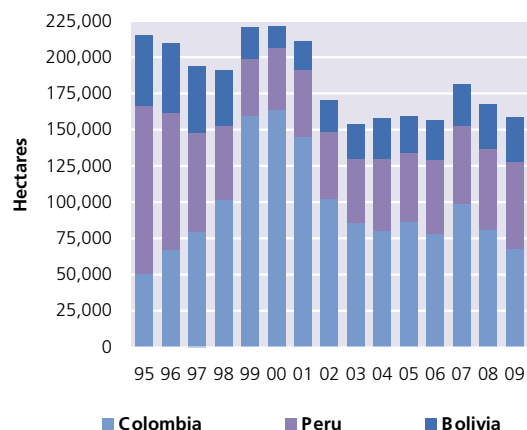


Coca cultivation in the Plurinational State of Bolivia in 2009 remained by and large at the 2008 level with only a slight increase of 1% to 30,900 ha. The increase took place in both large growing regions, the Yungas of La Paz and Chapare.

Eradication reports from Ecuador indicated the existence of small-scale coca cultivation. However, surveys implemented by UNODC in cooperation with the Government of Ecuador in 2006 and 2008 confirmed that the level of coca cultivation was insignificant.¹

Fig. 132: Global coca bush cultivation (ha), 1995-2009

Source: see Table 'Global illicit cultivation of coca bush and production of coca leaf and cocaine, 1995-2009'



¹ The surveys covered provinces in the north of Ecuador bordering Colombia.

Annex 111

Guillermo Fernández-Soto, *La Ilusión Posible: Un Testimonio Sobre La Política Exterior Colombiana* (Grupo Editorial Norma, 2004)



Guillermo Fernández de Soto

**THE POSSIBLE ILLUSION
TESTIMONY ON COLOMBIAN FOREIGN POLICY**

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DIPLOMACY FOR PEACE

...For this reason, once discussions with the United States of America we had made progress with dealings with the U.S.A., we convened a Support Group for the Peace Process in Colombia thanks to the generosity of the Spanish Government -with the visible leadership of its President, Jose Maria Aznar- and, the International Development Bank (IDB), entity which offered us the office of Technical Secretary in this Process, with the active participation of its President, Enrique Iglesias, and its representative for Colombia, Carlo Binetti, two sincere friends or our country who fundamentally lent their support at the convening of the meeting, and at the different sessions of the Table of Contributors. In addition, I must highlight the continued cooperation provided by Enrique Garcia, President of the Andean Development Corporation (CAF).

Also of great significance resulting from this process was the designation at the National Government's request of Jan Egeland, as United Nations special advisor for International Cooperation in Colombia, after the presentation on philosophy and strategy of the Colombia Plan which we were able to carry out in September of 1999 at the United Nations -and, in particular, before Kofi Annan.- His constant support both in the preparatory work as well as in the Support Group sessions regarding the Colombia peace process were of transcendental importance to mobilize solidarity from within the international community. I should also add the extraordinary nature of this delegation on the part of the Secretary General of the United Nations in response to the Colombian Government's request, and the immediate acceptance which this high ranking official garnered at the table of negotiations after the guerrilla's initial hesitation.

London: Table of Donors Preparatory Meeting⁸

A preparatory meeting was held in London on June 19, 2000 with the countries in the Support Group involving the Peace Process promising their commitment to attend the Contributors' Table which would be held in Madrid on July 7, of that same

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year. This meeting was attended by delegates of the different countries in Europe, Canada, Japan, and the United States of America. Moreover, delegates from the International Development Bank were present, as well as representatives of a group of European non-governmental organizations (NGOs) which were invited at the suggestion of their respective countries to receive first-hand information concerning the true scope of the peace process, and

⁸ It was precisely in London where the support for the strategies contemplated in the Colombia Plan began to take shape especially among the European countries

the Colombian Plan which at first had been perceived as a “guerrillista”(war) plan in several circles of the European Union. Mauricio Cardenas, director of the Department of National Planning, Jaime Ruiz, a high-ranking presidential adviser, Luis Alberto Moreno, Ambassador of Colombia to the U.S. and Victor G. Ricardo, Ambassador to Great Britain attended the meeting representing our country.

I would like to emphasize the words spoken at this meeting by Jan Egeland, special advisor to the United Nations for International Cooperation in Colombia, in view of their significance:

“There are different viewpoints and approaches as to the best way to come to the aid of Colombia. This was to be expected. But, what is unacceptable is to do little or nothing when the country is making efforts to put an end to a war of major proportions, and is trying to seek alternatives to a suffocating humanitarian, economic, political and social crisis. Simple pessimism, criticism, or apathy will do little to alleviate the suffering, or end the war in Colombia. Some donors have stated that they would like a peace agreement signed prior to committing providing funds and strengthening their commitment with the country. However, I have the impression that this position contributes little to advancing a negotiated solution for the conflict. I believe that international support to create conditions that will render the peace process successful, and allow violence to diminish is crucial now, not next year, nor five years from now.”

The invitation for the first meeting to be convened in Madrid for July 7, 2000 was not without difficulties. Therefore, Jan Egeland's words were not unwarranted. In fact, at the preliminary phase

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we were met with great skepticism as a result of great lobbying capacity and pressure exerted by the non-governmental organizations which were at that point amenable to “guerrilla diplomacy” being deployed by the FARC.

Diplomatic Success in Madrid

Rather than a threat preventing us from being able to promote the proposals outlined at the time the Contributors’ table was convened, the positions eliciting skepticism by some governments gave way to an opportunity to make the respective clarifications, eliminate prejudices, and favor consensus which was finally achieved at the July 7, 2000 meeting in Madrid. On this occasion, my most significant involvement in fulfilling the peace Diplomacy agenda which pointed to the dynamic relationship existing between internal conflict, and drug trafficking, and how this relationship had transformed and degenerated the nature of the conflict in Colombia

“Drug trafficking is not an issue inherent in, nor exclusive to Colombia, While there was great difficulty in trying to get this truth to be accepted, nobody today can argue the fact that the problem of illegal drugs is an uninterrupted process involving production, processing, shipping, the reception in overseas ports, and

the commercialization in such markets, the consumption, the money laundering of vast amounts of money in the international circuit, and that attached to this criminal activity is the illegal shipment, and the employment of chemical precursors, contraband, arms trafficking, and transnational crime.

All of this explains that confronted with a problem of such vast proportions, it is undeniable to accept co-responsibility, of the shared responsibility which, in practice, implies that each State has the obligation to combat the factors involved in the problem, but, to the same degree, the need for accord as well as international cooperation to confront these factors, compensating the States most affected by violence and the most economically weak. As President Pastrana expressed in his speech delivered in Strasbourg on October 26, 1999, before the European Parliament:

[...]
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Bogota: A Moment of Hope

During the following meeting in the city of Bogota, on October 24, 2000, the members of the Support Group reaffirmed with the Colombian Government their commitment involving the peace process, in search of a negotiated solution, and expressed a firm resolve towards the steps thus far taken regarding the program addressing institutional development, social development, and the participation of civil society, which several member countries had demanded be fulfilled in order have clearance for cooperation. This meeting was attended by 80 delegates representing 25 countries from Europe, Latin America, Canada, Japan, the United States of America, as well as 18 representatives from international organizations and multilateral institutions, and civil society organizations in Colombia, expressing their points of view regarding the peace process and human rights.

At this meeting, my main involvement as a representative for the National Government focused on expressing my concern for what was already a systematic breach of commitment on the part of the FARC guerrilla; informing the international community convened a meeting in Bogota, on their incoherent actions:

“The enemies of peace seem bent on trying to put an end to the Colombian people's hope for reconciliation, and with each passing day, the latter are frustrated by new acts of violence committed by the enemies of peace

Probably now more than at any other moment since these peace-making efforts began; the firm and sensible voice of the international community should be heard in order to implement a cease fire and, cease of hostilities. Trust in the process must be restored, and to that end we wish to extend a call to all the voices allowing us to make a qualitative leap to attain peace. The Government has presented a proposal in this sense, and has insisted in the urgency of fully applying International Humanitarian Law, excluding civilians from the conflict. Every day the

[...]
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peace, which would be the main accomplishment of these important work round table sessions with the Support Group.

Brussels: Signing and Authorizing the Commitments

The third meeting of the Support Group took place in Brussels on April 30, 2001, under the auspices of the Interamerican Development Bank (IDB), and the European Union (EU). At this meeting, delegations from 15 European countries, Norway, and Switzerland -not part of the European Union-; nine Latin American countries, Japan, Canada, the United States of America, seven international organization delegations and six civilian representatives were accredited. In addition, the Andean Development Corporation, the World Bank and the United Nations, also participated in this meeting.

Since arriving in Brussels, I sensed a tense atmosphere, especially as a result of the pressure that some European NGO's had mounted in response to a meeting being held. To my surprise, and that of the Colombian delegation, we were informed at the beginning of the meeting that there were groups of demonstrators waiting outside the building of the European Union wanting to enter the room to sabotage the meeting. However, what I never imagined was that this pressure was occurring with Ambassador Willy Steven's—who had been Belgium's representative in Colombia for five years, and was now acting as the Belgium Government's director for Latin America-being privy to this knowledge—as he later confirmed to me.

I now have information that this official knew in advance that the demonstrators had come prepared with some pies which would be thrown in my face as they went inside the European Union building. Fortunately, attendants working under Chris Patten, the Foreign Relations commissioner of the European Commission were informed in time, and they led me through a security hall. Upon finding out that I had eluded them, the demonstrators proceeded to hurl pies at Colombian Embassy licensed vehicles, which in the end were a mess when they had finished. Throughout the meeting, Mr. Stevens had a very unfortunate involvement against Colombia but did not have the courage to remain in the room. On the contrary, once his participation was over he got up from his seat, and left the premises. He knew

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that I was going to respond—which I did, vehemently—to a series of statements which he had made at the European group meetings, of which we had received word from different delegations, and by means of communications issued by our own ambassadors.

Subsequently, at the evening meeting held at the Colombian Embassy, Mr. Stevens approached me evasively, he told me that he regretted what had occurred, and obviously, gave me clear indication that he had been informed of what would had happened. In a reserved tone of voice, I demanded to know why he had not informed me if he knew what would happen, as was in line with his duty as a Government representative that had attended the meetings and as a friend of peace for Colombia.

Months later, on the eve of the peace process breaking down in Colombia, Mr. Stevens approached me in New York during the United Nations Assembly in November, 2001 to tell me that they had changed their policy, and that his Government was weighing the possibility of lending their support to include the FARC in the list of terrorists in Europe. Almost immediately, he also informed me that he had been speaking with FARC guerrilla leader, Olga

Marín, and that she was upset because Brussels had also made the decision to include them in the list of terrorist groups. This was an event illustrating the diplomatic challenges which any Colombian Government had to contend with in Europe where FARC members circulated with enormous ease in some countries.

As for the pivotal part of the meeting, I would like to highlight the statements issued by Chris Patten, the Foreign Relations commissioner of the European Community:

“I visited Colombia some weeks ago and saw with my own eyes the complexities, and the fragility of building the peace process. There are multiple forces that are at play that are conjured up to frustrate the efforts of those working for peace. Very likely, all these obstacles might discourage even the most determined of optimists. During my visit, however, I could appreciate the great reward that could be attained if a lasting peace could be achieved: the enormous potential for prosperity that would accompany its success.”

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He then added:

“Direct economic assistance should be accompanied by diplomatic and economic aid, if our efforts are to be afforded the opportunity to produce a lasting impact. This aid ought to address the fundamental causes and not just the symptoms, of the years of conflict in Colombia.”

In accordance with Commissioner Patten's participation, European Union aid would focus on four fundamental areas: 1) the establishment of Peace Laboratories, with an initial cooperation to benefit the Middle Magdalena Peace Program; 2) resources to eliminate structural weaknesses which had threatened peace (administration of justice, advancement of an integrated agricultural reform, as well as planning and delivering sound environmental policies); 3) which combats constant violent uprisings, and the violation of human rights, by means of a broader program between the European Union, and the Andean Community, with specific support resources in place for local human rights organization activities; 4) diminishing social impact and mandatory human displacement effects availing itself of support programs addressing the displaced population, the rehabilitation of boys and girls involved in the conflict, and the involvement in some critical areas of the country where concerted manual eradication would be implemented.

In this occasion, the international community represented at the meeting reiterated its support to the peace process in Colombia, and offered its support for the signed agreements entered into between the Government and the Secretariat of the FARC at Los Pozos, on February 9, 2001,⁹ as well as the preliminary agreement with the ELN¹⁰; welcomed recent actions

⁹ He is referring to the meeting held between President Andres Pastrana, and FARC leader, Manuel Marulanda Velez, sic, “Tirofijo”, in the Los Pozos population (Department of Caqueta), within the so-called defusing zone, with the purpose of renewing the peace process.

¹⁰ The Ejercito de Liberacion Nacional (ELN) (National Liberation Army), the Colombian Government, and its friendly countries of the peace process agreed that no removal would take place in the South of Bolivar (Northern

[PAGE 110]

intensifying representation of facilitating groups, verifiers, and participants in the peace process; it underscored the efforts of the region's governments to bolster Latin America's support to the channel of political negotiation concerning the conflict; and insisted that the peace process must be accompanied by a development strategy to aid in improving the Colombian people's standard of living.

The commitments to support the peace process, and development in Colombia which were forged in Madrid and Bogota, were supplemented in Brussels amounting to US\$1,543 million. At the end of May, 2002, a follow-up made by the Peace Investment Fund -the instrument created by the Government to manage the social development, institutional strengthening and economic recovery components with domestic and foreign resources -showed disbursement indicators for European countries, which, in principle, would seem low in comparison with their original commitments¹¹.

The statement issued by the Secretary of State for Development, Migration and Asylum Policy Cooperation, in the name of the European Union, Gun-Britt Andersson, translated into great support for the position that we had maintained throughout all of the meetings:

“Internal armed conflict, as well as the production and trafficking of illegal drugs, are intertwined. The European Union is determined to continue its condemnation of, and its battle against the drug production and illegal trafficking on the basis of the shared responsibility principle. It is necessary that all the parties be involved in ongoing efforts to find different viable alternatives to the production of drugs. Drug production and trade can never be justified with economic arguments nor with allusions to poverty-related concerns.”

coast of Colombia), without first consulting civilians. The preaccord, to which this statement refers, had been signed in Havana on December 15, 2000, and contemplates the possibility of establishing a meeting zone for the beginning of the peace negotiations with this guerrilla group.

¹¹ See *Investment Fund for Peace. Presidency of the Republic*. Notes on international cooperation within the framework of the Support Group concerning the Peace Process. May, 2002.

Guillermo
Fernández de Soto

LA ILUSIÓN POSIBLE
UN TESTIMONIO SOBRE
LA POLÍTICA EXTERIOR
COLOMBIANA

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Bogotá Barcelona Buenos Aires Caracas
Guatemala Lima México Panamá Quito San José
San Juan San Salvador Santiago de Chile Santo Domingo

ciativas para abordar el conflicto interno. Por tal razón, una vez que se avanzó en las gestiones con Estados Unidos, iniciamos la convocatoria de un Grupo de Apoyo al Proceso de Paz en Colombia gracias a la generosidad del Gobierno español –con el visible liderazgo de su presidente José María Aznar– y del Banco Interamericano de Desarrollo (BID), entidad que nos ofreció la Secretaría Técnica de este proceso, con el activo concurso de su presidente Enrique Iglesias y de su representante para Colombia, Carlo Binetti, dos auténticos amigos de nuestro país que se constituyeron en apoyo fundamental en la convocatoria y en la realización de las diferentes sesiones de la Mesa de Aportantes. Debo destacar, además, el acompañamiento permanente de Enrique García, presidente de la Corporación Andina de Fomento (CAF).

En este proceso también resultó de gran trascendencia la designación, por solicitud del Gobierno nacional, de Jan Egeland como asesor especial de Naciones Unidas para la Cooperación Internacional en Colombia, después de la presentación que tuvimos oportunidad de hacer en el mes de septiembre de 1999 en Naciones Unidas –y en particular a Kofi Annan– sobre la filosofía y las estrategias del Plan Colombia. Su permanente acompañamiento, tanto en las tareas preparatorias como en las sesiones del Grupo de Apoyo al proceso de Paz en Colombia, resultó de gran trascendencia para movilizar la solidaridad de la comunidad internacional. Debo destacar, además, el carácter extraordinario de esta delegación por parte del Secretario General de Naciones Unidas en respuesta a la solicitud del Gobierno colombiano y la aceptación inmediata que logró este alto funcionario en la mesa de negociaciones, después de las reticencias iniciales de la guerrilla.

Londres: reunión preparatoria de la Mesa de Donantes⁸

El 19 de junio de 2000 se realizó en Londres una reunión preparatoria con los países del Grupo de Apoyo al Proceso de Paz en Colombia, con el fin de comprometer su asistencia a la Mesa de Aportantes que se realizaría en Madrid el 7 de julio de ese mismo

⁸ Fue precisamente en Londres donde se empezó a concretar, especialmente con los países europeos, el apoyo a las estrategias contempladas en el Plan Colombia.

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año. A ella asistieron delegados de los distintos países de Europa, Canadá, Japón y Estados Unidos. Así mismo, se hicieron presentes delegados del Banco Interamericano de Desarrollo, al igual que los representantes de un grupo de ONG europeas que fueron invitadas por sugerencia de sus respectivos países para que recibieran información de primera mano sobre los verdaderos alcances del proceso de paz y del Plan Colombia, que había sido inicialmente percibido como un plan “guerrerista” en diversos círculos de la Unión Europea. En representación de nuestro país asistieron Mauricio Cárdenas, director del Departamento Nacional de Planeación; Jaime Ruiz, alto consejero presidencial, Luis Alberto Moreno, embajador de Colombia en Estados Unidos; y Víctor G. Ricardo, embajador ante el Reino Unido.

Quiero destacar, por la trascendencia que adquirieron en esta reunión preparatoria de la Mesa de Aportantes, las palabras de Jan Egeland, asesor especial de Naciones Unidas para la Cooperación Internacional en Colombia:

“Existen diferentes puntos de vista y aproximaciones en torno a la mejor forma de ayudar a Colombia. Esto era de esperarse. Pero lo que no es aceptable es hacer poco o nada cuando el país hace esfuerzos por poner fin a una guerra de vastas proporciones y trata de buscar alternativas a una asfixiante crisis humanitaria, económica, política y social. El simple pesimismo, la crítica o la apatía harán poco por aliviar el sufrimiento o acabar con la guerra en Colombia. Algunos donantes han dicho que ellos quisieran un acuerdo previo de paz antes de comprometer fondos de apoyo y fortalecer su compromiso con el país. Sin embargo, me da la impresión de que esta posición contribuye poco en el avance hacia una solución negociada del conflicto. Creo que el apoyo internacional es crucial ahora, no el próximo año ni dentro de cinco años, para crear condiciones que hagan exitoso el proceso de paz y permitan la reducción de la violencia”.

La convocatoria de la primera reunión en Madrid para el 7 de julio de 2000 no estuvo libre de dificultades. Por ello, las palabras de Jan Egeland no eran gratuitas. De hecho, en la fase preparatoria

La Diplomacia por la Paz

recibimos reacciones de escepticismo, como consecuencia de la enorme capacidad de cabildeo y presión de las organizaciones no gubernamentales, que en ese momento eran bastante permeables a la “diplomacia guerrillera” desplegada por las FARC.

El éxito diplomático de Madrid

Antes que una amenaza para sacar adelante los propósitos que nos habíamos trazado al convocar la Mesa de Aportantes, las posiciones de escepticismo expresadas por algunos gobiernos se fueron convirtiendo en una oportunidad para hacer las aclaraciones respectivas, con el fin de remover los prejuicios y favorecer el consenso finalmente logrado en la reunión de Madrid, el día 7 de julio de 2000. En esta oportunidad hice una de las intervenciones de mayor trascendencia en cumplimiento de la agenda de la Diplomacia por la Paz, que señalaba la relación dinámica que existe entre el conflicto interno y el narcotráfico, y cómo esta relación había transformado y degenerado la naturaleza del conflicto en Colombia.

“El narcotráfico no es un asunto propio ni exclusivo de Colombia. Aunque mucho se tuvo que luchar para que fuera aceptada esta verdad, nadie discute hoy el hecho de que el problema de las drogas ilícitas es todo un proceso ininterrumpido en el cual entran la producción, el procesamiento, el transporte, la recepción en los puertos del exterior y la venta en esos mercados, el consumo, el blanqueo de las inmensas sumas de dinero en el circuito internacional y que, anexa a esta actividad criminal, están el envío y la utilización ilegales de precursores químicos, el contrabando, el tráfico de armas y el crimen transnacional.

De allí que, ante un problema de tan inmensas proporciones, sea innegable la aceptación de la corresponsabilidad, de la responsabilidad compartida, la cual, en la práctica, implica la obligación de cada Estado de atacar los factores del problema pero, en el mismo grado, la necesidad de un concierto y de una cooperación internacional para enfrentarlos, compensando a los Estados más afectados por la violencia y a los más débiles económicamente. Como lo expresó el presidente Andrés Pastrana, en su discurso de Estrasburgo, ante el Parlamento europeo, el 26 de octubre de 1999:

La Diplomacia por la Paz

ción de la crucial participación del canciller de España Josep Piqué para el éxito de esta reunión.

Bogotá: un momento para la esperanza

Durante la siguiente reunión en la ciudad de Bogotá, el 24 de octubre de 2000, los miembros del Grupo de Apoyo reafirmaron su compromiso con el Gobierno colombiano frente al proceso de paz, en la búsqueda de una solución negociada y expresaron un fuerte respaldo a los avances obtenidos hasta la fecha, en los programas dirigidos al fortalecimiento institucional, el desarrollo social y la participación de la sociedad civil, que habían sido reclamados por varios países miembros para dar vía libre a su cooperación. A esta reunión asistieron 80 delegados por 25 países de Europa, América Latina, Canadá, Japón, Estados Unidos, así como 18 representantes de organismos internacionales e instituciones multilaterales y organizaciones de la sociedad civil de Colombia, quienes manifestaron su punto de vista sobre el proceso de paz y los derechos humanos.

En esta reunión dediqué la intervención central, en representación del Gobierno nacional, a manifestar mi preocupación por la que ya era una sistemática violación de los compromisos por parte de la guerrilla de las FARC, para denunciar ante la comunidad internacional, congregada en Bogotá, la incoherencia de sus acciones.

“Los enemigos de la paz parecen atrincherados tratando de acabar con la esperanza del pueblo colombiano que anhela la reconciliación y se siente frustrado cada día que los enemigos de la paz realizan nuevos actos de violencia.

Probablemente es ahora, más que en cualquier otro momento desde que iniciamos este esfuerzo pacificador, que la voz firme y sensata de la comunidad internacional debe hacerse escuchar para lograr un cese al fuego y de hostilidades. Tenemos que recuperar la confianza en el proceso y para ello queremos convocar todas las voces que nos permitan dar un salto cualitativo en la búsqueda de la paz. El Gobierno ha presentado una propuesta en tal sentido y ha insistido en la urgencia de aplicar plenamente el Derecho Internacional Humanitario, excluyendo a la población civil del conflicto. Cada día los co-

paz, que se habría de convertir en el principal logro de estas importantes rondas de trabajo con el Grupo de Apoyo.

Bruselas: la refrendación de los compromisos

La tercera reunión del Grupo de Apoyo tuvo lugar en Bruselas el 30 de abril de 2001, con el auspicio del Banco Interamericano de Desarrollo (BID) y de la Unión Europea (UE). Allí se acreditaron delegaciones de 15 países europeos, Noruega y Suiza –que no pertenecen a la Unión Europea–; nueve países de América Latina, Japón, Canadá, Estados Unidos, siete delegaciones de organismos internacionales y seis representantes de la sociedad civil. Igualmente, se contó con la participación de la Corporación Andina de Fomento, el Banco Mundial y las Naciones Unidas.

Desde que llegué a Bruselas percibí un ambiente tenso, especialmente como consecuencia de la presión que algunas ONG europeas habían desatado en torno a la celebración de esta reunión. Para sorpresa mía y de la delegación de Colombia, al comienzo de la reunión fuimos informados de que había grupos de manifestantes en las afueras del edificio de la Unión Europea que querían ingresar al salón para sabotear la reunión. Pero lo que nunca alcancé a imaginar era que estas presiones se hacían, por lo menos, con el conocimiento del embajador Willy Stevens –como él mismo me lo confirmó posteriormente– quien había sido el representante de Bélgica en Colombia durante cinco años y ahora oficiaba como el director para América Latina de este Gobierno.

Tengo ahora la información de que este funcionario conocía con anticipación que los manifestantes tenían preparados unos pasteles para lanzármelos a la cara, cuando ingresara al edificio de la Unión Europea. Por fortuna, los asistentes del comisario de Relaciones Exteriores de la Comisión Europea, Chris Patten, fueron informados a tiempo de esta eventualidad y me condujeron por un callejón de seguridad. Al enterarse de que los había evadido, los manifestantes procedieron a lanzar los pasteles al vehículo de la Embajada de Colombia, que terminó hecho un desastre. Durante la reunión, el señor Stevens hizo una intervención muy desafortunada contra Colombia, pero no tuvo la valentía de permanecer en la sala. Por el contrario, una vez que terminó su intervención se levantó de su asiento y se retiró del recinto. Él sabía, que yo le iba

Guillermo Fernández de Soto

a responder —como en efecto lo hice con vehemencia— la serie de afirmaciones que él venía haciendo en las reuniones del grupo europeo, de las que teníamos información por diferentes delegaciones y por comunicaciones de nuestros propios embajadores.

Posteriormente en la reunión de la noche en la Embajada de Colombia, el señor Stevens se dirigió a mí en forma evasiva; me dijo que estaba muy apenado por lo que había ocurrido y, por supuesto, me dio claras señas de que estaba informado de lo que iba a ocurrir. En tono pausado, le reclamé que si estaba al tanto de lo que podía suceder por qué no me lo había informado, como era el deber del representante de un Gobierno que había asistido a las reuniones celebradas como amigo de la paz de Colombia.

Meses después, en vísperas de la ruptura del proceso de paz en Colombia, el señor Stevens me abordó en Nueva York durante la Asamblea de las Naciones Unidas en noviembre de 2001, para decirme que habían cambiado su política y que su Gobierno estudiaba la posibilidad de apoyar la inclusión de las FARC en el listado de grupos terroristas en Europa. Casi de inmediato me informó, además, que había estado conversando con la líder guerrillera de las FARC Olga Marín, y que estaba molesta porque Bruselas también había tomado la decisión de incluirlos en el listado de grupos terroristas. Éste era un hecho ilustrativo de los desafíos diplomáticos que cualquier Gobierno colombiano debía enfrentar en Europa, en donde en algunos países circulaban con enorme tranquilidad miembros de las FARC.

De la parte central de esta reunión, quiero destacar las declaraciones del comisario de Relaciones Exteriores de la Comunidad Europea, Chris Patten:

“Visité a Colombia hace unas semanas y vi con mis propios ojos las complejidades y la fragilidad del proceso de construcción de la paz. Existe una multiplicidad de fuerzas que se conjuran para frustrar los esfuerzos de quienes trabajan para la paz. Muy posiblemente, todos estos obstáculos, podrían ahuyentar al más férreo de los optimistas. Pero durante mi visita pude apreciar el premio tan inmenso que se podría ganar si se lograra una paz duradera: el enorme potencial de su prosperidad que acompañaría el éxito”.

Y más adelante agregó:

“La ayuda económica directa deberá estar acompañada por ayuda diplomática y económica, si es que a nuestros esfuerzos se les va a dar la oportunidad de producir un impacto perdurable. Esta ayuda deberá estar dirigida a las causas primordiales y no sólo a los síntomas, de los años de conflicto en Colombia”.

De acuerdo con la intervención del comisario Patten, la estrategia de asistencia de la Unión Europea se concentraría en cuatro áreas fundamentales: 1) el establecimiento de Laboratorios de Paz, con una cooperación inicial con destino al Programa de Paz del Magdalena Medio; 2) recursos para remover las debilidades estructurales que atentaban contra la paz (administración de justicia, promoción de una reforma agrícola integrada, así como la planeación y entrega de sólidas políticas ambientales); 3) combate a los constantes brotes de violencia y violación de los derechos humanos, mediante un programa más amplio entre la UE y la Comunidad Andina, con recursos de apoyo específico a las actividades de las organizaciones locales de derechos humanos; 4) reducción del impacto social y los efectos del desplazamiento forzado de personas, mediante programas de apoyo a la población desplazada, la reeducación a los niños y niñas involucrados en el conflicto y la intervención en algunas áreas críticas del país donde tendría lugar la erradicación manual concertada.

En esta oportunidad, la comunidad internacional representada en la reunión reiteró su apoyo al proceso de paz en Colombia y ofreció su respaldo a los acuerdos suscritos entre el Gobierno y la Secretaría de las FARC en Los Pozos, el 9 de febrero de 2001,⁹ así como el acuerdo preliminar con el ELN;¹⁰ acogió las acciones recientes

9 Se refiere a la reunión sostenida entre el presidente Andrés Pastrana y el líder de las FARC, Manuel Marulanda Vélez, “Tirofijo”, en la población de Los Pozos (departamento del Caquetá), dentro de la llamada zona de distensión, con el fin de darle un nuevo aire al proceso de paz.

10 El Ejército de Liberación Nacional (ELN), el Gobierno colombiano y los “países amigos” del proceso de paz, acordaron que no habría despeje en el sur de Bolívar (costa norte de Colombia), sin antes consultar a la sociedad civil. El preacuerdo, al que hacía referencia esta declaración, había sido firmado en La Habana el día 15 de diciembre de 2000 y contemplaba la posibilidad de esta-

Guillermo Fernández de Soto

que intensificaban la representación de grupos facilitadores, verificadores y participantes en el proceso de paz; destacó los esfuerzos de los gobiernos de la región para fortalecer el respaldo de América Latina a la vía de la negociación política del conflicto; e insistió en que el proceso de paz debía estar acompañado por una estrategia de desarrollo que contribuyera a mejorar el nivel de vida del pueblo colombiano.

Los compromisos para apoyar el proceso de paz y desarrollo en Colombia que se hicieron en Madrid y Bogotá fueron complementados en Bruselas para llegar a los US\$ 1.543 millones. A finales de mayo de 2002, un seguimiento realizado por el Fondo de Inversiones para la Paz –el instrumento creado por el Gobierno para administrar los componentes de desarrollo social, fortalecimiento institucional y recuperación económica con los recursos internos y externos– mostraba índices de desembolsos de los países europeos que, en principio, parecerían bajos frente a los compromisos establecidos.¹¹

La declaración de la secretaria de Estado para la Cooperación al Desarrollo, Migración y Política de Asilo, en nombre de la Unión Europea, Gun-Britt Andersson, significó un gran apoyo que a la posición que habíamos sustentado a lo largo de todos estos encuentros:

“El conflicto armado interno y la producción y el tráfico de drogas ilegales están encadenados. La Unión Europea tiene la determinación de continuar su condena y su combate a la producción y al tráfico de drogas ilegales sobre la base del principio de la responsabilidad compartida. Es necesario que todas las partes se involucren en esfuerzos conjuntos a fin de encontrar alternativas viables distintas a la producción de drogas. La producción y el comercio de drogas no pueden ser justificados jamás con argumentos económicos ni aludiendo preocupaciones sobre pobreza.”

blecer una zona de encuentro para el inicio formal de las negociaciones de paz con este grupo guerrillero.

¹¹ Ver *Fondo de Inversión para la Paz. Presidencia de la República*. “Anotaciones acerca de la cooperación internacional en el marco del Grupo de Apoyo al Proceso de Paz”. Mayo de 2002.

Annex 112

Freedom of Information Act Correspondence With United States Environmental Protection Agency
Including Roundup Export Label (3 Mar. 2009)





Seaport World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2600

617 832 1000 *main*
617 832 7000 *fax*

January 30, 2009

Rebecca L. Puskas
617 832 1000

Via Email and Federal Express

U.S. Environmental Protection Agency
HQ FOIA Operations Staff (2822T)
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Freedom of Information Act Request – Office of Pesticide Programs
Follow-Up to Requests HQ-RIN 00274-09 and 00275-09

Dear Sir or Madam:

This is a request pursuant to the Freedom of Information Act (5 U.S.C. § 552). I am writing to request certain documents in the possession of the Environmental Protection Agency (EPA) Office of Pesticide Programs (OPP), the Office of International Affairs (OIA), and any other EPA offices, regarding herbicide use for the aerial eradication of illicit coca in Colombia.

To expedite processing, please note that I have made two prior requests to the EPA on this same general topic: HQ-RIN 00274-09 and 00275-09. These requests are being handled by Janet Bressant.

Specifically, please provide any and all Cosmo-Flux labels¹ in the possession of the EPA in English, Spanish, or any other language. At least two of the labels that I am requesting are referenced in the following EPA memoranda, which were provided to me in response to FOIA Request HQ-RIN 00275-09: "May 7, 2002, Memorandum. Comments to K.B. Leifer's Document on the Compositional Evaluation of Cosmo-Flux 411F, 5/2/2002" and "June 13, 2002, Memorandum. CosmoFlux Composition." The labels are described by the author of these memoranda as follows:

¹ As used in this request, the term "Cosmo-Flux labels" includes, without limitation, any documents, images, or other information, including copies, that describe, give instructions for use, or provide other information about the products Cosmo-Flux, Cosmo-Flux 411F, Cosmo Plus, Cosmo Plus 411F, or any other chemical with a similar name, contents, or properties manufactured by Industria Colombiana Cosmoagro, or otherwise used in the aerial eradication of illicit coca in Colombia.

U.S. Environmental Protection Agency
January 30, 2009
Page 2

On 4/15/2002, Jay Ellenberger gave me a photocopy of the Cosmo-Flux 411F label (Industria Colombiana Cosmoagro, with support from ICI Surfactants). This label corresponded to Lot 302801, manufactured on 7/2001 and expiring on 7/2003 under registration 2186. This label, written in Spanish, differs from the label attached in the 05/02/2002 Document. A comparison between the two labels is presented in Table 1. It should be noted that in the label provided to me on 4/15/2002, the name of the product appears as Cosmo-Flux 411F, but as Cosmo-Plus 411F in the 5/2/2002 document, A2, page 7.²

In addition, please provide the "Document" referenced in the May 7, 2002, Memorandum:

The Division has used EPA to estimate the physical, chemical, and information used to assess transformation and transport of chemicals in the environment for the following chemicals listed in the Document, A4, p4: (1) Isopropylamine dodecylbenzenesulfonate, 42504-46-1; (2) Sorbitan monooleate, 1338-43-8; (3) Sorbitan trioleate, 26266-58-0; and Propylene glycol, 57-55-6.³

Finally, please provide any Roundup labels⁴ in the possession of the EPA, in English, Spanish, or any other language, that relate to the aerial eradication program in Colombia. At least two of these labels were referenced in an EPA email record that was provided to me in response to FOIA request HQ-RIN 00275-09: "March 21, 2002, email, with attachment. Coca and Poppies Eradication in Columbia [sic]." This email describes the Roundup labels as follows: "I pulled the [Roundup] labels for Ultra and Export from our website."

Please contact me immediately at 617-832-3039 or at rpuskas@foleyhoag.com if you have any questions with respect to this request. In addition, please forward responsive documents to me as they become available, rather than waiting for all responsive documents to be identified.

² May 7, 2002, Memorandum. Comments to K.B. Leifer's Document on the Compositional Evaluation of Cosmo-Flux 411F, 5/2/2002, p. 1. The June 13, 2002 Memorandum further explains "The approval dates [for the Cosmo-Flux labels] differ: 1999 for the 4/15 label and 1997 in Leifer's package." June 13, 2002, Memorandum. CosmoFlux Composition, p. 1.

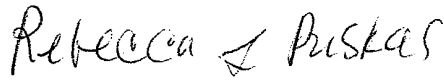
³ May 7, 2002, Memorandum. Comments to K.B. Leifer's Document on the Compositional Evaluation of Cosmo-Flux 411F, 5/2/2002, p. 2.

⁴ As used in this request, the term "Roundup labels" includes, without limitation, any documents, images, or other information, including copies, that describe, give instructions for use, or provide other information about Roundup products or any other glyphosate-based products used or considered for use in the aerial eradication of illicit coca in Colombia.

U.S. Environmental Protection Agency
January 30, 2009
Page 3

This letter authorizes the expenditure of up to \$200 in costs; please contact me if the amount will be greater. Thank you for your assistance with this request.

Sincerely,


Rebecca L. Puskas



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 3 2009

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Rebecca L. Puskas
Foley Hoag LLP
Seaport World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2600

Re: Freedom of Information Act Request HQ-RIN 0638-09

Dear Ms. Puskas:

This is in response to your January 30 request for copies of certain documents in the possession of the Environmental Protection Agency (EPA) Office of Pesticide Programs (OPP) regarding herbicide use for the aerial eradication of illicit coca in Columbia. Records specifically requested include:

- any and all Cosmo-Flux labels in the possession of the EPA in English, Spanish, or any other language. **(Please note that any information obtained to respond to this portion of your request will be forwarded to you under listed item number 17 of HQ-RIN 0275-09).**
- document referenced in the May 7, 2002 memorandum (provided under HQ-RIN -275-09) which states the following: "The Division has used EPA to estimate the physical, chemical, and information used to assess transformation and transport of chemicals in the environment for the following chemicals listed in the Document A4, p4: (1) Isopropylamine dodecylbenzenesulfonate, 42504-46-1; (2) Sorbitan monooleate, 1338-43-8; (3) Sorbitan trioleate, 26266-58-0; and Propylene glycol, 57-55-6.
- any Roundup labels in the possession of EPA, in English, Spanish, or any other language that relate to the aerial eradication program in Columbia, two of which were referenced in a March 21, 2002, email (provided under HQ-RIN 0275-09).

Enclosed with this response is a copy of the responsive labeling for Roundup Export Herbicide.

As I have stated in my responses to your previous FOIA requests on this issue, I am also working with the Agency's Office of International Activities, in addition to OPP, to obtain records responsive to your requests. All records determined to be responsive have to undergo a 2-level FOIA exemption review before they can be released to you. We will work as quickly as possible to complete our search and review of responsive records. You have authorized up to \$200.00 to complete work on this request. If it is determined that the cost will exceed that amount, I will contact you.

If you have any questions concerning this response, or the status of your request, please feel free to contact me at (703) 305-6445, or via email at bressant.janet@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet Bressant", written in a cursive style.

Janet Bressant
Public Information and Records Integrity Branch
Information Technology and Resources
Management Division
Office of Pesticide Programs

Enclosure

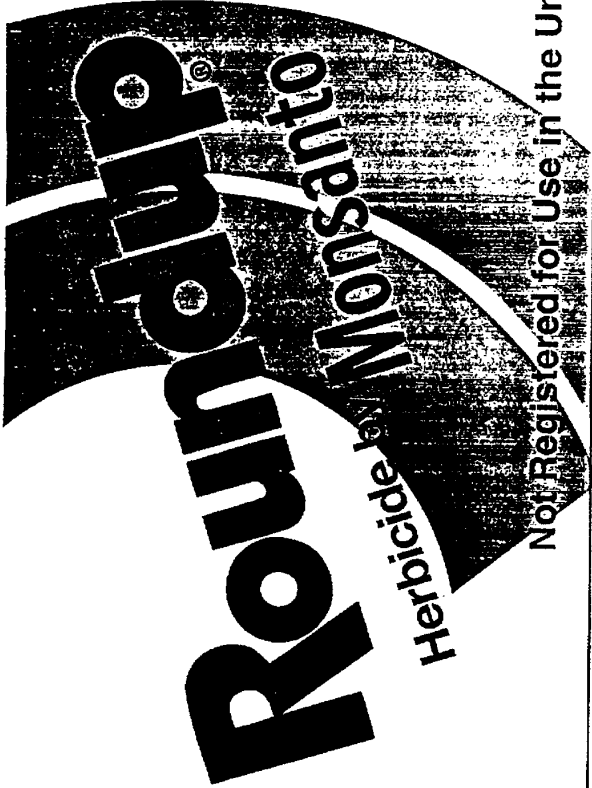
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524-308

7-9-97

1 of 35

EXPORT



Not Registered for Use in the United States of America

ACCEPTED
 JUL 2 1997
 Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No. 524-308

FOR EXPORT ONLY

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

Keep out of reach of children.

DANGER!

CAUSES IRREVERSIBLE EYE DAMAGE.

HARMFUL IF SWALLOWED OR INHALED.

MAY CAUSE SKIN IRRITATION.

Do not get in eyes, on skin or on clothing.

Wear goggles or face shield.

Avoid breathing vapor or spray mist.

Wash thoroughly with soap and water after handling.

Remove contaminated clothing and wash before reuse.

FIRST AID: IF IN EYES, immediately flush with plenty of water for at least 15 minutes. Get medical attention.

IF ON SKIN, immediately flush with plenty of water. Remove contaminated clothing. Wash clothing before reuse.

IF SWALLOWED, this product will cause gastrointestinal tract irritation. Immediately dilute by swallowing water or milk. Get medical attention.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.

IF INHALED, remove individual to fresh air. Get medical attention if breathing difficulty develops.

In case of an emergency involving this product, Call Collect, day or night, (314) 694-4000.

Environmental Hazards

Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

Physical or Chemical Hazards

Spray solutions of this product should be mixed, stored and applied using only stainless steel, aluminum, fiber glass, plastic or plastic-lined steel containers.

DO NOT MIX, STORE OR APPLY THIS PRODUCT OR SPRAY SOLUTIONS OF THIS PRODUCT IN GALVANIZED STEEL OR UNLINED STEEL (EXCEPT

STAINLESS STEEL CONTAINERS OR SPRAY TANKS. This product or spray solutions of this product, except in such containers and tanks to which special hydrogen gas which may form a highly combustible gas mixture. This gas mixture could flash or explode, causing serious personal injury, if ignited by open flame, spark, welder's torch, lighted cigarette or other ignition source.

DIRECTIONS FOR USE

Storage and Disposal

Do not contaminate water, foodstuffs, feed or seed by storage or disposal.

DISPOSAL:

Wastes resulting from the use of this product that cannot be used or chemically reprocessed should be disposed of in a landfill approved for pesticide disposal or in accordance with applicable local procedures.

Emptied container retains vapor and product residue. Observe all labeled safeguards until container is destroyed.

Do not reuse container. Triple rinse container, then puncture and dispose of in a sanitary landfill, or by other procedures approved by local authorities. Plastic may be burned or incinerated if permissible under local rules. If burned, stay out of smoke.

FOR REPACKAGING ONLY

ACTIVE INGREDIENT:

- *Glyphosate, N-(phosphonomethyl) glycine, in the form of its isopropylamine salt 41.0%
- INERT INGREDIENTS: 59.0%
- 100.0%

*Contains 480 grams per litre or 4 pounds per U.S. gallon of the active ingredient glyphosate in the form of its isopropylamine salt. Equivalent to 356 grams per litre or 3 pounds per U.S. gallon of the acid, glyphosate.

Roundup® herbicide is protected by U.S. Patent No. 4,405,531. Other patents are pending. No license granted under any non-U.S. patents.

*Registered trademark of Monsanto Company © MONSANTO COMPANY 1993



In case of an emergency involving this product, Call Collect, day or night, (314) 694-4000

LOT NO.

PACKER

54

NET gal

EPA Est. 524-LA-1

MONSANTO COMPANY • AGRICULTURAL PRODUCTS • ST. LOUIS, MISSOURI 63167 U.S.A.

897.10-006.04/53L

2 of 35

MON 2139

ACCEPTED
JUL 5 1997

HERBICIDE BY Monsanto

Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, by the pesticide registered under EPA Reg. No. 524-308

Water soluble herbicide for nonselective control of many annual and perennial weeds. Avoid contact with foliage, green stems, or fruit of crops, desirable plants and trees, since severe injury or destruction may result.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

Keep out of reach of children.

DANGER! PELIGRO!

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

CAUSES IRREVERSIBLE EYE DAMAGE.

HARMFUL IF SWALLOWED OR INHALED.

MAY CAUSE SKIN IRRITATION.

Do not get in eyes, on skin or on clothing.

Avoid breathing vapor or spray mist.

FIRST AID: IF IN EYES, immediately flush with plenty of water for at least 15 minutes. Get medical attention.

IF ON SKIN, immediately flush with plenty of water.

IF SWALLOWED, this product will cause gastrointestinal tract irritation. Immediately dilute by swallowing water or milk. Get medical attention.

NOTE TO PHYSICIAN: Probably mucosal damage may contraindicate the use of gastric lavage.

IF INHALED, remove individual to fresh air. Get medical attention if breathing difficulty develops.

Personal Protective Equipment

Applicators and other handlers must wear: long-sleeved shirt and long pants, waterproof gloves, shoes plus socks, and protective eye-wear. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides [40 CFR 170.240 (g) (4)-(6)], the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations:

- Users should:
 - Wash hands before eating, drinking, chewing gum, using tobacco, or using the toilet.
 - Remove clothing immediately if pesticide gets inside. Then wash immediately and get on clean clothing.

In case of an emergency involving this product, Call Collect, day or night, (314) 694-4000.

Environmental Hazards

Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

Physical or Chemical Hazards

Spray solutions of this product should be mixed, stored and applied using only stainless steel, aluminum, fiberglass, plastic or plastic-lined steel containers.

DO NOT MIX, STORE OR APPLY THIS PRODUCT OR SPRAY SOLUTIONS OF THIS PRODUCT IN GALVANIZED STEEL OR UNLINED STEEL (EXCEPT STAINLESS STEEL) CONTAINERS OR SPRAY TANKS. This product or spray solutions of this product react with such containers and tanks to produce hydrogen gas which may form a highly combustible gas mixture. This gas mixture could flash or explode, causing serious personal injury, if ignited by open flame, spark, welder's torch, lighted cigarette or other ignition source.

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with its labeling. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. Refer to supplemental labeling under "Agricultural Use Requirements" in the Directions for Use section for information about this standard.

Non-Agricultural Use Requirements

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries, or greenhouses.

Keep people and pets off treated areas until spray solutions has dried.

Storage and Disposal

Do not contaminate water, foodstuffs, feed or seed by storage or disposal. **DISPOSAL:** Wastes of this pesticide may cause irreversible eye damage and may be dangerous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste Representative at the nearest EPA Regional Office for guidance.

Empty container retains vapor and product residue. Observe all labeled safeguards until container is destroyed.

Triple rinse emptied bulk container. Then offer for recycling or reconditioning, or dispose of in a manner approved by state and local authorities.

FOR HERBICIDE FORMULATION ONLY

ACTIVE INGREDIENT:

Glyphosate, N-(phosphonomethyl)glycine..... 41.0%
in the form of its isopropylamine salt..... 59.0%

INERT INGREDIENTS:

..... 100.0%
*Contains 480 grams per litre or 4 pounds per U.S. gallon of the active ingredient glyphosate, in the form of its isopropylamine salt. Equivalent to 356 grams per litre or 3 pounds per U.S. gallon of the acid, glyphosate.

This product is protected by U.S. Patent No. 4,405,531. Other patents pending. No license granted under any non-U.S. patent(s).

©MONSANTO COMPANY 1994

*Roundup is a registered trademark of Monsanto Company.

EPA Reg. No. 524-308

EPA Est. 524-EA-1

EPA Est. 524-NC-1

LOT NO.

PACKER

NET

GAL

MONSANTO COMPANY • AGRICULTURAL PRODUCTS • ST. LOUIS, MISSOURI 63167, U.S.A.

MAP-3491.02/53X2

This sample label is current as of January 14, 1994. The product descriptions and recommendations are for background information only. Always refer to the label on the product before using Monsanto.



Complete Directions for Use

EPA Reg. No. 524-308

AVOID CONTACT WITH FOLIAGE, GREEN STEMS, OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, SINCE SEVERE INJURY OR DESTRUCTION MAY RESULT.

Roundedup® is a registered trademark of Monsanto Company.

1994-1

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Read the entire label before using this product.

Use only according to label instructions.

Read "LIMIT OF WARRANTY AND LIABILITY" before buying or using. If terms are not acceptable, return at once unopened.

REFORMULATION IS PROHIBITED. SEE INDIVIDUAL CONTAINER LABEL FOR REPACKAGING LIMITATIONS.

LIMIT OF WARRANTY AND LIABILITY

This Company warrants that this product conforms to the chemical description on the label and is reasonably fit for the purposes set forth in the Complete Directions for Use label booklet ("Directions") when used in accordance with those Directions under the conditions described therein. NO OTHER EXPRESS WARRANTY OR IMPLIED WARRANTY OF FITNESS FOR PARTICULAR PURPOSE OR MERCHANTABILITY IS MADE. This warranty is also subject to the conditions and limitations stated herein.

Buyer and all users shall promptly notify this Company of any claims whether based in contract, negligence, strict liability, other tort or otherwise.

Buyer and all users are responsible for all loss or damage from use or handling which results from conditions beyond the control of this Company, including, but not limited to, incompatibility with products other than those set forth in the Directions, application to or contact with desirable vegetation, unusual weather, weather conditions which are outside the range considered normal at the application site and for the time period when the product is applied, as well as weather conditions which are outside the application ranges set forth in the Directions, application in any manner not explicitly set forth in the Directions, moisture conditions outside the moisture range specified in the Directions, or the presence of products other than those set forth in the Directions in or on the soil, crop or treated vegetation.

THE EXCLUSIVE REMEDY OF THE USER OR BUYER, AND THE LIMIT OF THE LIABILITY OF THIS COMPANY OR ANY OTHER SELLER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT (INCLUDING CLAIMS BASED IN CONTRACT, NEGLIGENCE, STRICT LIABILITY, OTHER TORT OR OTHERWISE) SHALL BE THE PURCHASE PRICE PAID BY THE USER OR BUYER FOR THE QUANTITY OF THIS PRODUCT INVOLVED, OR, AT THE

ELECTION OF THIS COMPANY OR ANY OTHER SELLER, THE REPLACEMENT OF SUCH QUANTITY, OR, IF NOT ACQUIRED BY PURCHASE, REPLACEMENT OF SUCH QUANTITY. IN NO EVENT SHALL THIS COMPANY OR ANY OTHER SELLER BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR SPECIAL DAMAGES.

Buyer and all users are deemed to have accepted the terms of this LIMIT OF WARRANTY AND LIABILITY which may not be varied by any verbal or written agreement.

PRECAUTIONARY STATEMENTS

Hazards to Humans and Domestic Animals

Keep out of reach of children.

DANGER! PELIGRO!

Si usted no entiende la etiqueta, busque a alguien para que se la explique a usted en detalle. (If you do not understand the label, find someone to explain it to you in detail.)

CAUSES IRREVERSIBLE EYE DAMAGE.

HARMFUL IF SWALLOWED OR INHALED.

MAY CAUSE SKIN IRRITATION.

Do not get in eyes, on skin or on clothing.

Avoid breathing vapor or spray mist.

FIRST AID: IF IN EYES, immediately flush with plenty of water for at least 15 minutes. Get medical attention.

IF ON SKIN, immediately flush with plenty of water.

IF SWALLOWED, this product will cause gastrointestinal tract irritation. Immediately dilute by swallowing water or milk. Get medical attention.

NOTE TO PHYSICIAN: Probable mucosal damage may contraindicate the use of gastric lavage.

IF INHALED, remove individual to fresh air. Get medical attention if breathing difficulty develops.

Personal Protective Equipment

Applicators and other handlers must wear long-sleeved shirt and long pants, waterproof gloves, shoes plus socks, and protective eyewear. Discard clothing and other absorbent materials that have been drenched or heavily contaminated with this product's concentrate. Do not reuse them. Follow manufacturer's instructions for cleaning/maintaining PPE. If no such instructions for washables, use detergent and hot water. Keep and wash PPE separately from other laundry.

When handlers use closed systems, enclosed cabs, or aircraft in a manner that meets the requirements listed in the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170.240 (d) (4-6)), the handler PPE requirements may be reduced or modified as specified in the WPS.

User Safety Recommendations:

Users should:

- Wash hands before eating, drinking, chewing gum, using tobacco or using the toilet.
- Remove clothing immediately if pesticide gets inside. Then wash thoroughly and put on clean clothing.

go to Mulligan - 8/19/94

lations provided in this sample label are to or any other agrichemical product.

In case of an emergency involving this product, Call Collect, day or night, (314) 694-4000.

Environmental Hazards

Do not apply directly to water, to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwaters.

Physical or Chemical Hazards

Spray solutions of this product should be mixed, stored and applied using only stainless steel, aluminum, fiberglass, plastic or plastic-lined steel containers.

DO NOT MIX, STORE OR APPLY THIS PRODUCT OR SPRAY SOLUTIONS OF THIS PRODUCT IN GALVANIZED STEEL OR UNLINED STEEL (EXCEPT STAINLESS STEEL) CONTAINERS OR SPRAY TANKS. This product or spray solutions of this product react with such containers and tanks to produce hydrogen gas which may form a highly combustible gas mixture. This gas mixture could flash or explode, causing serious personal injury, if ignited by open flame, spark, welder's torch, lighted cigarette or other ignition source.

ACTIVE INGREDIENT:

*Glyphosate, N-(phosphonomethyl) glycine, in the form of its isopropylamine salt 41.0%
INERT INGREDIENTS: 59.0%
100.0%

*Contains 480 grams per litre or 4 pounds per U.S. gallon of the active ingredient glyphosate, in the form of its isopropylamine salt. Equivalent to 356 grams per litre or 3 pounds per U.S. gallon of the acid, glyphosate.

Product protected by U.S. Pat. No. 4,405,531. Other patents pending. No license granted under any non-U.S. patent(s).

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with its labeling. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

ACCEPTED
JUL 9 1997
Under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for the pesticide registered under EPA Reg. No. 524-308

Agricultural Use Requirements

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted-entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 12 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is: coveralls, waterproof gloves, shoes plus socks, and protective eyewear.

Non-Agricultural Use Requirements

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms, forests, nurseries or greenhouses.

Keep people and pets off treated areas until spray solution has dried.

Storage and Disposal

Do not contaminate water, foodstuffs, feed or seed by storage or disposal.

See container label for STORAGE AND DISPOSAL instructions.

GENERAL INFORMATION

DO NOT APPLY THIS PRODUCT USING AERIAL SPRAY EQUIPMENT EXCEPT UNDER CONDITIONS AS SPECIFIED WITHIN THIS LABEL.

This product, a water soluble liquid, mixes readily with water to be applied as a foliar spray for the control or destruction of most herbaceous plants. It may be applied through most standard industrial or field-type sprayers after dilution and thorough mixing with water in accordance with label instructions.

This product moves through the plant from the point of foliage contact to and into the root system. Visible effects on most annual weeds occur within 2 to 4 days, but on most perennial weeds may not occur for 7 days or more. Extremely cool or cloudy weather following treatment may slow activity of this product and delay visual effects of control. Visible effects are a gradual wilting and yellowing of the plant which advances to complete browning of aboveground growth and deterioration of underground plant parts.

Unless otherwise specified on this label, delay application until vegetation has emerged and reached the stages described for control of such vegetation under the "Weeds Controlled" section of this label.

Unemerged plants arising from unattached underground rhizomes or root stocks of perennials will not be affected by the herbicide and will continue to grow. For this reason, best control of most perennial weeds is obtained when treatment is made at late growth stages approaching maturity.

Always use the higher rate of this product per acre within the recommended range when (1) weed growth is heavy or dense, or (2) weeds are growing in an undisturbed (noncultivated) area.

Do not treat weeds under poor growing conditions such as drought stress, disease or insect damage, as reduced weed control may result. Reduced results may also occur when treating weeds heavily covered with dust.

Reduced control may result when applications are made to annual or perennial weeds that have been mowed, grazed, or cut, and have not been allowed to regrow to the recommended stage for treatment.

Rainfall or irrigation occurring within 6 hours after application may reduce effectiveness. Heavy rainfall or irrigation within 2 hours after application may wash the chemical off the foliage and a repeat treatment may be required.

This product does not provide residual weed control. For subsequent residual weed control, follow a label-approved herbicide program. Read and carefully observe the cautionary statements and all other information appearing on the labels of all herbicides used.

Buyer and all users are responsible for all loss or damage in connection with the use or handling of mixtures of this product with herbicides or other materials that are not expressly recommended in this labeling. Mixing this product with herbicides or other materials not recommended on this label may result in reduced performance.

For best results, spray coverage should be uniform and complete. Do not spray weed foliage to the point of runoff.

DOMESTIC ANIMALS: This product is considered to be relatively nontoxic to dogs and other domestic animals; however, ingestion of this product or large amounts of freshly sprayed vegetation may result in temporary gastrointestinal irritation (vomiting, diarrhea, colic, etc.). If such symptoms are observed, provide the animal with plenty of fluids to prevent dehydration. Call a veterinarian if symptoms persist for more than 24 hours.

ATTENTION

AVOID DRIFT. EXTREME CARE MUST BE USED WHEN APPLYING THIS PRODUCT TO PREVENT INJURY TO DESIRABLE PLANTS AND CROPS.

Do not allow the herbicide solution to mist, drip, drift, or splash onto desirable vegetation since minute quantities of this product can cause severe damage or destruction to the crop, plants, or other areas on which treatment was not intended. The likelihood of injury occurring from the use of this product is greatest when winds are gusty or in excess of 5 miles per hour or when other conditions, including lesser wind velocities, will allow spray drift to occur. When spraying, avoid combinations of pressure and nozzle type that will result in splatter or fine particles (mist) which are likely to drift. **AVOID APPLYING AT EXCESSIVE SPEED OR PRESSURE.**

NOTE: Use of this product in any manner not consistent with this label may result in injury to persons, animals or crops, or other unintended consequences. Keep container closed to prevent spills and contamination.

MIXING, ADDITIVES AND APPLICATION INSTRUCTIONS

APPLY THESE SPRAY SOLUTIONS IN PROPERLY MAINTAINED AND CALIBRATED EQUIPMENT CAPABLE OF DELIVERING DESIRED VOLUMES. DO NOT APPLY WHEN WIND OR OTHER CONDITIONS FAVOR DRIFT. HAND GUN APPLICATIONS SHOULD BE PROPERLY DIRECTED TO AVOID SPRAYING DESIRABLE PLANTS. NOTE: REDUCED RESULTS MAY OCCUR IF WATER CONTAINING SOIL IS USED, SUCH AS WATER FROM PONDS AND UNLINED DITCHES.

MIXING

This product mixes readily with water. Mix spray solutions of this product as follows: Fill the mixing or spray tank with the required amount of water. Add the recommended amount of this product (see the "Directions for Use" and "Weeds Controlled" sections of this label) near the end of the filling process and mix well. Remove hose from tank immediately after filling to avoid siphoning back into the carrier source. During mixing and application, foaming of the spray solution may occur. To prevent or minimize foam, avoid the use of mechanical agitators, terminate by-pass and return lines at the bottom of the tank and, if needed, use an approved anti-foam or defoaming agent.

TANK MIXTURES

Always predetermine the compatibility of labeled tank mixtures of this product with water carrier by mixing small proportional quantities in advance.

Mix labeled tank mixtures of this product with water as follows:

1. Place a 20 to 35 mesh screen or wetting basket over filling port.
2. Through the screen, fill the sprayer tank one-half full with water and start agitation.
3. If a wettable powder is used, make a slurry with the water carrier, and add it SLOWLY through the screen into the tank. Continue agitation.
4. If a flowable formulation is used, premix one part flowable with one part water. Add diluted mixture SLOWLY through the screen into the tank. Continue agitation.
5. If an emulsifiable concentrate formulation is used, premix one part emulsifiable concentrate with two parts water. Add diluted mixture slowly through the screen into the tank. Continue agitation.
6. Continue filling the sprayer tank with water and add the required amount of this product near the end of the filling process.
7. Where nonionic surfactant is recommended, add this to the spray tank before completing the filling process.
8. Add individual formulations to the spray tank as follows: wettable powder, flowable, emulsifiable concentrate, drift control additive, water soluble liquid followed by surfactant.

Maintain good agitation at all times until the contents of the tank are sprayed. If the spray mixture is allowed to settle, thorough agitation is required to resuspend the mixture before spraying is resumed.

Keep by-pass line on or near bottom of tank to minimize foaming. Screen size in nozzle or line strainers should be no finer than 50 mesh. Carefully select proper nozzle to avoid spraying a fine mist. For best results with conventional ground applications equipment, use flat fan nozzles.

Clean sprayer and parts immediately after using this product by thoroughly flushing with water.

ADDITIVES

SURFACTANTS

Nonionic surfactants which are labeled for use with herbicides may be used. Do not reduce rates of this product when adding surfactant. When adding additional surfactant use 0.5 percent surfactant concentration (2 quarts per 100 gallons of spray solution) when using surfactants which contain at least 70 percent active ingredient or a 1 percent surfactant concentration (4 quarts per 100 gallons of spray solution) for those surfactants containing less than 70 percent active ingredient. Read and carefully observe surfactant cautionary statements and other information appearing on the surfactant label.

AMMONIUM SULFATE

The addition of 1 to 2 percent dry ammonium sulfate by weight or 8.5 to 17 pounds per 100 gallons of water may increase the performance of this product, and this product plus 2,4-D, Banvel™ or residual herbicide tank mixtures on annual and perennial weeds. The improvement in performance may be apparent where environmental stress is a concern. Low quality ammonium sulfate may contain material that will not readily dissolve which could result in nozzle tip plugging. To determine quality, perform a jar test by adding 1/3 cup of ammonium sulfate to 1 gallon of water and agitate for 1 minute. If undissolved sediment is observed, predissolve the ammonium sulfate in water and filter prior to addition to the spray tank. If ammonium sulfate is added directly to the spray tank, add slowly with agitation. Adding too quickly may clog outlet line. Ensure that ammonium sulfate is completely dissolved in the spray tank before adding herbicides or surfactant. Thoroughly rinse the spray system with clean water after use to reduce corrosion.

NOTE: The use of ammonium sulfate as an additive does not preclude the need for additional surfactant. Do not use herbicide rates lower than recommended in this label.

COLORANTS OR DYES

Agriculturally approved colorants or marking dyes may be added to this product. Colorants or dyes used in spray solutions of this product may reduce performance, especially at lower rates or dilutions. Use colorants or dyes according to the manufacturer's recommendations.

APPLICATION EQUIPMENT AND TECHNIQUES

Do not apply this product through any type of irrigation system.

This product may be applied with the following application equipment:

Aerial—Fixed Wing and Helicopter

Broadcast Spray

Controlled Droplet Applicator (CDA)—Hand-held or boom-mounted applicators which produce a spray consisting of a narrow range of droplet sizes.

Hand-Held and High-Volume Spray Equipment—Knapsack and backpack sprayers, pump-up pressure sprayers, handguns, handwands, lances and other hand-held spray equipment used to direct the spray onto weed foliage and vehicle-mounted high-volume spray equipment for spray-to-wet applications.

Selective equipment—Recirculating sprayers, shielded sprayers and wiper applicators.

See the appropriate part of this section for specific rates of application and instructions.

AERIAL EQUIPMENT

Use the recommended rates of this herbicide in 3 to 15 gallons of water per acre unless otherwise specified on this label. See the "Weeds Controlled" section of this label for specific rates. Unless otherwise specified, do not exceed one quart per acre. (Aerial applications of this product may be made in annual cropping conventional tillage systems, fallow and reduced tillage systems, and preharvest. Refer to the individual use area sections of this label for recommended volumes and application rates.)

Avoid direct application to any body of water.

AVOID DRIFT—DO NOT APPLY DURING INVERSION CONDITIONS, WHEN WINDS ARE GUSTY, OR UNDER ANY OTHER CONDITION WHICH FAVORS DRIFT. DRIFT MAY CAUSE DAMAGE TO ANY VEGETATION CONTACTED TO WHICH TREATMENT IS NOT INTENDED. TO PREVENT INJURY TO ADJACENT DESIRABLE VEGETATION, APPROPRIATE BUFFER ZONES MUST BE MAINTAINED.

Coarse sprays are less likely to drift; therefore, do not use nozzles or nozzle configurations which dispense spray as fine spray droplets. Do not angle nozzles forward into the airstream and do not increase spray volume by increasing nozzle pressure.

Drift control additives may be used. When a drift control additive is used, read and carefully observe the cautionary statements and all other information appearing on the additive label.

Ensure uniform application—To avoid streaked, uneven or overlapped application, use appropriate marking devices.

Thoroughly wash aircraft, especially landing gear, after each day of spraying to remove residues of this product accumulated during spraying or from spills. PROLONGED EXPOSURE OF THIS PRODUCT TO UNCOATED STEEL SURFACES MAY RESULT IN CORROSION AND POSSIBLE FAILURE OF THE PART. LANDING GEAR ARE MOST SUSCEPTIBLE. The maintenance of an organic coating (paint) which meets aerospace specification MIL-C-38413 may prevent corrosion.

BROADCAST EQUIPMENT

For control of annual or perennial weeds listed on this label using broadcast equipment—Use the recommended rates of this product in 3 to 40 gallons of water per acre as a broadcast spray unless otherwise specified on this label. See the "Weeds Controlled" section of this label for specific rates. As density of weeds increases, spray volume should be increased within the recommended range to ensure complete coverage. Carefully select proper nozzle to avoid spraying a fine mist. For best results with ground application equipment, use flat fan nozzles. Check for even distribution of spray droplets.

CONTROLLED DROPLET APPLICATION (CDA)

The rate of this product applied per acre by vehicle-mounted CDA equipment must not be less than the amount recommended in this label when applied by conventional broadcast equipment. For vehicle-mounted CDA equipment, apply 3 to 15 gallons of water per acre.

For the control of labeled annual weeds with hand-held CDA units, apply a 20 percent solution of this product at a flow rate of 2 fluid ounces per minute and a walking speed of 1.5 MPH (1 quart per acre). For the control of labeled perennial weeds, apply a 20 to 40 percent solution of this product at a flow rate of 2 fluid

ounces per minute and a walking speed of 0.75 MPH (2 to 4 quarts per acre).

Controlled droplet application equipment produces a spray pattern which is not easily visible. Extreme care must be exercised to avoid spray or drift contacting the foliage or any other green tissue of desirable vegetation, as damage or destruction may result.

■ **HAND-HELD and HIGH VOLUME EQUIPMENT** ■

Use coarse sprays only.

Mix this product in clean water and apply to foliage of vegetation to be controlled. For applications made on a spray-to-wet basis, spray coverage should be uniform and complete. Do not spray to the point of runoff.

For control of annual weeds listed on this label, apply a 0.5 percent solution of this product plus nonionic surfactant to weeds less than 6 inches in height or runner length. Apply prior to seedhead formation in grass or bud formation in broadleaf weeds. Allow three or more days before tillage or mowing.

For annual weeds over 6 inches tall, or when not using additional surfactant, or unless otherwise specified, use a 1 percent solution. For best results, use a 2 percent solution on harder-to-control perennials, such as bermudagrass, dock, field bindweed, hemp dogbane, milkweed and Canada thistle.

Less than complete coverage of weeds may result from the use of spray equipment designed for motorized spot treatments. Where less than complete coverage of annual weeds occurs, use a 5 percent solution. Do not reduce recommended concentrations of this product when adding surfactant.

Prepare the desired volume of spray solution by mixing the amount of this product in water as shown in the following table:

Spray Solution

DESIRED VOLUME	AMOUNT OF ROUNDUP® EXPORT				
	¼%	1%	1½%	2%	5%
1 gallon	¾ oz	1½ oz	2 oz	2¾ oz	6¼ oz
25 gallons	1 pt	1 qt	1½ qt	2 qt	5 qt
100 gallons	2 qt	1 gal	1½ gal	2 gal	5 gal

2 tablespoons = 1 fluid ounce

For use in knapsack sprayers, it is suggested that the proper amount of this product be mixed with water in a larger container. Fill sprayer with the mixed solution.

For hand-held WIPER APPLICATORS, see the "Selective Equipment" section and for hand-held CONTROLLED DROPLET APPLICATORS, see the "Controlled Droplet Application (CDA)" section of this label.

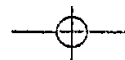
■ **SELECTIVE EQUIPMENT** ■

This product may be applied through a recirculating spray system, a shielded applicator, or a wiper applicator after dilution and thorough mixing with water to listed weeds growing in any noncrop site specified on this label and only when specifically recommended in cropping systems.

A recirculating spray system directs the spray solution onto weeds growing above desirable vegetation, while spray solution not intercepted by weeds is collected and returned to the spray tank for reuse.

A shielded applicator directs the herbicide solution onto weeds while shielding desirable vegetation from the herbicide.

A wiper applicator applies the herbicide solution to weeds by rubbing the weed with an absorbent material containing the herbicide solution.

**AVOID CONTACT WITH DESIRABLE VEGETATION.**

Contact of the herbicide solution with the desirable vegetation may result in damage or destruction. Applicators used above desired vegetation should be adjusted so that the lowest spray stream or wiper contact point is at least two inches above the desirable vegetation. Droplets, mist, foam, or splatter of the herbicide solution settling on desirable vegetation may result in discoloration, stunting, or destruction.

Applications made above the crops should be made when the weeds are a minimum of 6 inches above the desirable vegetation. Better results may be obtained when more of the weed is exposed to the herbicide solution. Weeds not contacted by the herbicide solution will not be affected. This may occur in dense clumps, severe infestations, or when the height of the weeds varies so that not all weeds are contacted. In these instances, repeat treatment may be necessary.

See the "Weeds Controlled" section of this label for recommended stage of growth for specific weeds.

NOTE

- Maintain equipment in good operating condition. Avoid leakage or dripping onto desirable vegetation.
- Adjust height of applicator to insure adequate contact with weeds.
- Keep nozzle tips and wiping surfaces clean.
- Keep spray patterns aligned into recovery chamber of the recirculating sprayer.
- Keep shields on shielded applicators adjusted to protect desirable vegetation.
- Maintain recommended roller RPM on roller applicators while in use.
- Keep wiper material at proper degree of saturation with herbicide solution.
- DO NOT use wiper equipment when weeds are wet.
- DO NOT operate equipment at ground speeds greater than 5 mph. Weed control may be affected by speed of application equipment. As weed density increases, reduce equipment ground speed to ensure good coverage of weeds.
- Be aware that, on sloping ground, the herbicide solution may migrate, causing dripping on the lower end and drying on the upper end of a wiper applicator.
- Variation in equipment design may affect weed control. With wiper applicators, the wiping material and its orientation must allow delivery of sufficient quantities of the recommended herbicide solution directly to the weed.
- Care must be taken with all types of wipers to ensure that the absorbent material does not become oversaturated, causing the herbicide to drip on desirable vegetation.
- Mix only the amount of solution to be used during a one-day period, as reduced activity may result from use of leftover solutions. With all equipment, drain and clean sprayer and wiper parts immediately after using this product by thoroughly flushing with water.

RECIRCULATING SPRAYERS

Recirculating sprayer calibration is made on the basis of ground speed and delivery volume. Two procedures can be used to calibrate: (1) determine the discharge being delivered per minute, then operate at the designated ground speed, or (2) select the desired ground speed and then adjust the sprayer to deliver the recommended volume per minute (this may require nozzle changes). Use the appropriate table below.

Do not operate at nozzle pressure above 20 PSI.

Table 1. Use this table when calibrating box or row-type recirculating sprayers. Box or row-type sprayer calibration is based on the total discharge collected per row. Use only straight stream or 15° fan-type nozzles.

*VOLUME PER MINUTE PER ROW	
MPH	Fluid Ounces
2	26 to 35
3	38 to 51
4	51 to 68
5	65 to 86

*NOTE: Be certain the amount collected is for all spray streams treating one row.

Table 2. Use this table when calibrating broadcast type recirculating sprayers. Broadcast recirculating sprayer calibration is based on the discharge collected per minute from one nozzle on a 20-inch spacing.

VOLUME PER MINUTE PER NOZZLE	
MPH	Fluid Ounces
2	7 to 9
3	10 to 13
4	13 to 18
5	16 to 22

When applied as recommended under the conditions described for recirculating sprayers, this product will control the following weeds growing a minimum of 6 inches above desirable vegetation.

Perennial Broadleaf Weeds—To SUPPRESS the following weeds, mix in a ratio of 4 quarts of this product in 20 gallons of water and apply as directed.

Dogbane,	Milkweed
<i>Apocynum cannabinum</i>	<i>Asclepias syriaca</i>

Perennial Grasses and Annual Broadleaf Weeds—To control the following weeds, mix in a ratio of 3 quarts of this product in 20 gallons of water and apply as directed:

Cocklebur	Pigweed, redroot
<i>Xanthium strumarium</i>	<i>Amaranthus retroflexus</i>
Johnsongrass	Sunflower
<i>Sorghum halepense</i>	<i>Helianthus annuus</i>

Annual Grasses—To control the following weeds, mix in a ratio of 2 quarts of this product in 20 gallons of water and apply as directed:

Corn	Shattercane
<i>Zea mays</i>	<i>Sorghum bicolor</i>

SHIELDED APPLICATORS

When applied as directed under conditions described for shielded applicators, this product will control those weeds listed in the "Weeds Controlled" section of this label.

Use the following equation to convert from a broadcast rate per acre to a band rate per acre.

$$\frac{\text{Band width in inches}}{\text{Row width in inches}} \times \text{Herbicide Broadcast RATE per acre} = \text{Herbicide Band RATE per acre}$$

$$\frac{\text{Band width in inches}}{\text{Row width in inches}} \times \text{Broadcast VOLUME of solution per acre} = \text{Band VOLUME of solution per acre}$$

Use nozzles that provide uniform coverage within the treated area. **EXTREME CARE MUST BE EXERCISED TO AVOID CONTACT WITH DESIRABLE VEGETATION.**

For specific rates of application and instructions for control of various annual and perennial weeds, see the "Weeds Controlled" section of this label.

WIPER APPLICATORS

Wiper applicators include either roller or wick devices which physically wipe appropriate concentrations or amounts of this product directly onto the weed. Equipment must be designed, maintained, and operated to prevent the herbicide solution from contacting desirable vegetation. Operate this equipment at ground speeds no greater than 5 mph. Performance may be improved by reducing speed in areas of heavy weed infestations to ensure adequate wiper saturation. Better results may be obtained if two applications are made in opposite directions.

Do not add surfactant to the herbicide solution.

For Roller Applicators—Mix 1 gallon of this product in enough water to prepare 10 gallons of herbicide solution (10 percent solution). Apply this solution to perennial weeds or annual broadleaf weeds listed in this "Wiper Applicators" section.

Mix 1 gallon of this product in enough water to provide 20 gallons of herbicide solution (5 percent solution). Apply this solution to annual grasses listed in this "Wiper Applicators" section.

Roller speed should be maintained at 40 to 60 RPM.

For Wick or Wiper Applicators—Mix 1 gallon of this product in 2 gallons of water to prepare a 33 percent solution. Apply this solution to weeds listed in this "Wiper Applicators" section.

In severe infestations, reduce equipment ground speed to ensure that adequate amounts of this product are wiped on the weeds. A second treatment in the opposite direction may be beneficial.

Do not permit herbicide solution to contact desirable vegetation.

When applied as recommended under the conditions described for "Wiper Applicators", this product **CONTROLS** the following weeds:

ANNUAL GRASSES

Corn <i>Zea mays</i>	Rye, common <i>Socale cereale</i>
Panicum, Texas <i>Panicum texanum</i>	Shattercane <i>Sorghum bicolor</i>

ANNUAL BROADLEAVES

Sicklepod <i>Cassia obtusifolia</i>	Starbur, bristly <i>Acanthospermum hispidum</i>
Spanishneedles <i>Bidens bipinnata</i>	

When applied as recommended under the conditions described for "Wiper Applicators", this product **SUPPRESSES** the following weeds:

ANNUAL BROADLEAVES

Beggarweed, Florida <i>Desmodium tortuosum</i>	Ragweed, giant <i>Ambrosia trifida</i>
Dogfennel <i>Eupatorium capilliflorum</i>	Sunflower <i>Helianthus annuus</i>
Pigweed, redroot <i>Amaranthus retroflexus</i>	Thistle, musk <i>Carduus nutans</i>
Ragweed, common <i>Ambrosia artemisiifolia</i>	Velvetleaf <i>Abutilon theophrasti</i>

**PERENNIAL GRASSES**

Bermudagrass <i>Cynodon dactylon</i>	Smutgrass <i>Syntherisma pabarii</i>
Guinea grass <i>Panicum maximum</i>	Vasoygrass <i>Paspalum urvillei</i>
Johnsongrass <i>Sorghum halepense</i>	

PERENNIAL BROADLEAVES

Dogbane, hemp <i>Apocynum cannabinum</i>	Nightshade, silverleaf <i>Solanum elaeagnifolium</i>
Milkweed <i>Asclepias syriaca</i>	Thistle, Canada <i>Cirsium arvense</i>

WEEDS CONTROLLED

This herbicide controls many annual and perennial grasses and broadleaf weeds.

ANNUAL WEEDS

- Apply to actively growing grass and broadleaf weeds.
- Allow at least 3 days after treatment before tillage.
- For maximum agronomic benefit, apply when weeds are 6 inches or less in height.
- To prevent seed production, applications should be made prior to seedhead formation.
- This product does not provide residual control; therefore, delay application until maximum weed emergence. Repeat treatments may be necessary to control later germinating weeds.

**LOW-VOLUME BROADCAST APPLICATION
(LOW-RATE TECHNOLOGY)**

When applied as directed under the conditions described, this product will control the weeds listed below when:

1. Water carrier volumes of 3 to 10 gallons per acre for ground applications and 3 to 5 gallons per acre for aerial applications are recommended. (See the "Aerial Application" section of this label for approved sites.)
2. A nonionic surfactant is added at 0.5 to 1 percent by total spray volume. Use 0.5 percent surfactant concentration when using surfactants which contain at least 70 percent active ingredient or a 1 percent surfactant concentration for those surfactants containing less than 70 percent active ingredient.

NOTE

- The addition of 2 percent dry ammonium sulfate by weight or 17 pounds per 100 gallons of water may increase the performance of this product on annual weeds. The improvement in performance may be apparent where environmental stress is a concern. Refer to the "Mixing, Additives and Application Instructions" section of this label.
- Do not tank-mix with soil residual herbicides when using these rates unless otherwise specified.
- For weeds that have been mowed, grazed, or cut, allow regrowth to occur prior to treatment.
- Refer to the "Tank Mixtures" portion of this section for control of additional broadleaf weeds.

WEED SPECIES	MAXIMUM HEIGHT/LENGTH	RATE PER ACRE* (Fluid Ounces)
Foxtail <i>Setaria spp.</i>	12"	8 oz.
Barnyardgrass <i>Echinochloa crus-galli</i>	6" (0 to 4" 4 to 6")	12 oz. 16 oz. ¹ 24 oz. ¹
Bluegrass, annual <i>Poa annua</i>		
Brome, downy** <i>Bromus tectorum</i>		
Mustard, blue <i>Chorispora tenella</i>		
Mustard, tansy <i>Descurainia pinnata</i>		
Mustard, tumble <i>Sisymbrium altissimum</i>		
Mustard, wild <i>Sinapis arvensis</i>		
Spurry, umbrella <i>Holosteum umbellatum</i>		
Barley <i>Hordeum vulgare</i>	12"	
Rye <i>Secale cereale</i>		
Sandbur, field <i>Cenchrus spp.</i>		
Shattercane <i>Sorghum bicolor</i>		
Stinkgrass <i>Eragrostis ciliaris</i>		
Wheat <i>Triticum aestivum</i>	18"	
Morningglory <i>Ipomea spp.</i>	2"	16 oz.
Sicklepod <i>Cassia obtusifolia</i>		
Bluegrass, bulbous <i>Poa bulbosa</i>	6"	
Cheat <i>Bromus secalinus</i>		
Chickweed, common <i>Stellaria media</i>		
Chickweed, mouseear <i>Cerastium vulgatum</i>		
Corn <i>Zea mays</i>		
Goatgrass, jointed <i>Aegilops cylindrica</i>		
Groundsel, common <i>Senecio vulgaris</i>		
Horseweed/Marestail <i>Conyza canadensis</i>		
Lambsquarters, common <i>Chenopodium album</i>		
Pennycress, field <i>Fanweed</i> <i>Thlaspi arvense</i>		
Rocket, London <i>Sisymbrium irio</i>		
Ryegrass, Italian <i>Lolium multiflorum</i>		

WEED SPECIES	MAXIMUM HEIGHT/LENGTH	RATE PER ACRE* (Fluid Ounces)		
Shepherdspurse <i>Capsella bursa-pastoris</i>	6"	16 oz.		
Spurge, annual <i>Euphorbia spp.</i>				
Buttercup <i>Ranunculus spp.</i>	12"			
Cocklebur <i>Xanthium strumarium</i>				
Crabgrass <i>Digitaria spp.</i>				
Dwarfandelion <i>Krigia cespitosa</i>				
Falseflax, smallseed <i>Camelina microcarpa</i>				
Foxtail, Carolina <i>Alopecurus carolinianus</i>				
Johnsongrass, seedling <i>Sorghum halepense</i>				
Oats, wild <i>Avena fatua</i>				
Panicum, fall <i>Panicum dichotomiflorum</i>				
Panicum, Texas <i>Panicum texanum</i>				
Pigweed, redroot <i>Amaranthus retroflexus</i>				
Pigweed, smooth <i>Amaranthus hybridus</i>				
Witchgrass <i>Panicum capillare</i>				
Sicklepod <i>Cassia obtusifolia</i>			3 to 4"	24 oz.
Signalgrass, broadleaf <i>Brachiaria platyphylla</i>			4"	
Horseweed/Marestail <i>Conyza canadensis</i>	7 to 12"			
Lambsquarters, common <i>Chenopodium album</i>				
Spurge, annual <i>Euphorbia spp.</i>				
Rice, red <i>Oryza sativa</i>	4"	32 oz.		
Teaweed <i>Sida spinosa</i>				
Sprangletop <i>Leptochloa spp.</i>	6"			
Geranium, Carolina <i>Geranium carolinianum</i>	12"			
Goosegrass <i>Eleusine indica</i>				
Primrose, cutleaf evening <i>Oenothera laciniata</i>				
Pusley, Florida <i>Richardia scabra</i>				
Sicklepod <i>Cassia obtusifolia</i>	5 to 12"			
Spanishneedles <i>Bidens bipinnata</i>				



WEED SPECIES	MAXIMUM HEIGHT/LENGTH	RATE PER ACRE* (Fluid Ounces)
Filaree <i>Erodium spp.</i>	12"	48 oz.
Sprangletop <i>Leptochloa spp.</i>		

¹ Use these rates to control barnyardgrass in Alabama, Arkansas, Mississippi, Missouri, Louisiana and Texas for preplant treatments.

* For those rates less than 32 fluid ounces per acre, this product at rates up to 32 fluid ounces per acre may be used where heavy weed densities exist.

** For control in no-till systems, use 16 fluid ounces per acre.

TANK MIXTURES

ROUNDUP® EXPORT plus BANVEL plus NONIONIC SURFACTANT

ROUNDUP EXPORT plus 2,4-D plus NONIONIC SURFACTANT

These tank mixtures are recommended for use in fallow and reduced tillage areas only. Follow use directions as given in the "Low-Volume Broadcast Application" section.

This product plus Banvel or 2,4-D will control the annual grasses and broadleaf weeds previously listed for this product alone at the indicated heights (except 8 fluid ounces per acre applications), plus the following broadleaf weeds. For those weeds previously listed at 8 fluid ounces of this product alone per acre, use 12 fluid ounces in these tank mixtures.

NOTE: Refer to the specific product labels for crop rotation restrictions and cautionary statements of all products used in tank mixtures. Some crop injury may occur if Banvel is applied within 45 days of planting. The addition of Banvel in a mixture with this product may provide short-term residual control of selected weed species.

Apply 12 to 16 fluid ounces of this product plus 0.25 lb. a.i. of Banvel or 0.5 pound a.i. of 2,4-D, plus 0.5 to 1 percent nonionic surfactant by total spray volume per acre to control dense populations of the following annual broadleaf weeds when less than the height indicated:

Cocklebur (12") <i>Xanthium strumarium</i>	Morningglory (6") <i>Ipomoea spp.</i>
Kochia* (6") <i>Kochia scoparia</i>	Pigweed, redroot (12") <i>Amaranthus retroflexus</i>
Lambsquarters (12") <i>Chenopodium album</i>	Pigweed, smooth (12") <i>Amaranthus hybridus</i>
Lettuce, prickly (6") <i>Lactuca scariola</i>	Thistle, Russian (12") <i>Salsola kali</i>
Marestail/Horseweed (6") <i>Coryza canadensis</i>	

*Controlled with Banvel tank mixture only.

Apply 16 fluid ounces of this product plus 0.5 pound a.i. of 2,4-D, plus 0.5 to 1 percent nonionic surfactant by total spray volume per acre to control the following annual broadleaf weeds when less than 6 inches in height.

Ragweed, common <i>Ambrosia artemisiifolia</i>	Smartweed, Pennsylvania <i>Polygonum pensylvanicum</i>
Ragweed, giant <i>Ambrosia trifida</i>	Velvetleaf <i>Abutilon theophrasti</i>

HIGH-VOLUME BROADCAST APPLICATIONS

When applied as directed under the conditions described, this product will control the weeds listed below when water carrier volumes are 10 to 40 gallons per acre for ground applications.

Apply 1 to 1.5 quarts of this product per acre plus 0.5 to 1 percent nonionic surfactant by total spray volume. Use 1 quart per acre if weeds are less than 6 inches tall and 1.5 quarts per acre if weeds are over 6 inches tall. If weeds have been mowed, grazed, or cut, allow adequate time for new growth to recommended stages prior to treatment. These rates will also provide control of weeds listed in the "Low-Volume Broadcast Application" section.

WEED SPECIES

Balsamapple* <i>Momordica charantia</i>	Panicum <i>Panicum spp.</i>
Bassia, fivehook <i>Bassia hyssopifolia</i>	Ragweed, common <i>Ambrosia artemisiifolia</i>
Brome <i>Bromus spp.</i>	Ragweed, giant <i>Ambrosia trifida</i>
Fiddleneck <i>Amsinckia spp.</i>	Smartweed, Pennsylvania <i>Polygonum pensylvanicum</i>
Fleabane, hairy <i>Coryza bonariensis</i>	Sowthistle, annual <i>Sonchus oleraceus</i>
Fleabane <i>Erigeron spp.</i>	Sunflower <i>Helianthus annuus</i>
Kochia <i>Kochia scoparia</i>	Thistle, Russian <i>Salsola kali</i>
Lettuce, prickly <i>Lactuca scariola</i>	Velvetleaf <i>Abutilon theophrasti</i>

*Apply with hand-held equipment only.

PERENNIAL WEEDS

Apply this product as follows to control or destroy most perennial weeds:

NOTE: If weeds have been mowed or tilled, do not treat until plants have resumed active growth and have reached the recommended stages.

Repeat treatments may be necessary to control weeds regenerating from underground parts or seed. Repeat treatments must be made prior to crop emergence.

The addition of 1 to 2 percent dry ammonium sulfate by weight or 8.5 to 17 pounds per 100 gallons of water may increase the performance of this product on perennial weeds. The improvement in performance may be apparent where environmental stress is a concern. Refer to the "Mixing, Additives and Application Instructions" section of this label.

When applied as recommended under the conditions described, this product WILL CONTROL the following PERENNIAL WEEDS:

Alfalfa <i>Medicago sativa</i>	Bermudagrass, water (knotgrass) <i>Paspalum distichum</i>
Alligatorweed* <i>Alternanthera philoxeroides</i>	Bindweed, field <i>Convolvulus arvensis</i>
Artichoke, Jerusalem <i>Helianthus tuberosus</i>	Bluegrass, Kentucky <i>Poa spp.</i>
Bahiagrass <i>Paspalum notatum</i>	Blueweed, Texas <i>Helianthus ciliaris</i>
Bentgrass <i>Agrostis spp.</i>	Brackenfern <i>Pteridium aquilinum</i>
Bermudagrass <i>Cynodon dactylon</i>	Bromegrass, smooth <i>Bromus inermis</i>
	Bursage, woollyleaf <i>Franseria tomentosa</i>

Canarygrass, reed <i>Phalaris arundinacea</i>	Napiergrass <i>Pennisetum purpureum</i>
Cattail <i>Typha</i> spp.	Nightshade, silverleaf <i>Solanum elaeagnifolium</i>
Clover, red <i>Trifolium pratense</i>	Nutsedge, purple, yellow <i>Cyperus rotundus Cyperus esculentus</i>
Clover, white <i>Trifolium repens</i>	Orchardgrass <i>Dactylis glomerata</i>
Cogongrass <i>Imperata cylindrica</i>	Pampasgrass <i>Cortaderia jubata</i>
Dallisgrass <i>Paspalum dilatatum</i>	Paragrass <i>Brachiaria mutica</i>
Dandelion <i>Taraxacum officinale</i>	Phragmites* <i>Phragmites</i> spp.
Dock, curly <i>Rumex crispus</i>	Quackgrass <i>Agropyron repens</i>
Dogbane, hemp <i>Apocynum cannabinum</i>	Redvine* <i>Brunnichia ovata</i>
Fescues <i>Festuca</i> spp.	Reed, giant <i>Arundo donax</i>
Fescue, tall <i>Festuca arundinacea</i>	Ryegrass, perennial <i>Lolium perenne</i>
Guineagrass <i>Panicum maximum</i>	Smartweed, swamp <i>Polygonum coccolnaum</i>
Horsetail <i>Solanum carolinense</i>	Spurge, leafy* <i>Euphorbia esula</i>
Horseradish <i>Ammoracia rusticana</i>	Sweet potato, wild* <i>Ipomoea pandurata</i>
Johnsongrass <i>Sorghum halepense</i>	Thistle, Canada <i>Cirsium arvense</i>
Kikuyugrass <i>Pennisetum clandestinum</i>	Timothy <i>Phleum pratense</i>
Knapweed <i>Centaurea repens</i>	Torpedograss* <i>Panicum repens</i>
Lantana <i>Lantana camara</i>	Trumpet creeper* <i>Campsis radicans</i>
Milkweed <i>Asclepias</i> spp.	Vasoygrass <i>Paspalum urvillei</i>
Muhly, wirestem <i>Muhlenbergia frondosa</i>	Wheatgrass, western <i>Agropyron smithii</i>
Mullein, common <i>Verbascum thapsus</i>	

*Partial Control

See "Directions for Use" and "Mixing, Additives and Application Instructions" sections of this label for labeled uses and specific application instructions.

Alfalfa—Apply 1 quart of this product per acre plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre. Make application after the last hay cutting in the fall. Allow alfalfa to regrow to a height of 6 to 8 inches or more prior to treatment. Applications should be followed with deep tillage at least 7 days after treatment, but before soil freeze-up.

Alligatorweed—Apply 4 quarts of this product per acre or apply a 1½ percent solution with hand-held equipment to provide partial control. Apply when most of the plants are in bloom. Repeat applications will be required to maintain such control.

Bentgrass—For suppression in grass seed production areas. For ground applications only, apply 1.5 quarts of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 10 to 20 gallons of



water per acre. Ensure entire crown area has resumed growth prior to a fall application. Bentgrass should be actively growing and have at least 3 inches of growth. Tillage prior to treatment should be avoided. Tillage 7 to 10 days after application is recommended for best results. Failure to use tillage after treatment may result in unacceptable control.

Bermudagrass—For control, apply 5 quarts of this product per acre and, for partial control, apply 3 quarts per acre. Treat when bermudagrass is actively growing and seedheads are present. Retreatment may be necessary to maintain control. Allow 7 or more days after application before tillage.

Bermudagrass, water (knotgrass)—Apply 1.5 quarts of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 5 to 10 gallons of water per acre. Apply when water bermudagrass is actively growing and 12 to 18 inches in length. Allow 7 or more days before tilling, flushing or flooding the field.

Fall applications only—Apply 1 quart of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 5 to 10 gallons of water per acre. Fallow fields should be tilled prior to application. Apply prior to frost on water bermudagrass that is actively growing and 12 to 18 inches in length. Allow 7 or more days before tillage.

Bindweed, field—For control, apply 4 to 5 quarts of this product per acre west of the Mississippi River and 3 to 4 quarts east of the Mississippi River. Apply when the weeds are actively growing and are at or beyond full bloom. Do not treat when weed is under drought stress as good soil moisture is necessary for active growth. For best results, apply in late summer or fall. Fall treatments must be applied before a killing frost. Allow 7 or more days after application before tillage.

Also for control, apply 2 quarts of this product plus 0.5 pound a.i. of Banvel in 10 to 20 gallons of water per acre. At these rates, apply using ground application only.

The following tank mixtures with 2,4-D may be applied using aerial application equipment (except in California) in fallow and reduced tillage systems only.

For suppression on irrigated agricultural land apply 1 to 2 quarts of this product plus 1 pound a.i. of 2,4-D in 10 to 20 gallons of water per acre with ground equipment only. Applications should be made following harvest or on fall fallow ground when the bindweed is actively growing and the majority of runners are 12 inches or more in length. The use of at least one irrigation will promote active bindweed growth.

For suppression, apply 16 fluid ounces of this product plus 0.5 pound a.i. of 2,4-D plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre for ground applications and 3 to 5 gallons of water per acre for aerial applications. Applications should be delayed until maximum emergence has occurred and when vines are between 6 to 18 inches in length.

Bluegrass, Kentucky / Bromegrass, smooth / Orchardgrass—Apply 2 quarts of this product in 10 to 40 gallons of water per acre when the grasses are actively growing and most plants have reached boot-to-early seedhead stage of development. For partial control in pasture or hay crop renovation, apply 1 to 1½ quarts of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre. Apply to actively growing plants when most have reached 4 to 12 inches in height. Allow 7 or more days after application before tillage.

Orchardgrass (sods going to no-till corn)—Apply 1 to 1.5 quarts of this product per acre plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to

10 gallons of water per acre. Apply to orchardgrass that is a minimum of 12 inches tall for spring applications and 6 inches tall for fall applications. Allow at least three days following application before planting. A sequential application of 3.75 to 4.5 quarts of Lariat® herbicide, or equivalent, will be necessary for optimum results. Lariat should be applied within 3 to 10 days following spring applications to prevent annual weed growth.

Bluweed, Texas—Apply 4 to 5 quarts of this product per acre west of the Mississippi River and 3 to 4 quarts per acre east of the Mississippi River. Apply when weed is actively growing and is at or beyond full bloom. Do not treat when weed is under drought stress as good soil moisture is necessary for active growth. New leaf development indicates active growth. For best results, apply in late summer or fall. Fall treatments must be applied before a killing frost. Allow 7 or more days after application before tillage.

Brackenfern—Apply 3 to 4 quarts of this product per acre as a broadcast spray or as a 1 to 1½ percent solution with hand-held equipment. Apply to fully expanded fronds which are at least 18 inches long.

Bursage, woollyleaf—For control, apply 2 quarts of this product plus 1 pint of Banvel per acre. For partial control, apply 1 quart of this product plus 1 pint of Banvel per acre. Add 0.5 to 1 percent nonionic surfactant by total spray volume and apply 3 to 20 gallons of water per acre. Apply when plants are producing new active growth which has been initiated by moisture for at least 2 weeks and when plants are at or beyond flowering.

Canarygrass, reed/Timothy / Wheatgrass, western—Apply 2 to 3 quarts of this product per acre. For best results, apply to actively growing plants when most have reached the boot-to-head stage of growth. Allow 7 or more days after application before tillage.

Cogongrass—Apply 3 to 5 quarts of this product plus 0.5 to 1 percent nonionic surfactant in 10 to 40 gallons of water per acre. Apply when Cogongrass is at least 18 inches tall and actively growing in late summer or fall. Allow 7 or more days after application before tillage or mowing. Due to uneven stages of growth and the dense nature of vegetation preventing good spray coverage, repeat treatments may be necessary to maintain control.

Dandelion/Dock, curly—Apply 3 to 5 quarts of this product per acre when plants are actively growing and most have reached the early bud stage of growth. Allow 7 or more days after application before tillage.

Also for control, apply 16 fluid ounces of this product plus 0.5 pounds a.i. 2,4-D plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre.

Dogbane, hemp—Apply 4 quarts of this product per acre. Apply when actively growing and when most weeds have reached the late bud to flower stage of growth. Following crop harvest or mowing, allow weeds to regrow to a mature stage prior to treatment. For best results, apply in late summer or fall. Allow 7 or more days after application before tillage.

For suppression, apply 16 fluid ounces of this product plus 0.5 pound a.i. of 2,4-D plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre for ground applications and 3 to 5 gallons of water per acre for aerial applications. Delay applications until maximum emergence of dogbane has occurred.

Fescue, tall—Apply 3 quarts of this product in 10 to 40 gallons of water per acre to actively growing plants when most have reached boot-to-early seedhead stage of development.

Fall applications only—Apply 1 quart of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre. Apply to fescue in the fall when actively growing and plants have 6 to 12 inches of new growth. Allow 7 or more days after application before tillage. A sequential application of 1 pint per acre of this product plus nonionic surfactant will improve long-term control and control seedlings germinating after fall treatments or the following spring.

Guineagrass—Apply 3 quarts of this product per acre or use a 1 percent solution with hand-held equipment. Apply to actively growing guineagrass when most has reached at least the 7-leaf stage of growth. Ensure thorough coverage when using hand-held equipment. Allow 7 or more days after application before tillage.

Johnsongrass/Ryegrass, perennial—Apply 1 to 3 quarts of this product per acre. In annual cropping systems apply 1 to 2 quarts of this product per acre. Apply 1 quart of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre. Use 2 quarts of this product when applying 10 to 40 gallons of water per acre. In noncrop or areas where annual tillage (no-tilt), is not performed, apply 2 to 3 quarts of this product in 10 to 40 gallons of water per acre. For best results, apply to actively growing plants when most have reached the boot-to-head stage of growth or in the fall prior to frost. Allow 7 or more days after application before tillage. Do not tank-mix with residual herbicides when using the 1 quart per acre rate.

For burndown of Johnsongrass, apply 1 pint per acre plus 0.5 to 1 percent nonionic surfactant in 3 to 10 gallons of water per acre before the plants reach a height of 12 inches. For this use, allow at least 3 days after treatment before tillage.

Spot Treatment (partial control or suppression)—Apply a 1 percent solution of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume when johnsongrass is 12 to 18 inches in height. Coverage should be uniform and complete.

Kikuyugrass—Apply 2 to 3 quarts of this product per acre. Spray when most kikuyugrass is at least 8 inches in height (3 or 4-leaf stage of growth) and actively growing. Allow 3 or more days after application before tillage.

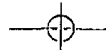
Knapweed/Horseradish—Apply 4 quarts of this product per acre. Apply when actively growing and when most weeds have reached the late bud to flower stage of growth. Following crop harvest or mowing, allow weeds to regrow to a mature stage prior to treatment. For best results, apply in late summer or fall. Allow 7 or more days after application before tillage.

Lantana—Apply this product as a 1 to 1½ percent solution using hand-held equipment only. Apply to actively growing lantana at or beyond the bloom stage of growth. Use the higher application rate for plants that have reached the woody stage of growth. Allow 7 or more days after application before tillage.

Milkweed, common—Apply 3 quarts of this product per acre. Apply when actively growing and most of the milkweed has reached the late bud to flower stage of growth. Following small grain harvest or mowing, allow milkweed to regrow to a mature stage prior to treatment. Allow 7 or more days after application before tillage.

Muhly, wirestem—Apply 1 to 2 quarts of this product per acre. Use 1 quart of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre. Use 2 quarts of this product when applying 10 to 40 gallons of water per acre or in pasture, sod, or noncrop areas. Spray when





the wirestem muhly is 8 inches or more in height and actively growing. Do not till between harvest and fall applications or in the fall or spring prior to spring applications. Allow 3 or more days after application before tillage. This product will not provide residual control of wirestem muhly from seeds which germinate after application of this product. Do not tank mix with residual herbicides when using the 1 quart per acre rate.

Nightshade, silverleaf—For control, apply 2 quarts of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre. Applications should be made when at least 60 percent of the plants have berries. Fall treatments must be applied before a killing frost. Allow 7 or more days after application before tillage. Do not treat when weed is under drought stress as good soil moisture is necessary for active growth.

Nutsedge: purple, yellow—Apply 3 quarts of this product per acre as a broadcast spray, or apply a 2 percent solution from hand-held equipment to control existing nutsedge plants and immature nutlets attached to treated plants. Treat when plants are in flower or when new nutlets can be found at rhizome tips. Nutlets which have not germinated will not be controlled and may germinate following treatment. Repeat treatments will be required for long-term control of ungerminated tubers.

Sequential applications of 1 to 2 quarts of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre will provide control. Make applications when a majority of the plants are in the 3 to 5 leaf stage (less than 6 inches tall). Repeat this application, as necessary, when newly emerging plants reach the 3 to 5 leaf stage. Subsequent applications will be necessary for long-term control.

For suppression to partial control of existing plants, apply 1 pint to 2 quarts of this product per acre, plus 0.5 to 1 percent nonionic surfactant in 3 to 40 gallons of water per acre. Treat when plants have 3 to 5 leaves and most are less than 6 inches tall. Repeat treatments will be required to control subsequent emerging plants or regrowth of existing plants. Wait 7 days after treatment before tillage or mowing.

Pampasgrass—Apply this product as a 1½ to 2 percent solution using hand-held equipment. Apply to plants that are actively growing at or beyond the boot stage of growth. Thorough coverage is necessary for best control.

Phragmites—For partial control of phragmites in Florida and the counties of other states bordering the Gulf of Mexico, apply 5 quarts per acre as a broadcast spray or apply a 2 percent solution from hand-held equipment. In other areas of the U.S., apply 3 quarts per acre as a broadcast spray or apply a 1 percent solution from hand-held equipment for partial control. For best results, treat during late summer or fall months or when plants are actively growing and in full bloom. Treatment before or after this stage may lead to reduced control. Due to the dense nature of the vegetation, which may prevent good spray coverage or uneven stages of growth, repeat treatments may be necessary to maintain control. Visual control symptoms will be slow to develop.

Quackgrass—In Annual Cropping Systems, or in Pastures and Sods Followed by Deep Tillage: Apply 1 to 2 quarts of this product per acre. For the one quart rate, apply 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre. For the 2 quart rate, apply in 10 to 40 gallons of water per acre. Do not tank mix with residual herbicides when using the 1 quart rate. Spray when quackgrass is 6 to

8 inches in height and actively growing. Do not till between harvest and fall applications or in fall or spring prior to spring application. Allow 3 or more days after application before tillage. In pastures or sods, for best results use a moldboard plow.

Quackgrass—Pasture or Sod or Other Noncrop Areas Where Deep Tillage is Not Planned Following Application: Apply 2 to 3 quarts in 10 to 40 gallons of water per acre. Spray when the quackgrass is greater than 8 inches tall and actively growing. Do not till between harvest and fall application or in fall or spring prior to spring application. Allow 3 or more days after application before tillage.

Redvine—For suppression, apply 24 fluid ounces of this product per acre at each of two applications 7 to 14 days apart or a single application of 2 quarts per acre. Apply recommended rates in 5 to 10 gallons of water per acre plus 0.5 to 1 percent nonionic surfactant by total volume. Apply to actively growing plants in late September or early October, which are at least 18 inches tall and have been growing 45 to 60 days since the last tillage operation. Make applications at least one week before a killing frost.

Reed, giant—For control of giant reed, apply a 2 percent solution of this product when plants are actively growing. Best results are obtained when applications are made in late summer to fall.

Smartweed, swamp—Apply 3 to 5 quarts of this product per acre when plants are actively growing and most have reached the early bud stage of growth. Allow 7 or more days after application before tillage.

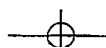
Also for control, apply 16 fluid ounces of this product plus 0.5 pound active ingredient of 2,4-D plus 0.5 to 1 percent nonionic surfactant by total volume in 3 to 10 gallons of water per acre in the late summer or fall. Apply when plants are actively growing and most have reached the early bud stage of growth. Allow 7 or more days after application before tillage.

Spurge, leafy—For suppression, apply 16 fluid ounces of this product plus 0.5 pound active ingredient 2,4-D plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre in the late summer or fall. Apply when plants are actively growing. If mowing has occurred prior to treatment, apply when most of the plants are 12 inches tall. Allow 7 or more days after application before tillage.

Sweet Potato, wild—Apply this product as a 2 percent solution using hand-held equipment. Apply to actively growing weeds that are at or beyond the bloom stage of growth. Repeat applications will be required. Allow the plant to reach the recommended stage of growth before retreatment. Allow 7 or more days before tillage.

Thistle, Canada—Apply 2 to 3 quarts of this product per acre. Apply to actively growing thistles when most are at or beyond the bud stage of growth. After harvest, mowing or tillage in the late summer or fall, allow at least 4 weeks for initiation of active growth and rosette development prior to the application of this product. Fall treatments must be applied before a killing frost. Allow 3 or more days after application before tillage.

For suppression of Canada thistle, apply 1 quart per acre of this product, or 1 pint of this product plus 0.5 pound a.i. 2,4-D per acre, plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre in the late summer or fall after harvest, mowing or tillage. Allow rosette regrowth to a minimum of 6 inches in diameter before treating. Applications can be made as long as leaves are still green and plants are actively growing at the time of application. Allow 3 or more days after application before tillage.



Torpedograss—Apply 4 to 5 quarts of this product per acre to provide partial control of torpedograss. Apply to actively growing torpedograss when most plants are at or beyond the seedhead stage of growth. Repeat applications will be required to maintain control. Fall treatments must be applied before frost. Allow 7 or more days after application before tillage.

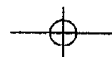
Trumpetcrueper—For control, apply 2 quarts of this product per acre in 5 to 10 gallons of water per acre. Apply to actively growing plants in late September or October, which are at least 18 inches tall and have been growing 45 to 60 days since the last tillage operation. Make applications at least 1 week before a killing frost.

Other perennials listed on this label—Apply 3 to 5 quarts of this product per acre. Apply when actively growing and must have reached early head or early bud stage of growth. Allow 7 or more days after application before tillage.

WOODY BRUSH AND TREES

When applied as recommended under the conditions described, this product **CONTROLS** or **PARTIALLY CONTROLS** the following woody brush, plants and trees:

Alder	Elderberry
<i>Ainus spp.</i>	<i>Sambucus spp.</i>
Ash*	Elm*
<i>Fraxinus spp.</i>	<i>Ulmus spp.</i>
Aspen, quaking	Eucalyptus, Bluegum
<i>Populus tremuloides</i>	<i>Eucalyptus glotulus</i>
Bearmat (Bearclover)	Hasardia*
<i>Chamaebatia foliolosa</i>	<i>Haplopappus squamosus</i>
Birch	Hawthorn
<i>Betula spp.</i>	<i>Crataegus spp.</i>
Blackberry	Hazel
<i>Rubus spp.</i>	<i>Corylus spp.</i>
Broom:	Honeysuckle
French	<i>Lonicera spp.</i>
<i>Cytisus monspessulanus</i>	Kudzu
Scotch	<i>Pueraria lobata</i>
<i>Cytisus scoparius</i>	Locust, black*
Buckwheat, California*	<i>Robinia pseudoacacia</i>
<i>Eriogonum fasciculatum</i>	Madrone
Cascara*	<i>Arbutus menziesii</i>
<i>Rhamnus purshiana</i>	Manzanita
Catsclaw*	<i>Arctostaphylos spp.</i>
<i>Acacia greggii</i>	Maple:
Ceanothus*	Red**
<i>Ceanothus spp.</i>	<i>Acer rubrum</i>
Chamise	Sugar
<i>Adenostoma fasciculatum</i>	<i>Acer saccharum</i>
Cherry:	Vine*
Bitter	<i>Acer circinatum</i>
<i>Prunus emarginata</i>	Monkey Flower*
Black	<i>Mimulus guttatus</i>
<i>Prunus serotina</i>	Oak:
Pin	Black*
<i>Prunus pensylvanica</i>	<i>Quercus velutina</i>
Coyote brush	Northern Pin
<i>Baccharis consanguinea</i>	<i>Quercus palustris</i>
Creepers, Virginia*	Post
<i>Parthenocissus quinquefolia</i>	<i>Quercus stellata</i>
Dewberry	Red
<i>Rubus trivialis</i>	<i>Quercus rubra</i>
	Southern Red
	<i>Quercus falcata</i>
	White*
	<i>Quercus alba</i>



Persimmon*	Sumac:
<i>Diospyros</i> spp.	Poison*
Poison Ivy	<i>Rhus vernix</i>
<i>Rhus radicans</i>	Smooth*
Poison Oak	<i>Rhus glabra</i>
<i>Rhus toxicodendron</i>	Winged*
Poplar, yellow*	<i>Rhus copallina</i>
<i>Liriodendron tulipifera</i>	Sweetgum
Raspberry	<i>Liquidambar</i>
<i>Rubus</i> spp.	<i>styraciflua</i>
Rose, multiflora	Swordfern*
<i>Rosa multiflora</i>	<i>Polystichum munitum</i>
Russian-olive	Tallowtree, Chinese
<i>Elaeagnus angustifolia</i>	<i>Sapium sebiferum</i>
Sage, black	Tan Oak
<i>Salvia mellifera</i>	<i>Lithocarpus</i>
Sagebrush, California	<i>densiflorus</i>
<i>Artemisia californica</i>	Thimbleberry
Salmonberry	<i>Rubus parviflorus</i>
<i>Rubus spectabilis</i>	Tobacco, tree*
Sassafras	<i>Nicotiana glauca</i>
<i>Sassafras albidum</i>	Trumpet creeper
Sourwood	<i>Campsis radicans</i>
<i>Oxydendrum arboreum</i>	Willow
	<i>Salix</i> spp.

*Partial control

**See below for control or partial control instructions.

NOTE: If brush has been mowed or tilled or trees have been cut, do not treat until regrowth has reached the recommended stages of growth.

Apply this product when plants are actively growing and, unless otherwise directed, after full leaf expansion. Use the higher rate for larger plants and/or dense areas of growth. On vines, use the higher rate for plants that have reached the woody stage of growth. Best results are obtained when application is made in late summer or fall after fruit formation.

In arid areas, best results are obtained when application is made in the spring to early summer when brush species are at high moisture content and are flowering.

Ensure thorough coverage when using hand-held equipment. Symptoms may not appear prior to frost or senescence with fall treatments.

Allow 7 or more days after application before tillage, mowing or removal. Repeat treatments may be necessary to control plants regenerating from underground parts or seed. Some autumn colors on undesirable deciduous species are acceptable provided no major leaf drop has occurred. Reduced performance may result if fall treatments are made following a frost.

See "Directions for Use", and "Mixing, Additives, and Application Instructions" sections of this label for labeled uses and specific application instructions.

Apply this product as follows to control or partially control the following woody brush and trees.

Alder/Dewberry/Honeysuckle/Post Oak/Raspberry—For control, apply 3 to 4 quarts per acre of this product as a broadcast spray or as a 1 to 1½ percent solution with hand-held equipment.

Aspen, quaking/Cherry: bitter, black, pin/Hawthorn/Oak, southern red/Sweetgum/Trumpet creeper—For control, apply 2 to 3 quarts of this product per acre as a broadcast spray or as a 1 to 1½ percent solution with hand-held equipment.

Birch/Elderberry/Hazel/Salmonberry/Thimbleberry—For control, apply 2 quarts per acre of this product as a broadcast spray or as a 1 percent solution with hand-held equipment.

Blackberry—For control, apply 3 to 4 quarts per acre of this product as a broadcast spray, or 1 to 1½ percent solution with hand-held equipment. Make application after plants have reached full leaf maturity. Best results are obtained when applications are made in late summer or fall. After berries have set or dropped in late fall, blackberry can be controlled by applying a ¾ percent solution of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume with hand-held equipment. For control of blackberries after leaf drop and until killing frost or as long as stems are green, apply 3 to 4 quarts of this product in 10 to 40 gallons of water per acre.

Broom: French, Scotch—For control, apply a 1½ to 2 percent solution with hand-held equipment.

Buckwheat, California/Hasardia/Monkey Flower/Tobacco, tree—For partial control of these species, apply a 1 to 2 percent solution of this product as a foliar spray with hand-held equipment. Thorough coverage of foliage is necessary for best results.

Catsclaw—For partial control, apply as a 1 to 1½ percent solution with hand-held equipment.

Coyote Brush—For control, apply a 1½ to 2 percent solution with hand-held equipment when at least 50 percent of the new leaves are fully developed.

Eucalyptus/Blugum—For control of eucalyptus resprouts, apply a 2 percent solution of this product with hand-held equipment when resprouts are 6 to 12 feet tall. Ensure complete coverage. Apply when plants are growing actively. Avoid application to drought-stressed plants.

Kudzu—For control, apply 4 quarts of this product per acre as a broadcast spray or as a 2 percent solution with hand-held equipment. Repeat applications will be required to maintain control.

Madrone resprouts—For suppression or partial control, apply a 2 percent solution of this product to resprouts less than 3 to 6 feet tall. Best results are obtained with spring/early summer treatments.

Maple, red—For control, apply as a 1 to 1½ percent solution with hand-held equipment when at least 50 percent of the new leaves are fully developed. For partial control, apply 2 to 4 quarts of this product per acre as a broadcast spray.

Maple, sugar/Oak, northern pin/Oak red—For control, apply as a 1 to 1½ percent solution with hand-held equipment when at least 50 percent of the new leaves are fully developed.

Poison Ivy/Poison Oak—For control, apply 4 to 5 quarts of this product per acre as a broadcast spray or as a 2 percent solution with hand-held equipment. Repeat applications may be required to maintain control. Fall treatments must be applied before leaves lose green color.

Rose, multiflora—For control, apply 2 quarts of this product per acre as a broadcast spray or as a 1 percent solution with hand-held equipment. Treatments should be made prior to leaf deterioration by leaf-feeding insects.

Sage, black/Sagebrush, California/ Chamise/Tallowtree, Chinese—For control of these species, apply a 1 percent solution of this product as a foliar spray with hand-held equipment. Thorough coverage of foliage is necessary for best results.

Tan oak resprouts—For suppression or partial control, apply a 2 percent solution of this product to



resprouts less than 3 to 6 feet tall. Best results are obtained with fall applications.

Willow—For control, apply 3 quarts of this product per acre as a broadcast spray or as a 1 percent solution with hand-held equipment.

Other Woody Brush and Trees listed on this label—For partial control, apply 2 to 4 quarts of this product per acre as a broadcast spray or as a 1 to 2 percent solution with hand-held equipment.

NONCROP USES

See "General Information" and "Mixing, Additives and Application Instructions" sections of this label for essential product performance information and the following "Noncrop" sections for specific recommended uses.

EXTREME CARE MUST BE EXERCISED TO AVOID CONTACT OF SPRAY WITH FOLIAGE OF DESIRABLE TURFGRASSES, TREES, SHRUBS, OR OTHER DESIRABLE VEGETATION SINCE SEVERE DAMAGE OR DESTRUCTION MAY RESULT.

NOTE: If spraying areas adjacent to desirable plants, use a shield made of cardboard, sheet metal or plywood while spraying to help prevent spray from contacting foliage of desirable plants.

Repeat treatments may be necessary to control weeds regenerating from underground parts or seeds.

This product does not provide residual weed control. For subsequent weed control, follow a label-approved herbicide program.

Read and carefully observe the cautionary statements and all other information appearing on the labels of all herbicides used.

INDUSTRIAL, RECREATIONAL AND PUBLIC AREAS

When applied as directed for "Noncrop Uses", under conditions described, this product controls annual and perennial weeds listed on this label growing in areas such as airports, ditch banks, dry ditches, dry canals, fencerows, golf courses, highways, industrial plant sites, lumber yards, parking areas, parks, petroleum tank farms and pumping installations, pipelines, power and telephone rights-of-way, railroads, roadsides, schools, storage areas, other public areas and similar industrial or noncrop areas.

For specific rates of application and instructions for control of various annual and perennial weeds and woody brush and trees, see the "Weeds Controlled" section of this label.

This product may be applied with recirculating sprayers, shielded applicators, or wiper applicators in any noncrop site specified on this label. See the "Selective Equipment" part of "Application Equipment and Techniques" section of this label for information on proper use and calibration of this equipment.

TANK MIXTURES FOR INDUSTRIAL SITES

ROUNDUP® EXPORT plus OUST™

Use on industrial sites including airports, industrial plants, lumberyards, petroleum tank farms, pumping stations, pipelines, railroads, roadsides, storage areas or other similar sites where bare ground is desired.

When applied as directed for "Noncrop Uses" under the conditions described, this product plus Oust provides control of annual weeds listed in the "Weeds Controlled" section of the label for this product and Oust, and control or partial control of the perennial weeds listed below.



Apply 1 to 2 quarts of this product with 2 to 4 ounces of Oust in 10 to 40 gallons of spray solution per acre as a broadcast spray to actively growing woods.

For control of annual weeds, use the lower rates of these products.

For control of the listed perennial weeds, use the higher rates of both products. For partial control, use the lower rates.

Bahiagrass	Johnsongrass**
<i>Paspalum notatum</i>	<i>Sorghum halepense</i>
Bermudagrass*	Poorjoe**
<i>Cynodon dactylon</i>	<i>Diodia teres</i>
Broomsedge	Quackgrass
<i>Andropogon virginicus</i>	<i>Agropyron repens</i>
Dock, curly	Trumpet creeper*
<i>Rumex crispus</i>	<i>Campsis radicans</i>
Dogfennel	Vaseygrass
<i>Eupatorium capilliflorum</i>	<i>Paspalum unvillei</i>
Fescue, tall	Vervain, blue
<i>Festuca arundinacea</i>	<i>Verbena hastata</i>

*Suppression at the higher rates only.

**Control at the lower rates.

Read and carefully observe the cautionary statements and all other information appearing on the labels of all herbicides used.

TANK MIXTURES NONCROP SITES

When applied as a tank mixture, this product provides control of the emerged annual weeds and partial control of the emerged perennial weeds listed in this label. When applied as a tank mixture, the following residual herbicides will provide preemergence control of the weeds listed in the individual product labels.

- ROUNDUP® EXPORT plus DIURON ■
- ROUNDUP EXPORT plus KROVAR™ I ■
- ROUNDUP EXPORT plus KROVAR II ■
- ROUNDUP EXPORT plus RONSTAR™ 50WP ■
- ROUNDUP EXPORT plus SIMAZINE, PRINCEP™ CALIBER™ 90 ■
- ROUNDUP EXPORT plus SIMAZINE 4L ■
- ROUNDUP EXPORT plus SIMAZINE 80W ■
- ROUNDUP EXPORT plus SURFLAN™ 75W ■
- ROUNDUP EXPORT plus SURFLAN AS ■

When tank mixing with residual herbicides, add an agriculturally approved nonionic surfactant at 0.5 to 1 percent by volume of spray solution. See the "Mixing, Additives and Application Instructions" section of this label before preparing these tank mixtures.

Read and carefully observe the label claims, cautionary statements, recommended use rates and all other information on the labels of all products used in these tank mixtures. Use according to the most restrictive label directions for each product in the mixture.

CONTROL OF EMERGED WEEDS

Annual Weeds—Apply 1 quart per acre of this product in these tank mixtures when weeds are less than 6 inches tall and 1½ quarts per acre when weeds are more than 6 inches tall.

Perennial Weeds—For partial control of perennial weeds using these tank mixtures, apply 2 to 5 quarts per acre of this product. Follow the recommendations

in the "Weeds Controlled" section of this label for stage of growth and rate of application for specific perennial weeds.

PREEMERGENCE WEED CONTROL

For preemergence weed control, refer to the individual product labels for specific noncrop sites, rates, carrier volumes and precautionary statements.

Mix only the quantity of spray solution which can be used during the same day. Do not allow these tank mixtures to stand overnight as this may result in reduced weed control.

APPLY THESE TANK MIXTURES THROUGH CONVENTIONAL BROADCAST EQUIPMENT ONLY.

FARMSTEAD WEED CONTROL

When applied as directed for "Noncrop Uses", under conditions described, this product controls undesirable vegetation listed on this label around farmstead building foundations, along and in fences, shelterbelts, and for general nonselective farmstead weed control.

For specific rates of application and instructions for control of various annual and perennial weeds, see the "Weeds Controlled" section of this label.

CUT STUMP TREATMENTS

Woody vegetation may be controlled by treating freshly cut stumps of trees and resprouts with this product. Apply this product using suitable equipment to ensure coverage of the entire cambium. Cut vegetation close to the soil surface. Apply a 50 to 100 percent solution of this product to the freshly cut surface immediately after cutting. Delays in application may result in reduced performance. For best results, applications should be made during periods of active growth and full leaf expansion.

When used according to directions for cut stump application, this product will CONTROL, PARTIALLY CONTROL or SUPPRESS many types of woody brush and tree species, some of which are listed below:

Alder	Red, giant
<i>Alnus spp.</i>	<i>Arundo donax</i>
Eucalyptus/Bluegum	Saltcedar
<i>Eucalyptus glutulus</i>	<i>Tamarisk spp.</i>
Madrone	Sweetgum
<i>Arbutus menziesii</i>	<i>Liquidambar styraciflua</i>
Oak	Tan Oak
<i>Quercus spp.</i>	<i>Lithocarpus densiflorus</i>

INJECTION AND FRILL APPLICATIONS

Woody vegetation may be controlled by injection or frill application of this product. Apply this product using suitable equipment which must penetrate into the living tissue. Apply the equivalent of 1 ml of this product per each 2 to 3 inches of trunk diameter (DBH). This is best achieved by applying 50 to 100 percent concentration of this material either to a continuous frill around the tree or as cuts evenly spaced around the tree below all branches. As tree diameter increases in size, better results are achieved by applying diluted material to a continuous frill or more closely spaced cuttings. Avoid application techniques that allow runoff to occur from frill or cut areas in species that exude sap freely after frills or cutting. In species such as this, make frill or cut at an oblique angle so as to produce a cupping effect and use undiluted material. For best results, application should be made during periods of active growth and after full leaf expansion.

This treatment WILL CONTROL the following woody species:

Oak <i>Quercus spp.</i>	Sweetgum <i>Liquidambar styraciflua</i>
Poplar <i>Populus spp.</i>	Sycamore <i>Platanus occidentalis</i>
This treatment WILL SUPPRESS the following woody species:	
Black gum <i>Nyssa sylvatica</i>	Hickory <i>Carya spp.</i>
Dogwood <i>Cornus spp.</i>	Maple, red <i>Acer rubrum</i>

**TURFGRASSES AND GRASSES
FOR SEED PRODUCTION**

■ **PREPLANT AND RENOVATION** ■

When applied as directed for "Noncrop Uses", under conditions described, this product controls most existing vegetation prior to the planting or renovation of either turfgrasses or grass seed production areas.

For specific rates of application and instructions for control of various annual and perennial weeds, and woody brush and trees, see the "Weeds Controlled" section of this label.

For maximum control of existing vegetation, delay planting to determine if any regrowth from escaped underground plant parts occurs. Where repeat treatments are necessary, sufficient regrowth must be attained prior to application. For warm-season grasses, such as bermudagrass, summer or fall applications provide best control.

DO NOT DISTURB SOIL OR UNDERGROUND PLANT PARTS BEFORE TREATMENT. Tillage or renovation techniques such as vertical mowing, coring or slicing should be delayed for 7 days after application to allow proper translocation into underground plant parts.

TURFGRASSES

Where existing vegetation is growing in a field or unmowed situation, apply this product to actively growing weeds at the stages of growth given in the "Weeds Controlled" section of this label.

Where existing vegetation is growing under mowed turfgrass management, apply this product after mowing at least one regular mowing to allow sufficient growth for good interception of the spray.

Desirable turfgrasses may be planted following the above procedures.

GRASSES FOR SEED PRODUCTION

Apply this product to actively growing weeds at the stages of growth given in the "Weeds Controlled" section of this label prior to planting or renovation of turf or forage grass areas grown for seed production.

DO NOT feed or graze treated areas within 8 weeks after application.

■ **ANNUAL WEED CONTROL IN
DORMANT BERMUDAGRASS
AND BAHIAGRASS TURF** ■

When applied as directed for "Noncrop Uses" under the conditions described, this product will provide control or suppression of many winter annual weeds and tall fescue for effective release of dormant bermudagrass and bahiagrass turf. Refer to the rate table for Roundup Export alone under the "Release of Bermudagrass and Bahiagrass" section of this label for recommended rates and volumes on the species to be suppressed or controlled. Treat only when turf is dormant and prior to spring greenup. Spot treatments or broadcast applications of this product in excess of 16 fluid ounces per acre may result in injury or delayed greenup in highly maintained turfgrass areas;



i.e., golf courses, lawns, etc. DO NOT APPLY TANK MIXTURES of this product plus Oust in highly maintained turfgrass areas.

RELEASE OF BERMUDAGRASS OR BAHIAGRASS

NOTE: Use only in areas where bermudagrass or bahiagrass are desirable ground covers and where some temporary injury or discoloration can be tolerated. Use tank mixtures of this product plus Oust only on railroads, highways, utility plant sites, or other right-of-way areas.

When applied as directed for "Noncrop Uses" under the conditions described, this product will provide control or suppression of many winter annual weeds and tall fescue for effective release of dormant bermudagrass or bahiagrass. This product may be tank-mixed with Oust as recommended for residual control. Make applications to dormant bermudagrass or bahiagrass. Tank mixtures of this product plus Oust may delay greenup. To avoid delays in greenup and minimize injury, do not add more than 1 ounce per acre of Oust on bermudagrass or more than 1/2 ounce per acre on bahiagrass, or treat when these grasses are in a semi-dormant condition.

For best results on winter annuals, treat when plants are in an early growth stage (below 6 inches in height) after most have germinated. For best results on tall fescue, treat when fescue is in or beyond the 4 to 6-leaf stage.

WEEDS CONTROLLED

Rate recommendations for control or suppression of winter annuals and tall fescue are listed below:

Apply the recommended rates of this product alone or as a tank mixture in 10 to 25 gallons of water, plus 0.5 to 1 percent nonionic surfactant by total spray volume per acre.

For the best recommendation for the mixture of weeds within your geographic areas, contact your Monsanto sales representative.

WEEDS CONTROLLED OR SUPPRESSED WITH ROUNDUP® EXPORT ALONE*

NOTE: C = Control
S = Suppression

WEED SPECIES	ROUNDUP® EXPORT FLUID OZ/ACRE					
	8	12	16	24	32	64
Barley, little <i>Hordeum pusillum</i>	S	C	C	C	C	C
Bedstraw, catchweed <i>Galium aparine</i>	S	C	C	C	C	C
Bluegrass, annual <i>Poa annua</i>	S	C	C	C	C	C
Chervil <i>Chaerophyllum tainturieri</i>	S	C	C	C	C	C
Chickweed, common <i>Stellaria media</i>	S	C	C	C	C	C
Clover, crimson <i>Trifolium incarnatum</i>	•	S	S	C	C	C
Clover, large hop <i>Trifolium campestre</i>	•	S	S	C	C	C
Fescue, tall <i>Festuca arundinaceae</i>	•	•	•	•	S	S
Geranium, Carolina <i>Geranium carolinianum</i>	•	•	S	S	C	C

WEED SPECIES	ROUNDUP® EXPORT FLUID OZ/ACRE					
	8	12	16	24	32	64
Henbit <i>Lamium amplexicaule</i>	•	S	C	C	C	C
Ryegrass, Italian <i>Lolium multiflorum</i>	•	•	S	C	C	C
Speedwell, corn <i>Veronica arvensis</i>	S	C	C	C	C	C
Vetch, common <i>Vicia sativa</i>	•	•	S	C	C	C

*These rates apply only to sites where an established competitive turf is present.

WEEDS CONTROLLED OR SUPPRESSED WITH ROUNDUP® EXPORT PLUS OUST*

NOTE: C = Control
S = Suppression

WEED SPECIES	ROUNDUP® EXPORT + OUST						
	ROUNDUP EXPORT (FL. OZ/A)	8	12	16	16	12	16
	WEED	+	+	+	+	+	+
	SPECIES OUST (OZ/A)	1/2	1/2	1/2	1/2	1	1
Barley, little <i>Hordeum pusillum</i>		C	C	C	C	C	C
Bedstraw, catchweed <i>Galium aparine</i>		C	C	C	C	C	C
Bluegrass, annual <i>Poa annua</i>		S	C	C	C	C	C
Chervil <i>Chaerophyllum tainturieri</i>		C	C	C	C	C	C
Chickweed, common <i>Stellaria media</i>		S	C	C	C	C	C
Clover, crimson <i>Trifolium incarnatum</i>		S	S	S	S	C	C
Clover, large hop <i>Trifolium campestre</i>		•	•	S	S	S	C
Fescue, tall <i>Festuca arundinaceae</i>		•	•	•	•	S	S
Geranium, Carolina <i>Geranium carolinianum</i>		•	S	S	C	C	C
Henbit <i>Lamium amplexicaule</i>		•	S	C	C	C	C
Ryegrass, Italian <i>Lolium multiflorum</i>		•	S	S	C	C	C
Speedwell, corn <i>Veronica arvensis</i>		S	C	C	C	C	C
Vetch, common <i>Vicia sativa</i>		C	C	C	C	C	C

*These rates or mixtures of rates apply only to sites where an established competitive turf is present.

RELEASE OF ACTIVELY GROWING BERMUDAGRASS

When applied as directed, this product will aid in the release of bermudagrass by providing control of annual species listed in the "Weeds Controlled" section of this and the Oust label, and suppression or partial control of certain perennial weeds.

For control or suppression of those annual species listed on this label, use 1 to 3 pints of this product as a broadcast spray in 10 to 25 gallons of spray solution per acre.

Use the lower rate when treating annual weeds less than 6 inches in height (or length of runner in annual vines). Use the higher rate as plant size increases or as they approach flower or seedhead formation.

Use the higher rate of this product for partial control of the following perennial species. Use the lower rates for suppression of growth. For best results, see the "Weeds Controlled" section of this label for proper stage of growth.

Bahiagrass	Johnsongrass*
<i>Paspalum notatum</i>	<i>Sorghum halepense</i>
Bluestem, silver	Trumpet creeper**
<i>Andropogon saccharoides</i>	<i>Campsis radicans</i>
Fescue, tall	Vaseygrass
<i>Festuca arundinacea</i>	<i>Paspalum urvillei</i>

*Control at the higher rates.

**Suppression at higher rates only.

This product may be tank-mixed with Oust. If tank-mixed, use no more than 1 to 2 pints per acre of this product with 1 to 2 ounces of Oust per acre.

Use the lower rates of both mixtures to control annual weeds less than 6 inches in height (or runner length in annual vines) that are listed in the "Weeds Controlled" section of this booklet and the Oust label. Use the higher rates as annual weeds increase in size and approach the flower or seedhead stages.

Use the higher rates of this product to provide partial control of the following perennial weeds. Use the lower rates for suppression of growth.

Bahiagrass	Johnsongrass*
<i>Paspalum notatum</i>	<i>Sorghum halepense</i>
Bluestem, silver	Poorjoe**
<i>Andropogon saccharoides</i>	<i>Diodia teres</i>
Broomsedge	Trumpet creeper*
<i>Andropogon virginicus</i>	<i>Campsis radicans</i>
Dock, curly	Vaseygrass
<i>Rumex crispus</i>	<i>Paspalum urvillei</i>
Dogfennel	Vervain, blue
<i>Eupatorium capilliflorum</i>	<i>Verbena hastata</i>

Fescue, tall
Festuca arundinacea

*Suppression at higher rates only.

**Control at the higher rates.

Use only on well-established bermudagrass. Bermudagrass injury may result from the treatment but regrowth will occur under moist conditions. Repeat applications in the same season are not recommended, since severe injury may result.

Read and carefully observe the cautionary statements and all other information appearing on the labels of all herbicides used.

COOL SEASON TURF GROWTH REGULATION

When applied as directed, this product will suppress growth and seedhead development of listed turf species in industrial sites.

This product is recommended for management of coarse turf on roadside rights-of-way or other industrial areas. Do not use on high-quality turf or other areas where some turf color changes cannot be tolerated. Slight turf discoloration may occur but turf will regreen and regrow under moist conditions as effects of this product wear off.

Apply 4 to 6 fluid ounces of this product per acre alone or in a recommended tank mixture. Spray volumes of 10 to 40 gallons per acre are recommended.

When using this product, mix 2 quarts of a nonionic surfactant per 100 gallons of spray solution.

This product can be used for growth and seedhead suppression of:

Tall Fescue Smooth Brome

For best results, apply this product in a recommended tank mixture to actively growing turfgrasses after greenup in the spring of the year. For suppression of seedheads, applications must be made before boot-to-seedhead stage of development. Applications made from seedhead emergence until maturity may result in turf discoloration or injury.

After mowing or removal of seedheads, this product in a recommended tank mixture may also be used to suppress the growth of certain turfgrasses. Allow turf to recover from stress caused by heat, drought, or mowing before making applications. Applications made to turf under stress may increase the potential for discoloration or injury.

ANNUAL GRASSES

For growth suppression of some annual grasses such as annual ryegrass, wild barley and wild oats, apply 3 to 4 fluid ounces of this product in 10 to 40 gallons of spray solution per acre. Applications should be made when annual grasses are actively growing and before the seedheads are in the boot stage of development. Treatments made after seedhead emergence may cause injury to the desired grasses.

TANK MIXTURES

For the following tank mixtures, consult each product label for weeds controlled and the correct stage of application. Do not treat turf under stress.

Tank mixtures plus 2,4-D Amine

For additional weed control benefits, up to 1 pound a.i. per acre of 2,4-D amine may be added to the following tank mixtures. Consult the label for 2,4-D amine for weeds controlled.

TALL FESCUE

Roundup Export plus Telar™

For suppression of tall fescue growth and seedheads, and control or partial control of some annual weeds, apply this tank mixture after greenup and prior to boot-to-seedhead stage of development. Use up to 1/2 ounce of Telar per acre.

This tank mixture can also be applied after mowing or removal of tall fescue seedheads for turf growth suppression. Make only one of the above applications per growing season.

Roundup Export plus Oust™

For suppression of tall fescue growth and seedheads, and control or partial control of some annual weeds, apply this tank mixture after greenup and prior to boot-to-seedhead stage of development. Use up to 1/4 ounce of Oust per acre.

Roundup Export plus Escort™

This tank mixture can be applied after mowing or removal of tall fescue seedheads for turf growth suppression and control or partial control of some annual weeds. Use up to 1/3 ounce of Escort per acre.

SMOOTH BROME

Roundup Export plus Oust

For suppression of smooth brome growth and seedheads and control or partial control of some annual weeds, apply this tank mixture after greenup and prior to boot-to-seedhead stage of development. Use up to 1/4 ounce of Oust per acre.

BAHIAGRASS SEEDHEAD AND VEGETATIVE SUPPRESSION

When applied as directed in the indicated noncrop areas (roadsides, airports, golf course roughs, and plant sites), this product will provide significant inhibition of seedhead emergence and will suppress vegetative growth for a period of approximately 45 days with single applications and approximately 120 days with sequential applications.

Apply this product 1 to 2 weeks after full greenup of bahiagrass or after the bahiagrass has been mowed to a uniform height of 3 to 4 inches. Applications must be made prior to seedhead emergence. Apply 6 fluid ounces per acre of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 10 to 25 gallons of water per acre.

Sequential applications of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume may be made at approximately 45 day intervals to extend the period of seedhead and vegetative growth suppression. For continued seedhead suppression, sequential applications must be made prior to seedhead emergence. Apply no more than 2 sequential applications per year. As a first sequential application, apply 4 fluid ounces of this product per acre plus nonionic surfactant. A second sequential application of 2 to 4 fluid ounces per acre plus nonionic surfactant may be made approximately 45 days after the last application.

A tank mixture of this product plus Oust may be applied only on roadsides for seedhead inhibition and vegetative suppression. Apply 6 fluid ounces per acre of this product plus 0.25 ounce per acre of Oust, plus 0.5 to 1 percent nonionic surfactant by total spray volume 1 to 2 weeks following an initial spring mowing. When using this product plus Oust for suppression of bahiagrass, make only one application per year.

CROPPING SYSTEMS

When applied as directed for "Cropping Systems", under the conditions described, this product controls annual and perennial weeds listed on this label, prior to the emergence of direct seeded crops or prior to transplanting of crops listed on this label.

See "General Information" and "Mixing, Additives and Application Instructions" sections of this label for essential product performance information.

See the following "Cropping Systems" sections for specific recommended uses.

EXTREME CARE MUST BE EXERCISED TO AVOID CONTACT OF SPRAY WITH FOLIAGE, GREEN STEMS OR FRUIT OF DESIRABLE CROPS, PLANTS, TREES OR OTHER DESIRABLE VEGETATION SINCE SEVERE DAMAGE OR DESTRUCTION MAY RESULT.

Repeat treatments may be necessary to control weeds regenerating from underground parts or seed. Except as otherwise specified on this label, repeat treatments must be made before the crop emerges in accordance with the instructions of this label.

Except as otherwise specified in a crop section of this label, the combined total of all treatments must not exceed 8 quarts per acre of this product per year.

Do not plant subsequent crops other than those on the label for 30 days following application.

Do not harvest or feed treated vegetation for 8 weeks following application. Following spot treatment or selective equipment use, allow 14 days before grazing domestic livestock or harvesting forage grasses and legumes.

ALFALFA*	LOGANBERRY ✓
ARTICHOKE ✓	LONGAN
JERUSALEM	LYCHEE
ASPARAGUS*	MELONS*** ✓
ATEMOYA ✓	MUSTARD GREENS ✓
BARLEY* ✓	OATS* ✓
BEANS (All) ✓	OKRA ✓
BEET GREENS ✓	OLALLIEBERRY ✓
BEETS (Red, Sugar) ✓	ONION ✓
BLACKBERRY ✓	PARSNIPS ✓
BLUEBERRY ✓	PASSION FRUIT
BOYSENBERRY ✓	PEANUTS ✓
BREADFRUIT ✓	PEAS (All) ✓
BROCCOLI ✓	PEPPER*** ✓
CABBAGE ✓	PERSIMMONS
CANISTEL	PINEAPPLE***† ✓
CARAMBOLA ✓	POTATO (Irish, Sweet)
CARROT ✓	PUMPKIN*** ✓
CAULIFLOWER ✓	RADISH ✓
CELERY ✓	RASPBERRY ✓
CHICORY ✓	(Black, Red)
CORN (All)* ✓	RICE** ✓
COTTON* ✓	RUTABAGA ✓
CRANBERRY ✓	SAPODILLA
CUCUMBER**** ✓	SAPOTE
CURRANT ✓	(Black, Mamey, White)
DATES	SORGHUM (Milo)* ✓
DEWBERRY ✓	SOURSOP
EGGPLANT*** ✓	SOYBEANS* ✓
ELDERBERRY ✓	SPINACH ✓
FORAGE GRASSES*	SQUASH***
FORAGE LEGUMES*	(Summer, Winter)
GARLIC*** ✓	SUGAR APPLE ✓
GOOSEBERRY ✓	TAMARIND
GOURDS*** ✓	TOMATILLO***† ✓
HORSERADISH ✓	TOMATOES***† ✓
HUCKLEBERRY ✓	TURNIPS ✓
JABOTICABA	WATERMELON*** ✓
JACKFRUIT	WATERCRESS*** ✓
KALE ✓	WHEAT* ✓
LENTILS ✓	YAMS ✓
LETTUCE ✓	

*Spot treatments may be applied in these crops.

**Do not treat rice fields or levees when the fields contain flood water.

***Apply only prior to planting. Allow at least 3 days between application and planting.

****Do not feed or graze treated pineapple forage following application.

† Use is restricted to direct seeded crops only.

When applying this product prior to transplanting crops into plastic mulch, care must be taken to remove residues of this product from the plastic prior to transplanting. Residues can be removed by 1/2 inch natural rainfall or by applying water via a sprinkler irrigation system.

Spot Treatment (Only those crops with "*" can be spot treated.)—Applications in growing crops must be made prior to heading of small grains and milo, initial pod set in soybeans, silking of corn, or boll opening on cotton.

For forage grasses and forage legumes see "Spot Treatment" in the "Pastures" section of "Cropping Systems" in this label.

For dilution and rates of application using boom or hand-held equipment, see "Mixing, Additives and Application Instructions" and "Weeds Controlled" sections of this label.

NOTE: FOR FORAGE GRASSES AND FORAGE LEGUMES, NO MORE THAN ONE-TENTH OF ANY ACRE SHOULD BE TREATED AT ONE TIME. FOR ALL OTHER CROPS, DO NOT TREAT MORE THAN 10 PERCENT OF THE TOTAL FIELD AREA TO BE HARVESTED.



THE CROP RECEIVING SPRAY IN TREATED AREA WILL BE KILLED. TAKE CARE TO AVOID DRIFT OR SPRAY OUTSIDE TARGET AREA FOR THE SAME REASON.

Selective Equipment—This product may be applied through recirculating sprayers, shielded applicators, or wiper applicators in cotton and soybeans. Shielded and wiper applicators may also be used in tree crops and grapes. Wiper applicators may be used in rutabagas, forage grasses and forage legumes, including pasture sites and grain sorghum (milo).

See the "Selective Equipment" part of the "Application Equipment and Techniques" section of this label for information on proper use and calibration of this equipment.

Allow at least the following time intervals between application and harvest:

Cotton, Soybeans	7 days
Apples, Atemoya, Avocado, Breadfruit, Canistel, Carambola, Cherry, Citrus, Dates, Grapes, Jaboticaba, Jackfruit, Longan, Lychee, Passion Fruit, Pear, Persimmons, Rutabagas, Sapodilla, Sapote, Soursop, Sugar Apple, Tamarind	14 days
Stone Fruit	17 days
Nut Crops	21 days
Sorghum (milo)*	40 days

*Do not use roller applicators. Do not feed or graze treated milo fodder. Do not ensile treated vegetation.

ASPARAGUS

When applied as directed for "Cropping Systems" under the conditions described, this product controls weeds listed on this label in asparagus.

For specific rates of applications and instructions for control of various annual and perennial weeds, see the "Weeds Controlled" section of this label.

Prior to Crop Emergence—Apply this product prior to crop emergence for the control of emerged labeled annual and perennial weeds. DO NOT APPLY WITHIN A WEEK BEFORE THE FIRST SPEARS EMERGE.

Spot Treatment—Apply this product immediately after cutting, but prior to the emergence of new spears. Do not treat more than 10 percent of the total field area to be harvested. Do not harvest within 5 days of treatment.

Postharvest—Apply this product after the last harvest and all spears have been removed. If spears are allowed to regrow, delay application until ferns have developed. Delayed treatments should be applied as directed or shielded spray in order to avoid contact of the spray with ferns, stems or spears. Direct contact of the spray with the asparagus may result in serious crop injury.

NOTE: Select and use recommended types of spray equipment for postemergence postharvest applications. A directed spray is any application where the spray pattern is aligned in such a way as to avoid direct contact of the spray with the crop. A shielded spray is any application where a physical barrier is positioned and maintained between the spray and the crop to prevent contact of spray with the crop.

BERRIES AND SMALL FRUITS

For cranberries, apply after fruit set and no later than 30 days before harvest.

For other berries, apply as a preplant broadcast application, or as a directed spray or wiper application post-planting.

Wiper applicators may be used in cranberries in accordance with instructions in this section.

See "General Information" and "Mixing, Additives and Application Instructions" sections of this label for essential product performance information.

See the "Selective Equipment" part of the "Application Equipment and Techniques" section of this label for information on recommended use and calibration of this equipment.

For Wick or other Wiper Applicators—Mix 1 gallon of this product in 4 gallons of water to prepare a 20 percent solution. Apply the solution to emerged weeds. Apply after cranberry fruit set and no later than 30 days before harvest.

In severe infestations, reduce equipment ground speed to ensure that adequate amounts of this product are wiped on the weeds. A second treatment in the opposite direction may be beneficial.

Do not permit herbicide solution to contact desirable vegetation, including green shoots, canes, or foliage.

FALLOW AND REDUCED TILLAGE SYSTEMS

Use this product in fallow and reduced tillage systems for control of annual weeds prior to emergence of crops listed in this label. Refer to the "Weeds Controlled" section of this label for specific rates and instructions. This product may be applied using ground or aerial spray equipment. See the "Application Equipment and Techniques" section of this label for instructions.

TANK MIXTURES

- **ROUNDUP® EXPORT plus BANVEL plus NONIONIC SURFACTANT** ■
- **ROUNDUP EXPORT plus 2,4-D plus NONIONIC SURFACTANT** ■
- **ROUNDUP EXPORT plus GOAL™ plus NONIONIC SURFACTANT** ■

Applications of 2,4-D or Banvel must be made at least 7 days prior to planting corn. Applications of 2,4-D must be made at least 30 days prior to planting soybeans.

The addition of Banvel in a mixture with this product may provide short-term residual control of selected weed species. Some crop injury may occur if Banvel is applied within 45 days of planting. Refer to the Banvel and 2,4-D labels for cropping restrictions and other use instructions.

Roundup® EXPORT plus Goal Tank Mixtures

This product alone or in tank mixtures with Goal plus 0.5 to 1 percent nonionic surfactant by total spray volume will provide control of those weeds listed below.

Make applications when weeds are actively growing and at the recommended stages of growth. Avoid spraying when weeds are subject to moisture stress, when dust is on the foliage or when straw canopy covers the weeds.



ROUNDUP® EXPORT 12 fluid oz/acre		ROUNDUP EXPORT 16 fluid oz/acre	
Wheat	18**	Annual grasses at left plus:	
Barley	12*	Ryegrass,	
Bk.egrass, annual	6*	annual	6"
Barnyardgrass	6"	Chickweed	6"
Rye	6"	Groundsel	6"
		Marestail	6"
		Rocket, London	6"
		Shepherdspurse	6"
		Crabgrass	12"
		Johnsongrass,	
		seedling	12"
		Lambsquarters	12"
		Oats, wild	12"
		Pigweed, redroot	12"
		Mustards	12"

ROUNDUP EXPORT 12 fluid oz/acre + GOAL** 2 to 4 fluid oz/acre	ROUNDUP EXPORT 16 fluid oz/acre + GOAL** 2 to 4 fluid oz/acre
Annual grasses above plus:	Annual weeds above plus:
Cheeseweed, common	Cheeseweed, common
Chickweed	Groundsel
Groundsel	Chickweed
Rocket, London	Rocket, London
Shepherdspurse	Shepherdspurse

*Maximum height or length in inches.

**Use the higher rate when weeds approach maximum recommended height or stands are dense.

These recommended tank mixtures may be applied using ground or aerial spray equipment. Refer to the "Weeds Controlled" section of this label for specific rates and instructions.

ECOFARMING SYSTEMS

The Ecofarming System consists of the following rotation: winter wheat, corn/sorghum, ecofallow.

Use the following tank mixtures for control of emerged annual weeds before planting corn or sorghum in the Ecofarming System.

ROUNDUP® EXPORT at 16 to 20 fluid ounces per acre
plus

2,4-D at 0.375 to 0.5 pound a.i. per acre
plus

ATRAZINE at 0.75 to 1 pound a.i. per acre
plus

LASSO® at 2.5 to 3 quarts per acre

The above tank mixture should be applied in 28-0-0 or 32-0-0 liquid fertilizer carrier at 20 to 30 gallons per acre. The liquid fertilizer may be diluted with water to achieve the required carrier volume.

WEEDS CONTROLLED—The following weeds, up to a maximum height of 4 inches, will be controlled:

Brome, downy <i>Bromus tectorum</i>	Lettuce, prickly <i>Lactuca scariola</i>
Cheat <i>Bromus secalinus</i>	Pigweed, redroot <i>Amaranthus retroflexus</i>
Foxtail, green <i>Setaria viridis</i>	Thistle, Russian <i>Salsola kali</i>
Foxtail, yellow <i>Setaria fabescens</i>	Wheat, volunteer <i>Triticum aestivum</i>
Kochia* <i>Kochia scoparia</i>	

*For improved control of kochia, add 4 fluid ounces per acre (0.125 pound a.i. per acre) of Banvel to the above tank mixture.

Risk of crop injury from 2,4-D or Banvel can be reduced by applying this treatment 7 to 14 days before planting.

Refer to the label booklet for Lasso herbicide for pre-emergence weed control achieved by this tank mixture.

Refer to the specific product labels for crop rotation restrictions and cautionary statements for all products used in these tank mixtures.

AID TO TILLAGE

This product, when used in conjunction with preplant tillage practices, will provide control of downy brome, cheat, volunteer wheat, tansy mustard and foxtail. Apply 8 fluid ounces of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre. Make applications when weeds are actively growing and before they are 6 inches in height. Application must be followed by conventional tillage practices no later than 15 days after treatment and before regrowth occurs. Allow at least 1 day after application before tillage. Tank mixtures with residual herbicides may result in reduced performance.

PASTURES

Apply this product prior to planting forage grasses and legumes.

Pasture or Hay Crop Renovation—When applied as a broadcast spray, this product controls the annual and perennial weeds listed in this label prior to planting forage grasses or legumes. Remove domestic livestock before application and wait 8 weeks after application before grazing or harvesting.

Spot Treatment—When applied as a spot treatment as recommended, this product controls annual and perennial weeds listed in this label which are growing in pastures, forage grasses and forage legumes composed of bahiagrass, bermudagrass, bluegrass, brome, fescue, orchardgrass, ryegrass, timothy, wheatgrass, alfalfa or clover.

Wiper Application—When applied as directed, this product controls or suppresses the weeds listed under "Wiper Applicators" in the "Selective Equipment" section of this label.

For spot treatment and wiper application, apply in areas where the movement of domestic livestock can be controlled. No more than one-tenth of any acre should be treated at one time. Further applications may be made in the same area at 30 day intervals. Remove domestic livestock before application and wait 14 days after application before grazing livestock or harvesting.

SUGARCANE

When applied as directed for "Cropping Systems", under the conditions described, this product controls those emerged annual and perennial weeds listed on this label growing in or around sugarcane or in fields to be planted to sugarcane. This product will also control undesirable sugarcane.

NOTE: Where repeat treatments are necessary, do not exceed a total of 10.6 quarts of this product per acre per year. Do not apply to vegetation in or around ditches, canals or ponds containing water to be used for irrigation.

Broadcast Treatment—Apply this product in 10 to 40 gallons of water per acre on emerged weeds growing in fields to be planted to sugarcane.

For specific rates of application and instructions for control of various annual and perennial weeds, see the "Weeds Controlled" section of this label.

For removal of last stubble or ratoon cane, apply 4 to 5 quarts of this product in 10 to 40 gallons of water per acre to new growth having at least 7 or more new leaves. Allow 7 or more days after application before tillage.

Spot Treatment in or Around Sugarcane Fields—For dilution and rates of application using hand-held equipment, see "Mixing, Additives and Application Instructions" and "Weeds Controlled" sections of this label.

For control of volunteer or diseased sugarcane, make a 1 percent solution of this product in water and spray to wet the foliage of vegetation to be controlled.

NOTE: When spraying volunteer or diseased sugarcane, the plants should have at least 7 new leaves.

Avoid spray contact with healthy cane plants since severe damage or destruction may result.

Do not feed or graze treated sugarcane forage following application.

CONSERVATION TILLAGE, MINIMUM TILLAGE AND NO-TILL SYSTEMS CORN AND SOYBEANS Tank Mixtures

When applied as recommended under the conditions described, the tank mixtures listed in this section control many emerged weeds, and give preemergence control of many annual weeds where corn or soybeans will be planted directly into a cover crop, established sod, or in previous crop residues.

Refer to specific product labels for crop rotation restrictions and cautionary statements of all products used in these tank mixtures. For mixing instructions, see the "Mixing, Additives and Application Instructions" section of this label.

Apply these tank mixtures in 10 to 20 gallons of water or 10 to 60 gallons of nitrogen solutions per acre before, during or after planting. Do not apply these mixtures after crop emergence.

When tank mixing with residual herbicides, add an agriculturally approved nonionic surfactant at 0.5 to 1 percent by volume of spray solution. The addition of 1 to 2 percent dry ammonium sulfate by weight may increase the performance of this product.

NOTE: When using these tank mixtures, do not exceed 4 quarts of this product per acre.

CORN

For residual control, this product may be tank-mixed with the following herbicides or combination of herbicides:

LISSO®/ALACHLOR	ATRAZINE
LARIAT™	CYANAZINE
BULLET®	SIMAZINE
DUAL™	PROWL™
BICEP™	

For improved burndown, this product may be tank-mixed with 2,4-D or dicamba. Applications of 2,4-D or dicamba must be made at least 7 days prior to planting corn. See the "Weeds Controlled" section for specific rate information.

SOYBEANS

For residual control, this product may be tank-mixed with the following herbicides or combination of herbicides:

CANOPY™	LOROX™ PLUS
COMMAND™	PREVIEW™
DUAL™	PROWL™
GEMINI™	TURBO™
LASSO®/ALACHLOR	SCEPTER™
LEXONE™	SENCOR™
LINURON	SQUADRON™

For improved burndown, this product may be tank-mixed with the following herbicides:

2,4-DB
2,4-D*

*Applications of 2,4-D must be made at least 30 days prior to planting soybeans. See the "Weeds Controlled" section for specific rate information.

CORN AND SOYBEANS

Annual Weeds—For difficult to control weeds such as fall panicum, barnyardgrass, crabgrass, shattercane and broadleaf signalgrass up to 2 inches tall, and Pennsylvania smartweed up to 6 inches tall, apply this product at 2 pints per acre in these tank mixtures. For other labeled annual weeds, apply 1 to 1.5 pints of this product per acre when weeds are less than 6 inches tall, and 2 to 3 pints when weeds are over 6 inches tall. For a complete list of annual weeds controlled, see the "Weeds Controlled" section of this label.

Perennial Weeds—At normal application times in minimum tillage systems, perennial weeds may not be at the proper stage of growth for control. See the "Weeds Controlled" section of this label for the proper stage of growth for perennial weeds.

Use of 2 to 4 quarts of this product per acre in the tank mixtures mentioned above, under these conditions provides top kill and reduces competition from many emerged perennial grass and broadleaf weeds. For emerged perennial weeds controlled, see the "Weeds Controlled" section of this label.

To obtain the desired stage of growth, it may be necessary to apply this product alone in the late summer or fall and then follow with a label-approved, seedling weed control program at planting.

USE OF THESE TANK MIXTURES FOR BERMUDAGRASS OR JOHNSONGRASS CONTROL IN MINIMUM TILLAGE SYSTEMS IS NOT RECOMMENDED. For bermudagrass control, follow the instructions under "Control of Perennial Weeds" section of this label and then use a label-approved, seedling weed-control program in a minimum tillage or conventional tillage system. For johnsongrass control, follow instructions under "Control of Perennial Weeds" section of this label, and then use a label approved seedling weed control program with conventional tillage.

PREHARVEST APPLICATIONS

COTTON

When applied as directed under the conditions described, this product controls annual and perennial weeds listed on this label prior to the harvest of cotton.

Broadcast Applications—This product may be applied using either aerial or ground spray equipment. For ground applications with broadcast equipment, apply this product in 10 to 20 gallons of water per acre. For aerial applications, apply this product in 3 to 10 gallons of water per acre.

FOR AERIAL APPLICATIONS, REFER TO THE "APPLICATION EQUIPMENT AND TECHNIQUES" AND "AERIAL EQUIPMENT" SECTIONS OF THIS LABEL.

FOR AERIAL APPLICATIONS IN CALIFORNIA, REFER TO THE FEDERAL SUPPLEMENTAL LABEL FOR AERIAL APPLICATIONS IN THAT STATE FOR SPECIFIC INSTRUCTIONS, RESTRICTIONS AND REQUIREMENTS.

DO NOT EXCEED A MAXIMUM RATE OF 1 QUART PER ACRE OF THIS PRODUCT WHEN MAKING APPLICATIONS BY AIR.

Weed Control—For specific rates of application and instructions for control of various annual and perennial weeds for this product used alone or in the following tank mixtures, see the "Weeds Controlled" section of this label.

To control johnsongrass using multiple directed or broadcast over the top spray equipment, apply 1 quart of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 10 to 20 gallons of water per acre. Ensure complete coverage.

For partial control of field bindweed, apply 1 quart of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 20 gallons of water per acre. Apply when bindweed is actively growing and 12 inches or greater in length. Reduced performance may result if bindweed is under drought stress.

TANK MIXTURES

Roundup® Export plus DEF™ 6

Roundup Export plus Folex™

Roundup Export plus Prep™

Roundup Export plus Prep plus DEF 6 or Folex

When applied as recommended under the conditions described, these tank mixtures control annual and perennial weeds listed on this label prior to the harvest of cotton. For application guidelines, precautions and use-rates, refer to the DEF, Folex and Prep labels.

This product when tank mixed with DEF 6 or Folex defoliant may provide enhancement of cotton leaf drop and regrowth inhibition.

Timing of Application—Apply this product or these tank mixtures for preharvest weed control after 60 percent of the cotton bolls have opened.

NOTE: DO NOT APPLY TO CROPS GROWN FOR SEED. Allow a minimum of 7 days between application and harvest. Do not feed or graze treated cotton forage or hay following preharvest applications.

TREE AND VINE CROPS

This product is recommended for weed control in established groves, vineyards, or orchards, or for site preparation prior to transplanting crops listed in this section. Applications may be made with boom equipment, CDA, shielded sprayers, hand-held and high-volume wands, lances, or orchard guns, or with wiper applicator equipment, except as directed in this section. See the "Application Equipment and Techniques" section of this label for specific information on use of equipment.

When applying this product, refer to the "Weeds Controlled" section of this label and to specific recommendations in this section for rates to be used.

NOTE

Repeat treatments may be necessary to control weeds originating from underground parts of untreated weeds or from seeds. This product does not provide residual weed control. For subsequent weed control, use repeated applications of this product. Do not apply more than 10.6 quarts of this product per acre per year.

EXTREME CARE MUST BE EXERCISED TO AVOID CONTACT OF HERBICIDE SOLUTION, SPRAY, DRIFT, OR MIST WITH FOLIAGE OR GREEN BARK OF TRUNK, BRANCHES, SUCKERS, FRUIT, OR OTHER PARTS OF TREES OR VINES. CONTACT OF THIS PRODUCT WITH OTHER THAN MATURED BROWN BARK CAN RESULT IN SERIOUS CROP DAMAGE.

AVOID PAINTING OUT STUMPS WITH THIS PRODUCT AS INJURY RESULTING FROM ROOT GRAFTING MAY OCCUR IN ADJACENT TREES.

Reduced control may result when applications are made to annual or perennial weeds that have been mowed, grazed or cut and have not been allowed to regrow to the recommended stage for treatment.

For specific rates of applications and instructions, see the "Weeds Controlled" section of this label, and to specific recommendations which follow.

MIDDLES MANAGEMENT

FOR ANNUAL WEEDS IN MIDDLES BETWEEN ROWS OF TREE AND VINE CROPS

For citrus crops treat uniformly between trees.

ROUNDUP® EXPORT

ROUNDUP EXPORT plus GOAL™

This product alone or in mixtures with Goal will control or suppress the annual weeds listed below.

Apply the recommended rates of this product, either alone or in mixtures with Goal, plus 0.5 to 1 percent nonionic surfactant by spray volume in 3 to 10 gallons of water per acre. Apply when weeds are actively growing and less than 6 inches in height or diameter. If weeds are under drought stress, irrigate prior to application. Reduced control may occur if weeds have been mowed prior to application. Up to 48 fluid ounces per acre of this product may be used to control weeds which have been mowed, are stressed, or are growing in dense populations.

WEED SPECIES	MAXIMUM HEIGHT/DIAMETER (INCHES)	RATE PER ACRE	
		ROUNDUP® EXPORT (FLUID OUNCES)	GOAL (FLUID OUNCES)
Barley <i>Hordeum vulgare</i>	6	8	—
Bluegrass, annual <i>Poa annua</i>			
Barnyardgrass <i>Echinochloa crus-galli</i>	6	12	—
Chickweed, common <i>Stellaria media</i>			
Red Maids <i>Calandrinia ciliata</i>			
Crabgrass <i>Digitaria spp.</i>	6	16	—
Fleabane, hairy <i>Conyza bonariensis</i>		OR 16 to 32+4 to 16**	
Groundsel, common <i>Senecio vulgaris</i>			
Jungletice <i>Echinochloa colonum</i>			
Lambsquarters, common <i>Chenopodium album</i>			
Pigweed, redroot <i>Amaranthus retroflexus</i>			

WEED SPECIES	MAXIMUM HEIGHT/DIAMETER (INCHES)	RATE PER ACRE	
		ROUNDUP® EXPORT (FLUID OUNCES)	GOAL (FLUID OUNCES)
Rocket, London <i>Sisymbrium irio</i>	6	16	—
Ryegrass, common <i>Lolium multiflorum</i>		16 to 32+4 to 16**	OR
Shepherdspurse <i>Capsella bursa-pastoris</i>			
Sowthistle, annual <i>Sonchus oleraceus</i>			
Cheeseweed, common <i>Malva spp.</i>	3	12 to 32+4 to 16	
Cheeseweed, common <i>Malva spp.</i>	6	16 to 32+4 to 16	
Filaree* <i>Erodium spp.</i>			
Horseweed/Marestail <i>Coryza canadensis</i>			
Nettle, stinging <i>Urtica dioica</i>			
Purselane, common* <i>Purtulaca oleracea</i>			

*Suppression only.

**The mixture of this product plus Goal is recommended when weeds are stressed or growing in dense populations.

STRIPS

FOR ANNUAL AND PERENNIAL WEEDS IN STRIPS OF TREE AND VINE CROPS

TANK MIXTURES WITH RESIDUAL HERBICIDES

When applied as a tank mixture, this product provides control of the emerged annual weeds and control or suppression of emerged perennial weeds listed in this label. The following residual herbicides will provide preemergence control of those weeds listed in the individual product labels.

- ROUNDUP® EXPORT plus GOAL™ 1.6E ■
- ROUNDUP EXPORT plus KARMEX™ DF ■
- ROUNDUP EXPORT plus KROVAR™ I ■
- ROUNDUP EXPORT plus KROVAR™ II ■
- ROUNDUP EXPORT plus SIMAZINE, PRINCEP CALIBER™ 90 ■
- ROUNDUP EXPORT plus SIMAZINE 4L ■
- ROUNDUP EXPORT plus SIMAZINE 80W ■
- ROUNDUP EXPORT plus SOLICAM™ 80DF ■
- ROUNDUP EXPORT plus SURFLAN™ AS ■
- ROUNDUP EXPORT plus SURFLAN 75W ■
- ROUNDUP EXPORT plus SIMAZINE (80W, or 4L, or PRINCEP CALIBER 90) plus SURFLAN (AS or 75W) ■
- ROUNDUP EXPORT plus GOAL (1.6E) plus SURFLAN (AS or 75W) ■

■ **ROUNDUP EXPORT plus GOAL (1.6E)** ■
 plus **SIMAZINE**
 (80W, or 4L, or PRINCEP CALIBER 90)

■ **ROUNDUP EXPORT plus GOAL (1.6E)** ■
 plus **SURFLAN (AS or 75W)**
 plus **SIMAZINE (80W, 4L,**
 or **PRINCEP CALIBER 90)**

Do not apply these tank mixtures in Puerto Rico.

When tank-mixing with residual herbicides, add an agriculturally approved nonionic surfactant at 0.5 to 1 percent by volume of spray solution.

Refer to the individual product labels for specific crops, rates, geographical restrictions and precautionary statements.

Read and carefully observe the label claims, cautionary statements, rates and all other information on the labels of all products.

RECOMMENDED RATES

Annual Weeds—Apply 1 to 5 quarts per acre of this product in these tank mixtures. Use rates at the higher end of the recommended range when weeds are stressed, growing in dense populations or are greater than 12 inches tall.

Perennial Weeds—Apply 1 pint to 5 quarts per acre of this product in these tank mixtures to control or suppress perennial weeds. Follow the recommendations in the "Weeds Controlled" section of this label for stage of growth and application rates for specific perennial weeds.

■ **ROUNDUP* EXPORT plus GOAL plus** ■
SIMAZINE/SURFLAN

This product plus low rates of Goal in three-way or four-way mixtures with simazine and/or Surflan will provide postemergence control of the weeds listed below.

Refer to the individual simazine and Surflan labels for preemergence rates, weeds controlled, precautionary statements and other important information.

Apply these tank mixtures in 3 to 40 gallons of water. Add 0.5 to 1 percent nonionic surfactant by total spray volume to the spray solution.

Apply 1 to 5 quarts per acre of this product plus 4 to 48 fluid ounces per acre of Goal plus labeled rates of simazine and/or Surflan to control the following weeds:

Barley, wild <i>Hordeum leporinum</i>	Horseweed/Marestail <i>Conyza canadensis</i>
Bluegrass, annual <i>Poa annua</i>	Nettle, stinging <i>Urtica dioica</i>
Cheeseweed, common <i>Malva spp.</i>	Pineappleweed <i>Matricaria matricarioides</i>
Chickweed, common <i>Stellaria media</i>	Rocket, London <i>Sisymbrium irio</i>
Filaree* <i>Erodium spp.</i>	Shepherdspurse <i>Capsella bursa-pastoris</i>
Fleabane, hairy <i>Conyza bonariensis</i>	Sowthistle, annual <i>Sonchus oleraceus</i>
Groundsel, common <i>Senecio vulgaris</i>	

*Use a minimum of 1.5 quarts of this product in these mixtures.

NOTE: This recommendation does not preclude the use of Goal in these mixtures at higher, labeled rates for preemergence weed control.

■ **PERENNIAL GRASS SUPPRESSION** ■
ORCHARD FLOORS

When applied as directed, this product will suppress vegetative growth as indicated below.

Bahiagrass

This product will provide significant inhibition of seed-head emergence and will suppress vegetative growth for a period of approximately 45 days with a single application and approximately 120 days with sequential applications. Apply this product 1 to 2 weeks after full green-up or after mowing to a uniform height of 3 to 4 inches. Applications must be made prior to seed-head emergence. Apply 6 fluid ounces of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 10 to 25 gallons of water per acre.

Sequential applications of this product plus nonionic surfactant may be made at approximately 45-day intervals to extend the period of seedhead and vegetative growth suppression. For continued seedhead suppression, sequential applications must be made prior to seedhead emergence. Apply no more than 2 sequential applications per year. As a first sequential application, apply 4 fluid ounces of this product plus nonionic surfactant. A second sequential application of 2 to 4 fluid ounces may be made approximately 45 days after the last application.

Bermudagrass

For burndown, apply 1 to 2 quarts of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 20 gallons of water per acre. Use 1 quart of this product in 3 to 20 gallons of water per acre east of the Rocky Mountains. Use 1 to 2 quarts of this product in 3 to 10 gallons of water per acre west of the Rocky Mountains. Use this treatment only if reduction of the bermudagrass stand can be tolerated. When burndown is required prior to harvest, allow at least 21 days to ensure sufficient time for burndown to occur.

Suppression only (east of the Rocky Mountains)—Apply 6 to 16 fluid ounces of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 20 gallons of water per acre no sooner than 1 to 2 weeks after full green-up. Mowing prior to application may occur provided a minimum height of 3 inches is maintained. Rates of 6 to 10 fluid ounces of this product plus nonionic surfactant should be used in shaded conditions or where a lesser degree of suppression is desired. Sequential applications may be made when regrowth occurs and bermudagrass injury and stand reduction can be tolerated.

Suppression only (west of the Rocky Mountains)—Apply 16 fluid ounces of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 10 gallons of water per acre to bermudagrass up to 6 inches in height and no sooner than 1 to 2 weeks after full green-up. Mowing prior to application may occur provided a minimum height of 3 inches is maintained. Sequential applications may be made when regrowth occurs and bermudagrass injury and stand reduction can be tolerated.

Cool Season Grass Covers

For suppression of tall fescue, fine fescue, orchardgrass and quackgrass, apply 8 fluid ounces of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 10 to 20 gallons of water per acre. For best suppression, add ammonium sulfate to the spray solution at a rate of 2 percent by weight or 17 pounds per 100 gallons of spray solution.

For suppression of Kentucky bluegrass covers, apply 6 fluid ounces of this product plus 0.5 to 1 percent nonionic surfactant. Do not add ammonium sulfate.

For best results, mow cool-season grass covers in the spring to even their height and apply the recommended rate of this product 3 to 4 days after mowing. Avoid treating cool season grass covers under poor growing conditions, such as drought stress (drip irrigation), disease or insect damage.

LOW VOLUME APPLICATION (FLORIDA AND TEXAS)

For burndown or control of the weeds listed, apply the recommended rates of this product plus 0.5 to 1 percent nonionic surfactant by total spray volume in 3 to 30 gallons of water per acre. Where weed foliage is dense, use 10 to 30 gallons of water per acre.

Annual Weeds

Goatweed—Apply 2 to 3 quarts per acre of this product plus 17 pounds of ammonium sulfate per 100 gallons of water plus 0.5 to 1 percent nonionic surfactant by total spray volume. Apply in 20 to 30 gallons of water per acre when plants are actively growing. Use 2 quarts per acre when plants are less than 8 inches tall and 3 quarts per acre when plants are greater than 8 inches. If goatweed is greater than 8 inches, the addition of Krovar II or Karmex may improve control. Use labeled rates for these residual products.

Read and carefully observe the label claims, cautionary statements, rates and all other information on the Krovar II and Karmex labels.

Perennial Weeds

Apply when weeds are actively growing and at the growth stages listed in the "Perennial Weeds Controlled" section of this label. If perennial weeds are mowed, allow weeds to regrow to the recommended stage of growth.

S = Suppression B = Burndown
PC = Partial control C = Control

WEED SPECIES	ROUNDUP® EXPORT RATE PER ACRE			
	1 qt	2 qts	3 qts	5 qts
Bermudagrass	B	•	PC	C
Guineagrass				
Texas and Florida Ridge	B	C	C	C
Florida Flatwoods	•	B	C	C
Paragrass	B	C	C	C
Torpedograss	S	•	PC	C

TREE CROPS

Citrus*: citron, grapefruit, kumquat, lemon, lime, orange, pummelo, tangelo, tangerine, tangeros.

Nuts**: almond, chestnuts, filbert, macadamia, pecan, pistachio, walnut.

Pome Fruit*: apple, pear.

Stone Fruit***: apricots, cherries, nectarines, olives, peaches, plums/prunes.

For cherries, any application equipment listed in this section may be used in all states.

For citron and olives, apply as a directed spray only.

Any application equipment listed in this section may be used in apricots, nectarines, peaches, and plums/prunes growing in Arizona, California, Colorado, Idaho, Kansas, Kentucky, New Jersey, North Dakota, Oklahoma, Oregon, Texas, Utah, and Washington, except for peaches grown in the states specified in the following paragraph. In all other states use wiper equipment only.

For PEACHES grown in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee only, apply with a shielded

boom sprayer or shielded wiper applicator which prevents any contact of this product with the foliage or bark of trees. Apply no later than 90 days after first bloom. Applications made after this time may result in severe damage. Remove suckers and low hanging limbs at least 10 days prior to application. Avoid applications near trees with recent pruning wounds or other mechanical injury. Apply only near trees which have been planted in the orchard for 2 or more years. **EXTREME CARE MUST BE TAKEN TO ENSURE NO PART OF THE PEACH TREE IS CONTACTED.**

Tropical Fruit: acerola, aternoya*, avocado*, banana (plantains), breadfruit*, canistel*, carambola*, coffee****, dates*, figs*, guava, jaboticaba*, jackfruit*, longan*, lychee*, mango*, papaya, passion fruit*, persimmons*, sapodilla, sapote, soursop, sugar apple*, tamarind, tea. Allow a minimum of 1 day between last application and harvest of guava and papaya. In coffee and banana, delay applications 3 months after transplanting to allow the new coffee or banana plant to become established.

NOTE:

- *Allow a minimum of 14 days between last application and harvest.
- **Allow a minimum of 21 days between last application and harvest of these crops.
- ***Allow a minimum of 17 days between last application and harvest.
- ****Allow a minimum of 28 days between last application and harvest.

VINE CROPS

Kiwi Fruit

Grapes: Any variety of table, wine, or raisin grape may be treated with any equipment listed in this section.

In the northeast and Great Lakes regions, applications must be made prior to the end of bloom stage of grapes to avoid injury.

Applications should not be made when green shoots, canes, or foliage are in the spray zone.

Allow a minimum of 14 days between last application and harvest.

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non-U.S. patent(s).

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21064S1-7/53

In case of an emergency involving this product,
Call Collect, day or night, (314) 694-4000.

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AGRICULTURAL PRODUCTS
ST. LOUIS, MISSOURI, 63167 U.S.A.

Annex 113

Letter from Rebecca L. Puskas, Counsel to Government of Ecuador to United States Department of State Office of Information Programs and Services (3 Apr. 2009)





Seaport World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2600

617 832 1000 *main*
617 832 7000 *fax*

April 3, 2009

Rebecca L. Puskas
617 832 3039
rpuskas@foleyhoag.com

Via Fax (202) 261-8102

Office of Information Programs and Services
A/ISS/IPS/RL
U.S. Department of State
515 22nd Street, NW
Washington, DC 20522-8100

Re: Freedom of Information Act Requests 200806942, 200806968, 200806995,
and 200901266

Dear Sir or Madam:

I am writing to follow-up on my telephone conversation of March 27, 2009 with Mr. Adolph Eisner regarding the above-referenced FOIA requests, dated November 11, 2008 and January 30, 2009. More specifically, this letter identifies two priority requests that I would like to continue to pursue, and places a hold on the remainder of my requests.

The requests that I would like to continue to pursue are as follows:

1. Request number (1) from FOIA letter 200806942: "Any and all records of aircraft flight parameters recorded during missions to eradicate illicit coca in Colombia.¹ These records may be held by the INL's Office of Aviation and/or the Narcotics Affairs Section (NAS) of the U.S. Embassy in Bogotá, Colombia because both of these entities are involved in spray pilot oversight." I understand from my conversation with Mr. Eisner that these records are managed by the Bureau of International Narcotics and Law Enforcement Affairs (INL) and are located at the Patrick Air Force Base in Florida. I also understand that this request implicates a substantial number of flight records. Therefore, I would like to amend this request as

¹ As a 2002 DoS Report explains, "[o]nboard computer and digital global positioning systems (D/GPS)-driven equipment (SATLOC and Del Norte) automatically record each aircraft's actual flight parameters, including differential-GPS track, airspeed, altitude (mean sea level), application rate, and precise geographic location (longitude and latitude coordinates) at the time of aspersions. This allows precise evaluation of each spray event in order to ensure that spraying is conducted within proper target areas and within specified parameters. As part of the end-of-mission check, the mission planner and pilots review the spray logs for any inconsistencies in the recorded spray data." Chemicals Used for the Aerial Eradication of Illicit Coca in Colombia and Conditions of Application, available online at: <http://www.state.gov/p/inl/rls/rpt/aeicc/13234.htm>.

Office of Information Programs and Services
April 3, 2009
Page 2

follows. Please limit the request to records of aerial spraying operations conducted in the Putumayo and Nariño Departments of Colombia within 20 kilometers of the international border with Ecuador. Please limit the request to records between January 1, 1999 and the present. If it is necessary to further refine this request, I would be happy to speak with the appropriate INL officer and/or to respond to recommendations about how to narrow the request based on the data available.

2. Request number (2) from FOIA letter 200806968: "A copy of the Secretary of State's 2008 certification pursuant to the Andean Counterdrug Initiative section of the Foreign Operations, Export Financing, and Related Programs Appropriations Act. In responding to this request, please provide any and all attachments, enclosures, and any other documentation referenced or relied upon in making the certification." I remain interested in the State Department's 2008 certification and all associated documents.

By way of my four request letters, I have authorized the expenditure of a total of \$4,000 in applicable fees. That authorization remains in effect with respect to the above two priority requests. Please contact me if the costs will be greater.

Please place a hold on the remainder of my requests contained in letters 200806942, 200806968, 200806995, and 200901266. As discussed with Mr. Eisner, I will contact your office when I am ready to revisit those requests.

Please do not hesitate to contact me with any questions at 617-832-3039 or at rpuskas@foleyhoag.com.

Sincerely,



Rebecca L. Puskas

Annex 114

Letter from Margaret P. Grafeld, Director, Office of Information Programs and Services, United States Department of State to Rebecca L. Puskas, Counsel to Government of Ecuador
(13 Nov. 2009)





United States Department of State

Washington, D.C. 20520

NOV 13 2009

Case No.: 200806942

Segments: INL 001 and 002

Ms. Rebecca L. Puskas
Foley Hoag, LLP
Seaport World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2600

Dear Ms. Puskas:

In response to your request dated April 3, 2009, under the Freedom of Information Act (Title 5 USC Section 552), we conducted a search of our International Narcotics and Law Enforcement Affairs Bureau and retrieved eleven documents responsive to your request.

After reviewing these documents, we have determined that all eleven may be released in full. In addition, as you requested, enclosed is a CD that contains the detailed underlying data to the documents released in these segments. The data records on the CD are in the ESRI Shapefile format that can be viewed in ESRI ArcGIS software. All released material is enclosed.

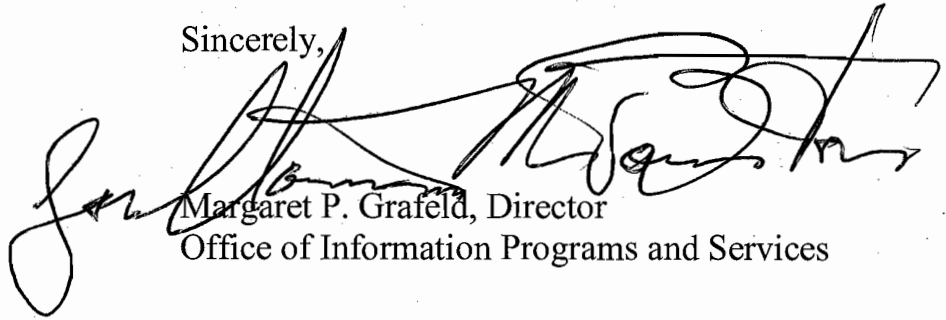
The Freedom of Information Act provides for the recovery of the direct costs of searching for and duplicating records requested for non-commercial use. However, no fee is charged if the cost of collecting and processing the fee exceeds the amount of the fee. Since billable costs in this case do not exceed that amount, your request has been processed without charge to you.

We have now completed the processing of your case. If you have any questions, you may write to the Office of Information Programs and Services, SA-2, Department of State, Washington, DC 20522-8100, or telephone us at (202) 663-2634. Please be sure to refer to the case and segment numbers shown above in all correspondence about this case.

- 2 -

We hope that the Department has been of service to you in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Margaret P. Grafeld', written in a cursive style. The signature is positioned above the printed name and title.

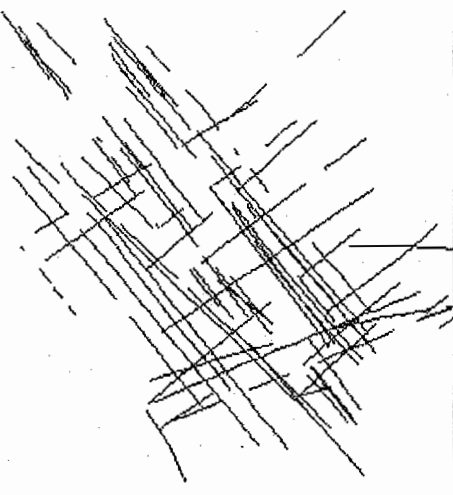
Margaret P. Grafeld, Director
Office of Information Programs and Services

Enclosures:
As stated.

1:28.298
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Target: .
Task: Create New Feature
Editor

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: NORMAN M BOU
DATE/CASE ID: 30 OCT 2009 200806942



- Layers
- WHA_INTL_BDY_101
 - 2000_20k_allspray

Attributes of 2000_20k_allspray

MPH	HEADING	S	SPRAY RATE	BOP	SV	USED	DF	STRID	ASCHNAME	LENGTH	MONTH	SWATH	MISSION	AIRCRAFT	A_C_CROP	CROP
148.48	27.5	1	93.59	0.9	11	8	11	100	j010cbac	61.521	0009	50	Coca	T-65	T-65_Coca	Coca
155.28	26.3	1	114.52	0.9	11	8	11	100	j010cbac	991.446	0009	50	Coca	T-65	T-65_Coca	Coca
158.21	17.5	1	123.29	0.9	10	8	12	100	j010cbac	171.666	0009	50	Coca	T-65	T-65_Coca	Coca
157.14	197.3	1	113.02	0.9	10	8	11	100	j010cbac	119.038	0009	50	Coca	T-65	T-65_Coca	Coca
157.61	197.4	2	102.73	0.9	10	8	13	100	j010cbac	208.303	0009	50	Coca	T-65	T-65_Coca	Coca
157.68	199.2	1	107.22	0.9	10	8	12	100	j010cbac	123.999	0009	50	Coca	T-65	T-65_Coca	Coca
157.17	200.6	1	110.43	0.9	10	8	12	100	j010cbac	388.213	0009	50	Coca	T-65	T-65_Coca	Coca
150.62	197.3	1	0	0.9	10	8	11	100	j010cbac	525.052	0009	50	Coca	T-65	T-65_Coca	Coca
165.21	19.7	1	0	0.9	10	9	11	100	j010cbac	187.94	0009	50	Coca	T-65	T-65_Coca	Coca
167.1	18.4	1	29.21	0.9	10	8	11	100	j010cbac	431.916	0009	50	Coca	T-65	T-65_Coca	Coca
167.08	19.9	1	116.6	0.9	10	9	13	100	j010cbac	227.539	0009	50	Coca	T-65	T-65_Coca	Coca
159.38	194.7	1	105.18	0.9	10	9	11	100	j010cbac	119.084	0009	50	Coca	T-65	T-65_Coca	Coca
156.19	200.3	1	120.98	0.9	10	9	11	100	j010cbac	64.474	0009	50	Coca	T-65	T-65_Coca	Coca
157.27	199.8	1	111.07	0.9	10	9	11	100	j010cbac	156.995	0009	50	Coca	T-65	T-65_Coca	Coca

Record: 1 | Show: All Selected | Records (1 out of 5770 Selected) | Options

78.599 1.367 Decimal Degrees

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Target:

Tasks Create New Feature

Editor

Layer:

Layers

- WHA_INTL_BODY_101
- 2000_20k_allspray

Attributes of 2000_20k_allspray

FID	Shape	LINE_ID	TIME	ALTITUDE	XTRACK	MPH	HEADING	S	SPRAY_RATE	DOP	SV	USED	DF	STIID	ASCIIAME	LENGTI
0	Polyline	001075	09:49:29.98	618.7	1624.61	148.48	27.5	1	93.59	0.9	11	8	11	100	1010cbac	61.52
1	Polyline	001089	09:49:40.75	567.8	1624.61	155.28	26.3	1	114.52	0.9	11	8	11	100	1010cbac	991.42
2	Polyline	001159	08:50:48.00	474.6	1624.61	158.21	17.5	1	123.29	0.9	10	8	12	100	1010cbac	171.68
3	Polyline	001328	09:53:33.83	500.4	-32.47	157.14	197.3	1	113.02	0.9	10	8	11	100	1010cbac	119.03
4	Polyline	001333	09:53:36.39	492.1	13.08	157.61	197.4	2	102.73	0.9	10	8	13	100	1010cbac	208.30
5	Polyline	001341	09:53:42.23	497.4	20.35	157.68	199.2	1	107.22	0.9	10	8	12	100	1010cbac	123.98
6	Polyline	001347	09:53:44.85	499.9	12.12	157.17	200.6	1	110.43	0.9	10	8	12	100	1010cbac	388.21
7	Polyline	001362	09:53:58.00	586.2	-51.14	150.62	197.3	1	0	0.9	10	8	11	100	1010cbac	525.05
8	Polyline	001508	09:56:21.20	558.6	-27.21	165.21	197.1	1	0	0.9	10	9	11	100	1010cbac	187.5
9	Polyline	001515	09:56:25.20	528.9	-18.86	167.1	184.1	1	29.21	0.9	10	8	11	100	1010cbac	431.91
10	Polyline	001526	09:56:33.00	505	15.62	167.09	199.1	1	116.6	0.9	10	9	13	100	1010cbac	227.53
11	Polyline	001665	09:59:08.98	475.8	-165.79	159.38	194.7	1	105.18	0.9	10	9	11	100	1010cbac	119.05
12	Polyline	001721	09:59:43.28	520.7	-5.81	156.19	200.3	1	120.98	0.9	10	9	11	100	1010cbac	84.47
13	Polyline	001726	09:59:44.07	513.2	-9.63	147.27	199.8	1	111.07	0.9	10	9	11	100	1010cbac	156.3

Record: 14 | Show: All | Selected | Records (1 out of 5770 Selected) | Options

78.638 1.374 Decimal Degrees

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Spatial Analyst Layer: 1:37.388

Task: Create New Feature

Editor



Attributes of 2001_20k_allspray

FID	Shape	LINE_ID	TIME	ALTITUDE	XTRACK	MPH	HEADING	S	SPRAY_RATE	DOP	SV	USED	DF	STIID	ASCIIName	LENGTH
0	Polyline	001204	07:39:21.18	1976	-10.13	169.99	180.3	1	0	0.8	12	11	0	-1	1011ebac	0.003
1	Polyline	001245	07:39:58.89	1852	-7.76	169.99	178.7	1	0	0.8	12	11	0	-1	1011ebac	0.001
2	Polyline	001256	07:40:06.83	1830	15.17	172.81	179.1	1	0	0.8	10	11	0	-1	1011ebac	0.001

Record: 1 | Show: All Selected | Records (0 out of 25742 Selected) | Options

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Spatial Analyst Layer: Create New Feature

Editor Task: Create New Feature

Target:



Layers

- 2001_20k_allspray
- WHA_INTL_BDY_101

Attributes of 2001_20k_allspray

S	SPRAY_RATE	DOP	SV	USED	DF	STID	ASCIINAME	LENGTH	MONTH	SWATH	TYPE	AIRCRAFT	LOG	SOURCE	THM	AC_CROP
1	0	0.8	12	11	0	-1	1011ebac	0.003	0112	50	Coca	T-65	1011ebac	2001_sl_lines.sh		T-65_Coca
1	0	0.8	12	11	0	-1	1011ebac	0.001	0112	50	Coca	T-65	1011ebac	2001_sl_lines.sh		T-65_Coca
1	0	0.8	10	11	0	-1	1011ebac	0.001	0112	50	Coca	T-65	1011ebac	2001_sl_lines.sh		T-65_Coca

Records: 1 | Show: All Selected | 10 | B I U A > > > Options

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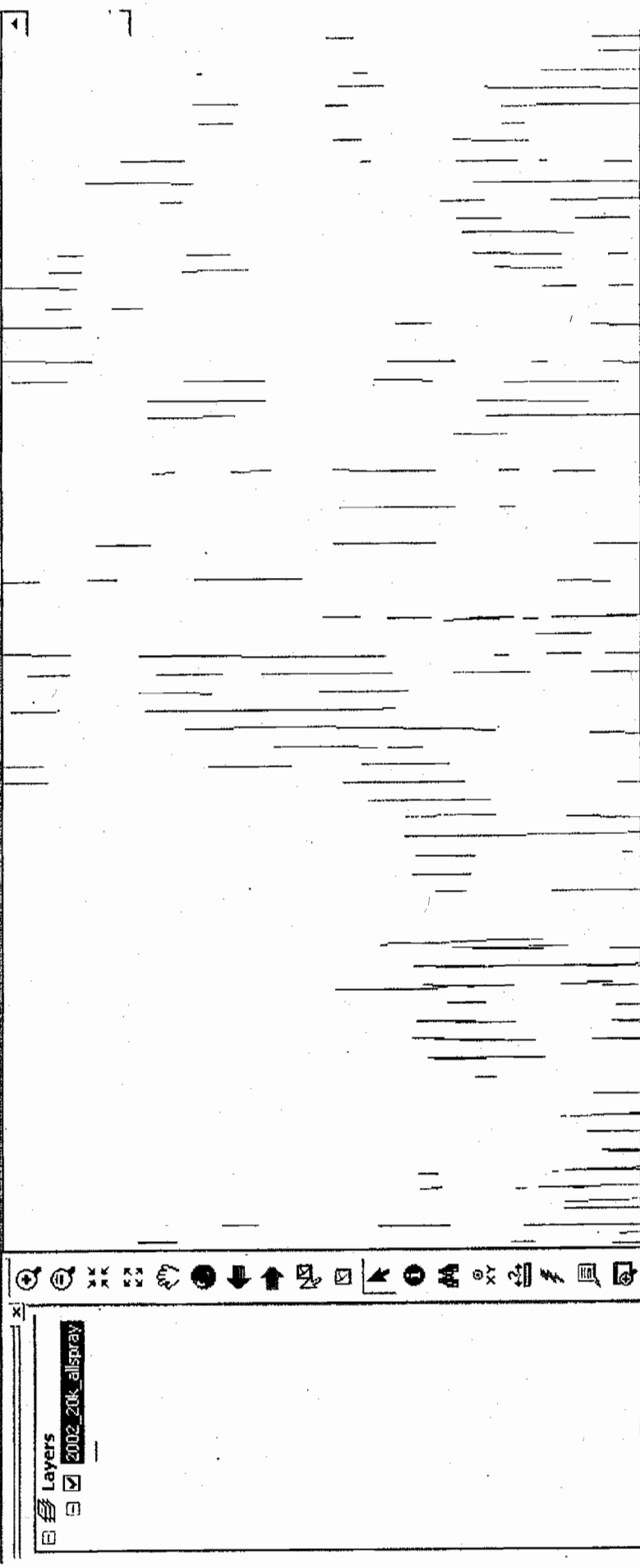
File Edit View Bookmarks Insert Selection Tools Window Help

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Layer: Spatial Analyst

Editor: Create New Feature

Task: Target:



- Layers
- 2002_20k_allspray

Attributes of 2002_20k_allspray

FID	Shape	SEG	FILE_NAME	MISSION	SIDE	LINE	START_TIME	LATITUDE	LONGITUDE	ALTITUDE	DOP	FLT_TIME	FLT_LENGTH	OTI
0	Polyline	58	L0823+CC.B99	280-1	Right	309	22:07:55.97	0.60767079	-76.35659661	978	1	0.03		9
1	Polyline	59	L0823+CC.B99	280-1	Right	309	22:07:56.67	0.60709158	-76.35660368	978	1	0.33		98.9
2	Polyline	60	L0823+CC.B99	280-1	Right	309	22:08:18.77	0.53871818	-76.35661483	1047	1	2.78		840.4

Record: 1 | Show: All Selected | Records (0 out of 66107 Selected) | Options

Display

Military Analy

Drawing

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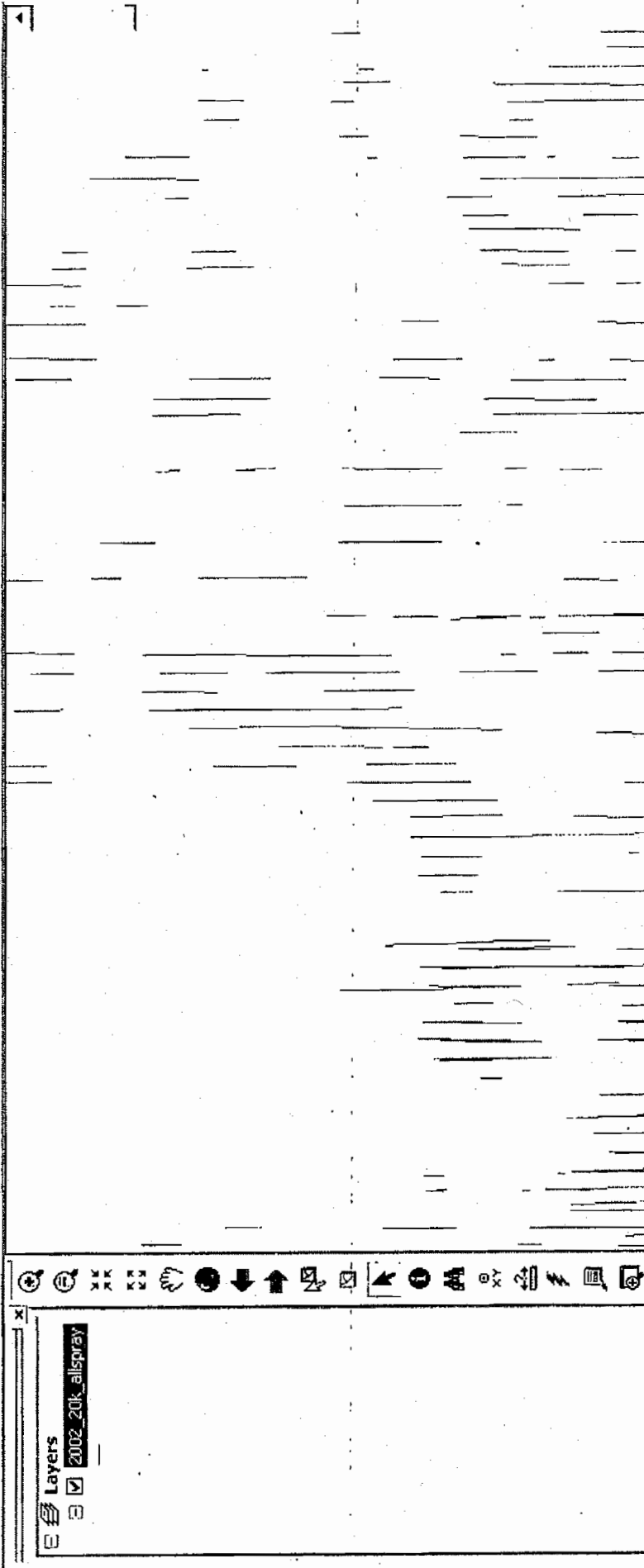
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Layers
2002_20k_allspray

Attributes of 2002_20k_allspray

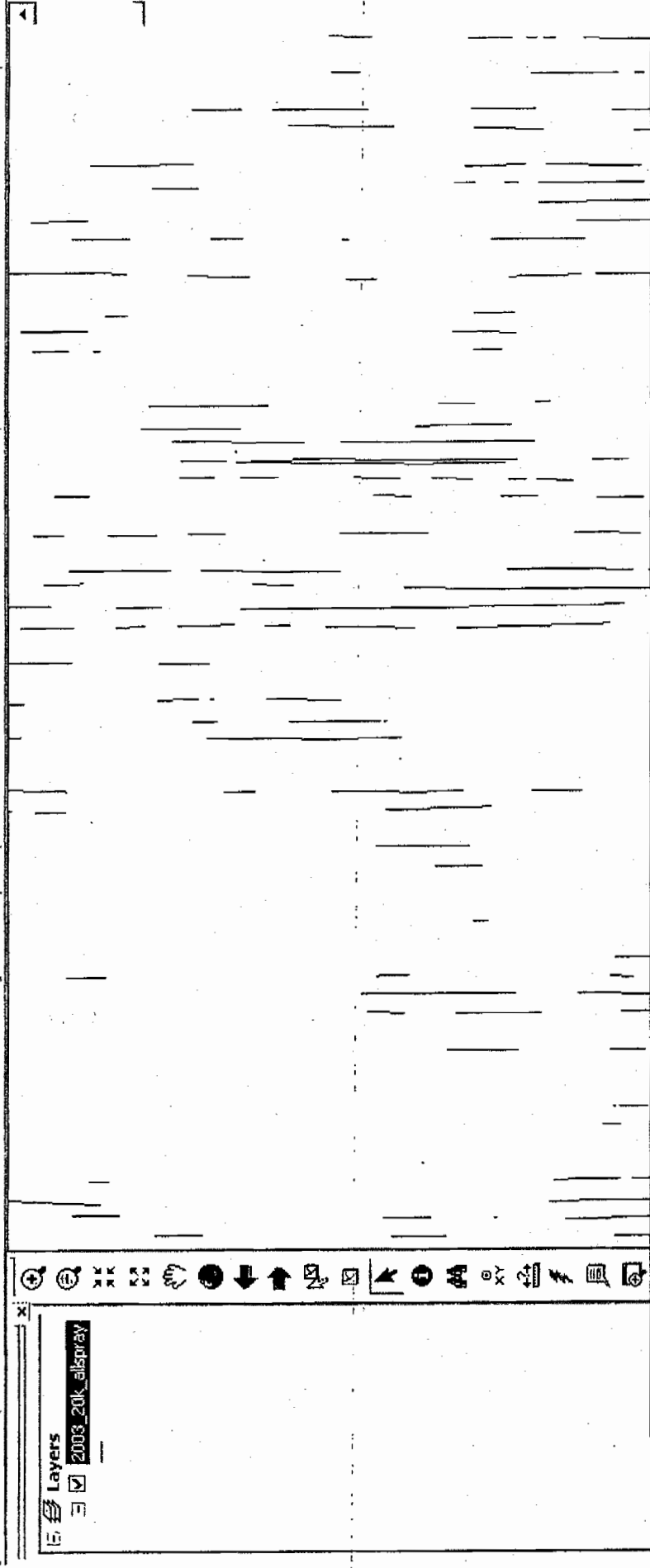
ALTITUDE	DOP	FLT_TIME	FLT_LENGTH	OTE	SPEED	VOLUME	AREA	LOG	LEIGHTH	MOIETH	SWATH	AIRCRAFT	CROP	A_C_CROP
978	1	0.03	9	2.4	204.7	2.6	0.0952	L0823+CC	3.003	0212	85	OV-10	Coca	OV-10_Coca
978	1	0.33	98.9	0.2	204.4	2.4	0.3862	L0823+CC	30.316	0212	85	OV-10	Coca	OV-10_Coca
1047	1	2.78	840.4	2.9	206.1	2.4	3.2796	L0823+CC	255.878	0212	85	OV-10	Coca	OV-10_Coca

Record: 1 of 1 Show: All Selected
Records (0 out of 66107 Selected) Options

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 Spatial Analyst Layer: Editor Task: Create New Feature Target: 100%
 Layers: 2003_20k_allspray
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Attributes of 2003_20k_allspray

FID	Shape	SEG	FILE_NAME	MISSION	SIDE	LINE	START_TIME	LATITUDE	LONGITUDE	ALTITUDE	DOP	FLT_TIME	FLT_LENGTH	OUT
0	Polyline	14	G163EJAC.B99	289-1	Right	342	17:37:36:47	0.44408749	-76.90662094	1318	0.89	0.23	55.9	2
1	Polyline	15	G163EJAC.B99	289-1	Right	342	17:37:36:80	0.44366796	-76.90662148	1317	0.89	1.82	442.4	2
2	Polyline	16	G163EJAC.B99	289-1	Right	342	17:37:40:90	0.44246074	-76.90661602	1312	0.89	0.1	24.3	1

Record: 1 | Show: All Selected | Records (0 out of 16823 Selected) | Options
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Spatial Analyst Layer: 1:16,227

Task: Create New Feature

Editor

Layers

- 2003_20k_allspray

Attributes of 2003_20k_allspray

ALTITUDE	DOP	FLT_TIME	FLT_LENGTH	OTE	SPEED	VOLUME	AREA	LOG	LENGTH	MONTH	SWATH	AIRCRAFT	CROP	A_C_CROP
1316	0.89	0.23	55.9	2.5	165.6	2.5	0.1282	G163EJAC	16.87	0307	50	T-65	Coca	T-65_Coca
1317	0.89	1.82	442.4	2.8	165.8	2.5	1.0157	G163EJAC	134.586	0307	50	T-65	Coca	T-65_Coca
1312	0.89	0.1	24.3	1.1	165.7	0	0.0558	G163EJAC	7.402	0307	50	T-65	Coca	T-65_Coca

Record: 1 | Show: All Selected | Records (0 out of 16823 Selected) | Options

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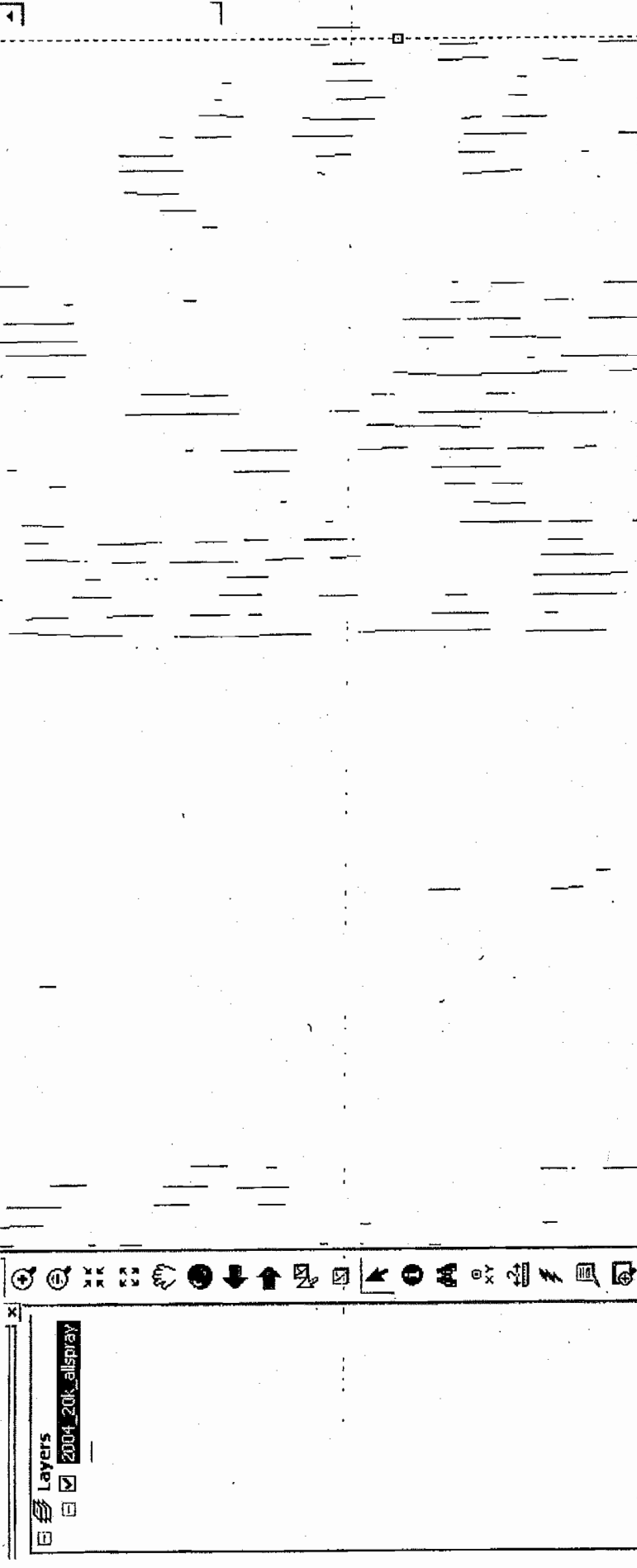
Target:

Task: Create New Feature

Editor

Spatial Analyst

Layer:



- Layers
- 2004_20k_allspray

Attributes of 2004_20k_allspray

FID	Shape	SEG	FILE_NAME	MISSION	SIDE	LINE	START_TIME	LATITUDE	LONGITUDE	ALTITUDE	DOP	FLT_TIME	FLT_LENGTH	OTE
0	Polyline	1975	L124AIAC.B01	290-1	Right	4	9:46:30:40	0.42360969	-76.83211867	1205	0.89	0.1	21.7	3
1	Polyline	1976	L124AIAC.B01	290-1	Right	4	9:46:30:60	0.42372937	-76.83211744	1203	0.89	2.3	502.6	2
2	Polyline	1977	L124AIAC.B01	290-1	Right	4	9:46:33:00	0.42517503	-76.83210998	1186	0.89	0.1	21.9	4

Record: 14 | 1 | Show: All Selected | Records (0 out of 22728 Selected) | Options

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Drawing

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Spatial Analyst Layer: Create New Feature Target:

Layers
 2004_20k_allspray

Attributes of 2004_20k_allspray

LONGITUDE	ALTITUDE	DOP	FLT_TIME	FLT_LENGTH	OTE	SPEED	VOLUME	AREA	LENGTH	MOIRTH	SWATH	AIRCRAFT	AC_CROP	CROP
-76.83211867	1205	0.89	0.1	21.7	3.7	147.8	2.6	0.0498	6.614	0412	50	T-65	T-65_Coca	Coca
-76.83211744	1203	0.89	2.3	502.6	2.3	149	2.7	1.1538	153.187	0412	50	T-65	T-65_Coca	Coca
-76.83210998	1186	0.89	0.1	21.9	4.1	149.6	2.5	0.0504	6.691	0412	50	T-65	T-65_Coca	Coca

Record: 1 | Show: All Selected | Records (0 out of 22728 Selected) | Options

Display Source

Military Analyst

Drawing

start

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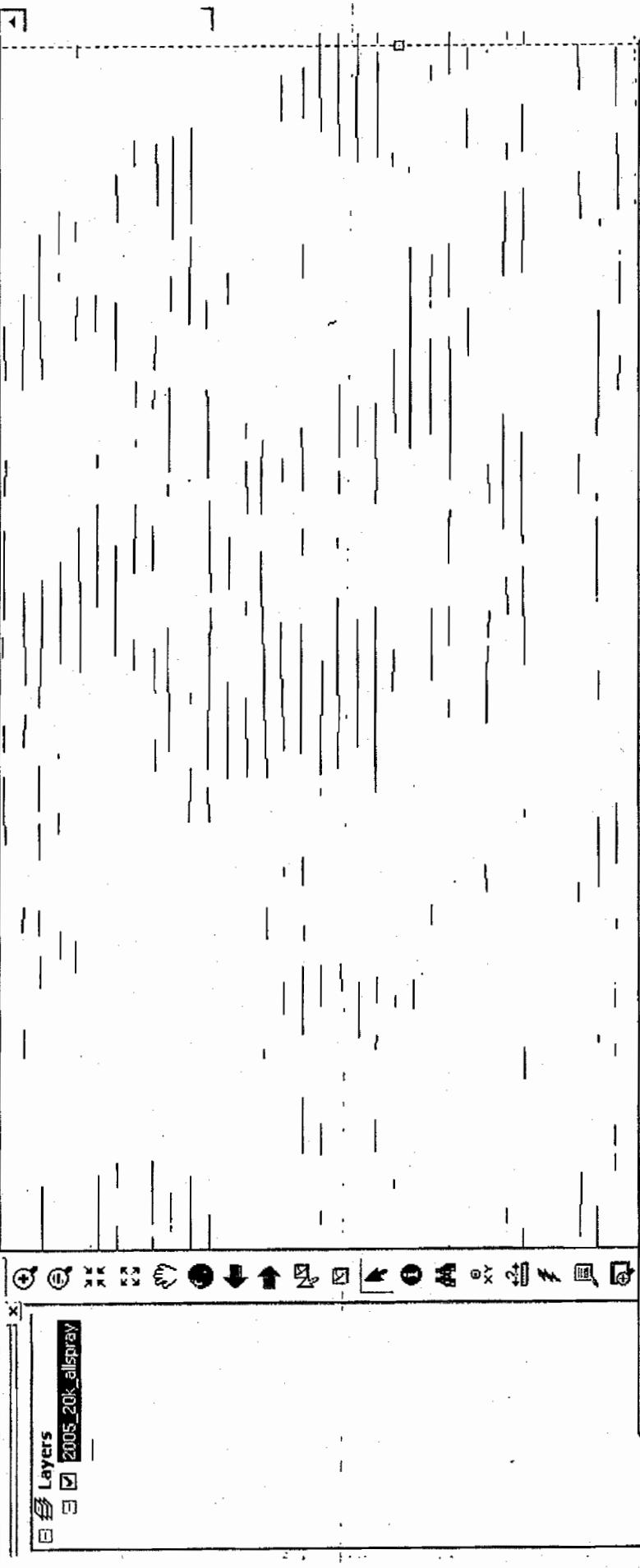
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Target:

Editor Create New Feature

Spatial Analyst Layer:



Attributes of 2005_20k_allspray

FID	Shape	SEG	FILE_NAME	MISSION	SIDE	LINE	START_TIME	LATITUDE	LONGITUDE	ALTITUDE	DOP	FLT_TIME	FLT_LENGTH	OTE
0	Polyline	60	K035V4AC.B99	289-1	Right	2	14:02:04.73	0.44888881	-76.91612464	389	0.89	0.57	52.7	11.
1	Polyline	61	K035V4AC.B99	289-1	Right	2	14:03:13.12	0.39178026	-76.91624238	386	0.88	0.18	17.5	2.
2	Polyline	62	K035V4AC.B99	289-1	Right	2	14:03:13.40	0.39153284	-76.91624546	366	0.89	0.1	9.7	3.

Record: 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1

Show: All Selected

Records (0 out of 22475 Selected)

Options

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Drawing

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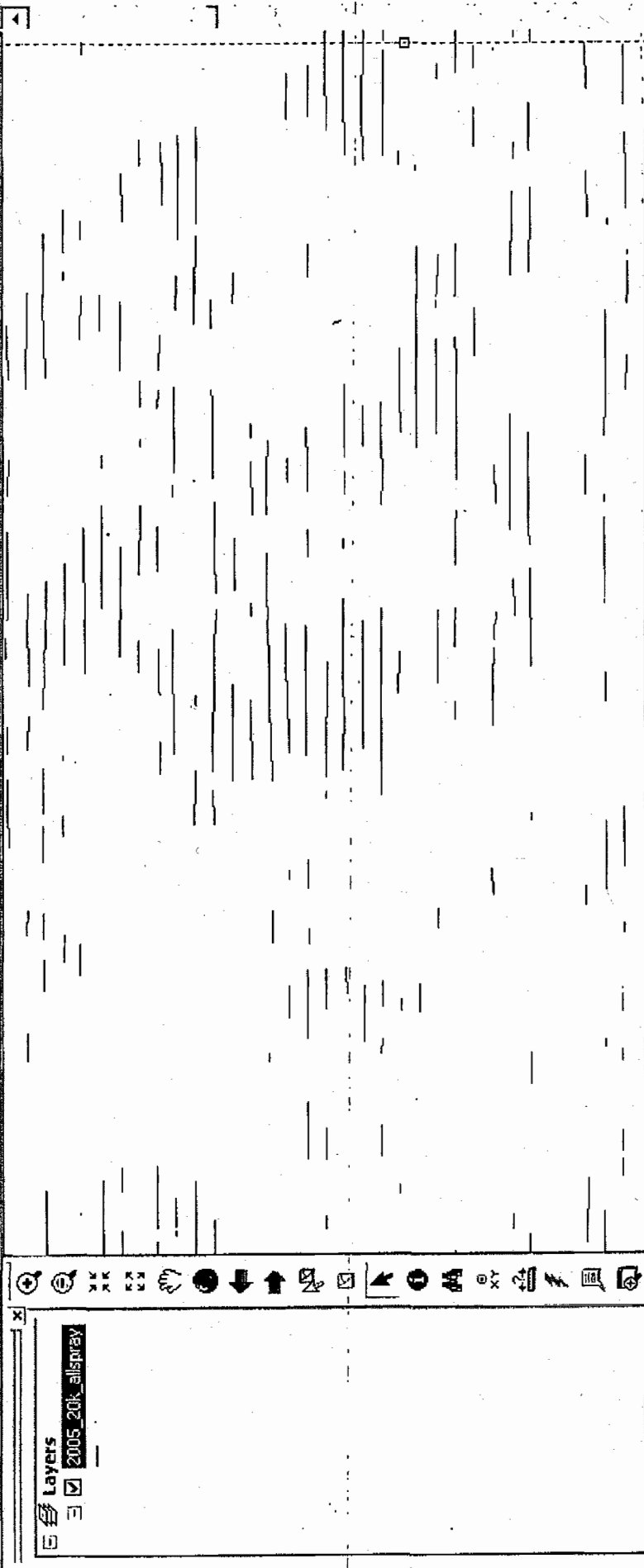
File Edit View Bookmarks Insert Selection Tools Window Help

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Spatial Analyst Layer: Create New Feature

Task: Editor

Target:



Layers

- 2005_20k_allspray

Attributes of 2005_20k_allspray

	LONGITUDE	ALTITUDE	DOP	FLT_TIME	FLT_LENGTH	OTE	SPEED	VOLUME	AREA	LENGTH	MORPH	SWATH	AIRCRAFT	AC_CROP	CROP
1	-76.91612464	368	0.89	0.57	52.7	11.6	207	6.2	0.2733	52.61	0511	85	OV-10	OV-10	Coca
2	-76.91624238	366	0.89	0.18	17.5	2.9	216.9	6.1	0.0904	17.655	0511	85	OV-10	OV-10	Coca
3	-76.91624546	366	0.89	0.1	9.7	3.3	217	6.8	0.0503	9.714	0511	85	OV-10	OV-10	Coca

Record: 1 | Show: All Selected | Records (0 out of 22475 Selected) | Options

Display

Military Analyst

Drawing

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Editor Create New Feature Target:

Spatial Analyst Layer:

Layers

- 2008_20k_allspray
- 2007_20k_allspray
- 2006_20k_allspray

Map area showing a large rectangular boundary.

Attributes of 2006_20k_allspray

FID	Shape	SEG	FILE_NAME	MISSION	SIDE	LINE	START_TIME	LATITUDE	LONGITUDE	ALTITUDE	DOP	FLT_TIME	FLT_LENGTH	OTI
0	Polyline	3006	K216B-AC.B99	290-3	Right	5 10:53:16:10	5 10:53:16:10	0.40761607	-76.69019487	324	0.89	1.7	130.7	1
1	Polyline	3007	K216B-AC.B99	290-3	Right	5 10:53:37:10	5 10:53:37:10	0.39303192	-76.69026071	322	0.89	1.3	100.1	2
2	Polyline	3008	K216B-AC.B99	290-3	Right	10 10:57:07:10	10 10:57:07:10	0.44268421	-76.69244549	331	0.89	0.5	40.1	0

Record: 1 | Show: All | Selected | Options

Records (0 out of 44850 Selected)

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Military Analyst

Drawing

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Spatial Analyst Layer: Create New Feature Target:

Task: Edit

Layers

- 2008_20k_allspray
- 2007_20k_allspray
- 2006_20k_allspray

Attributes of 2006_20k_allspray

LONGITUDE	ALTITUDE	DOP	FLT_TIME	FLT_LENGTH	OTE	SPEED	VOLUME	AREA	LENGTH	MONTH	SWATH	AIRCRAFT	AC_CROP
-76.69019487	324	0.88	1.7	130.7	1.1	172	7.1	0.6775	130.861	0611	85	AT802	AT802_Coca
-76.69026071	322	0.89	1.3	100.1	2.1	172.3	7.1	0.5188	100.175	0611	85	AT802	AT802_Coca
-76.69244549	331	0.89	0.5	40.1	0.1	179.2	6.5	0.2076	40.072	0611	85	AT802	AT802_Coca

Records: 1 | Show: All Selected | Records (0 out of 44850 Selected) | Options

Display Source

Military Analyst

Drawing

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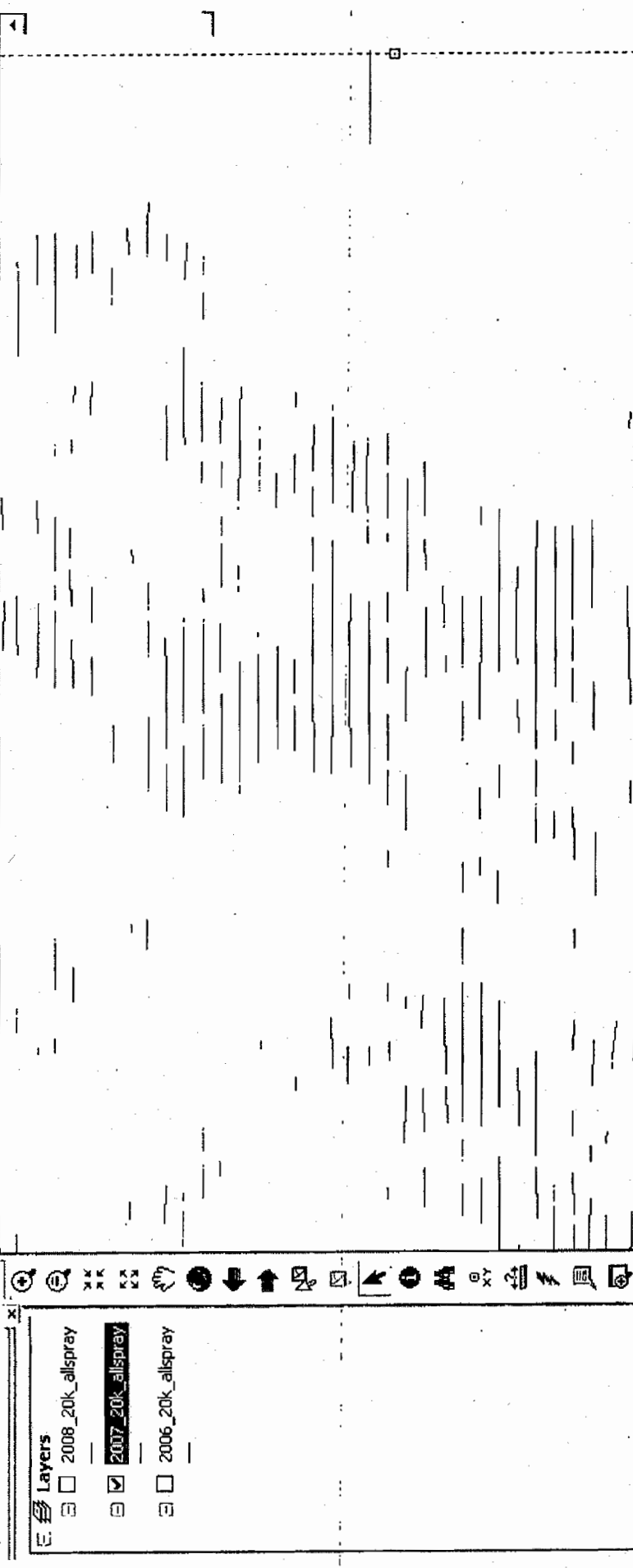
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File Edit View Bookmarks Insert Selection Tools Window Help

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Spatial Analyst Layer: Editor Task: Create New Feature Target:



- Layers
- 2008_20k_allspray
 - 2007_20k_allspray
 - 2006_20k_allspray

Attributes of 2007_20k_allspray

FID	Shape	SEC	FILE_NAME	MISSION	SIDE	LIINE	START_TIME	LATITUDE	LONGITUDE	ALTITUDE	DOP	FLT_TIME	FLT_LENGTH	OTE
0	Polyline	3964	K267LYAC.B99	280-1	Right	135	9:24:26.30	-76.43736595	-76.43736595	321	1.1	1.2	90.748	0
1	Polyline	3965	K267LYAC.B99	280-1	Right	135	9:24:36.90	-76.43736100	-76.43736100	294	1.1	2.9	223.56	0
2	Polyline	3966	K267LYAC.B99	280-1	Right	135	9:24:56.50	-76.43737241	-76.43737241	300	1.1	1	74.62	1

Record: 1 | Show: All Selected | Records (0 out of 32557 Selected) | Options

Military Analyst

Drawing

start

10

B I U A

78.64 1.382 Decimal Degrees

1:48 PM

UNCLASSIFIED

1:16,227

100%

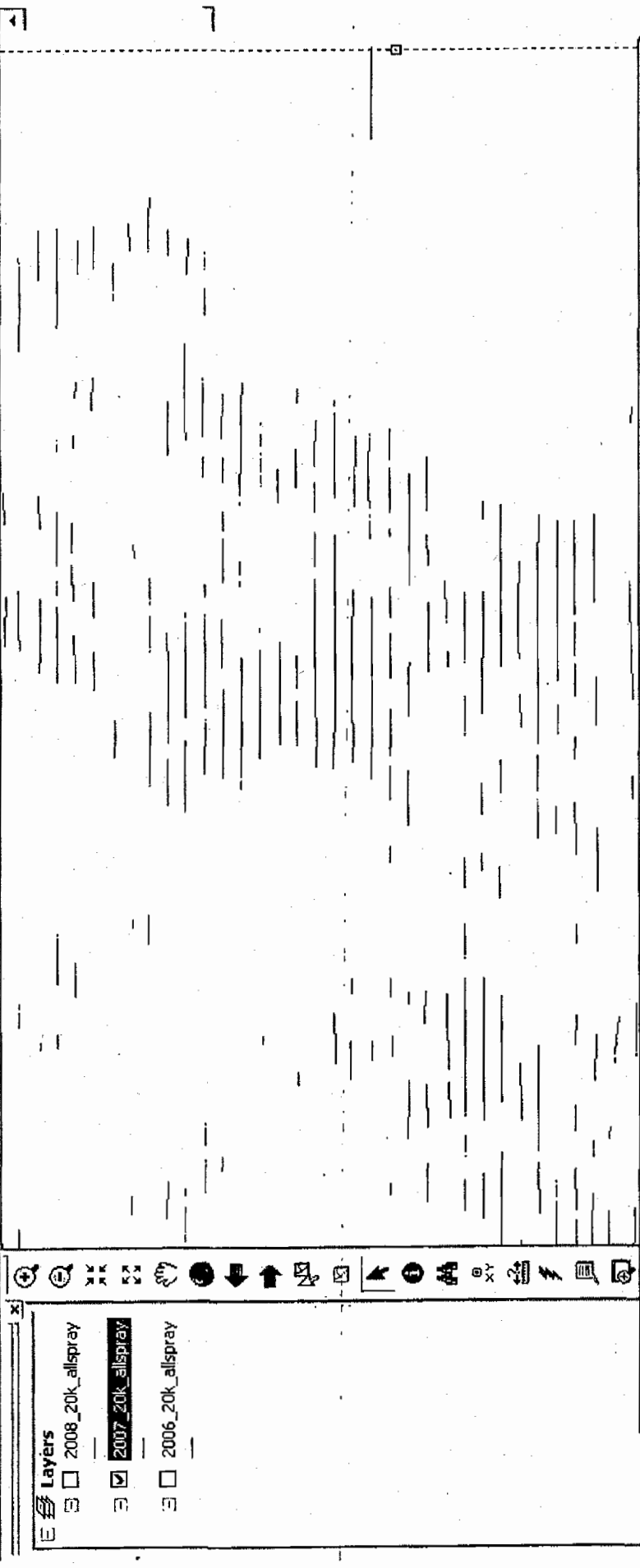
Target:

Task: Create New Feature

Editor

Spatial Analyst

Layer:



- Layers
- 2008_20k_allspray
 - 2007_20k_allspray
 - 2006_20k_allspray

Attributes of 2007_20k_allspray

LONGITUDE	ALTITUDE	DOP	FLT_TIME	FLT_LENGTH	OTE	SPEED	VOLUME	AREA	LENGTH	MONTH	SWATH	AIRCRAFT	AC_CROP	GROUP
-76.43738595	321	1.1	1.2	90.748	0.3	169.2	6	0.4702	90.736	0711	85	AT802	AT802	Coca Lobo
-76.43738100	294	1.1	2.9	223.56	0.2	172.4	5.7	1.1585	223.754	0711	85	AT802	AT802	Coca Lobo
-76.43737241	300	1.1	1	74.62	1.3	166.9	6.1	0.3867	74.647	0711	85	AT802	AT802	Coca Lobo

Record: 1 | Show: All Selected | Records (0 out of 32557 Selected) | Options

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Untitled - ArcMap - ArcView

File Edit View Bookmarks Insert Selection Tools Window Help

Spatial Analyst Layer: Create New Feature

Task: Editor

Target:

1:16,227

100%

- Layers
- 2008_20k_allspray
 - 2007_20k_allspray
 - 2006_20k_allspray

Attributes of 2008_20k_allspray

FID	Shape	SEG	FILE_NAME	MISSION	SIDE	LJHE	START_TIME	LATITUDE	LONGITUDE	ALTITUDE	DOP	FLT_TIME	FLT_LENGTH	OT
0	Polyline	2018	1078NHAC.B99	86-3	Right	2 14:07:18:30	1 59995958	-78.68415654	56	0.89	0.4	31.897	730	
1	Polyline	2019	1078NHAC.B99	86-3	Right	2 14:07:24:90	1 60129976	-78.67965271	44	0.88	0.6	46.945	716	
2	Polyline	2020	1078NHAC.B99	86-3	Right	2 14:07:26:50	1 60165086	-78.67858779	42	0.89	1.8	139.325	711	

Record: 1 | Show: All Selected | Records (0 out of 8678 Selected) | Options

Display Source

Military Analyst

Drawing

10

B I U A

78.636 1.379 Decimal Degrees

start

Inbox - Microsoft Out...

Untitled - ArcMap - Ar...

Coxel Paint Shop Pro X

1:49 PM

File Edit View Bookmarks Insert Selection Tools Window Help
 Spatial Analyst Layers: Layer: Target: Create New Feature
 Editor Task:

Layers
 2008_20k_allspray
 2007_20k_allspray
 2006_20k_allspray

Attributes of 2008_20k_allspray

ALTIITUDE	DOP	FLT_TIME	FLT_LENGTH	OTE	SPEED	VOLUME	AREA	LENGTH	MOIETH	SWATH	AIRCRAFT	AC_CROP	GROUP
56	0.89	0.4	31.897	7309.6	178.4	5.8	0.165289	31.897	0809	85	AT802	AT802_Coca	Lobo
44	0.89	0.6	46.945	7160.8	175	5.7	0.243266	46.945	0809	85	AT802	AT802_Coca	Lobo
42	0.89	1.8	139.325	7111.6	173.1	6	0.721967	139.325	0809	85	AT802	AT802_Coca	Lobo

Record: 1 | Show: All Selected | Records (0 out of 8678 Selected) | Options
 Display Source

Drawing A B I U A B I U A
 start | Inbox - Microsoft Out... | Untitled - ArcMap - Ar... | Corel Paint Shop Pro X
 -78.641 1.386 Decimal Degrees | 1:50 PM

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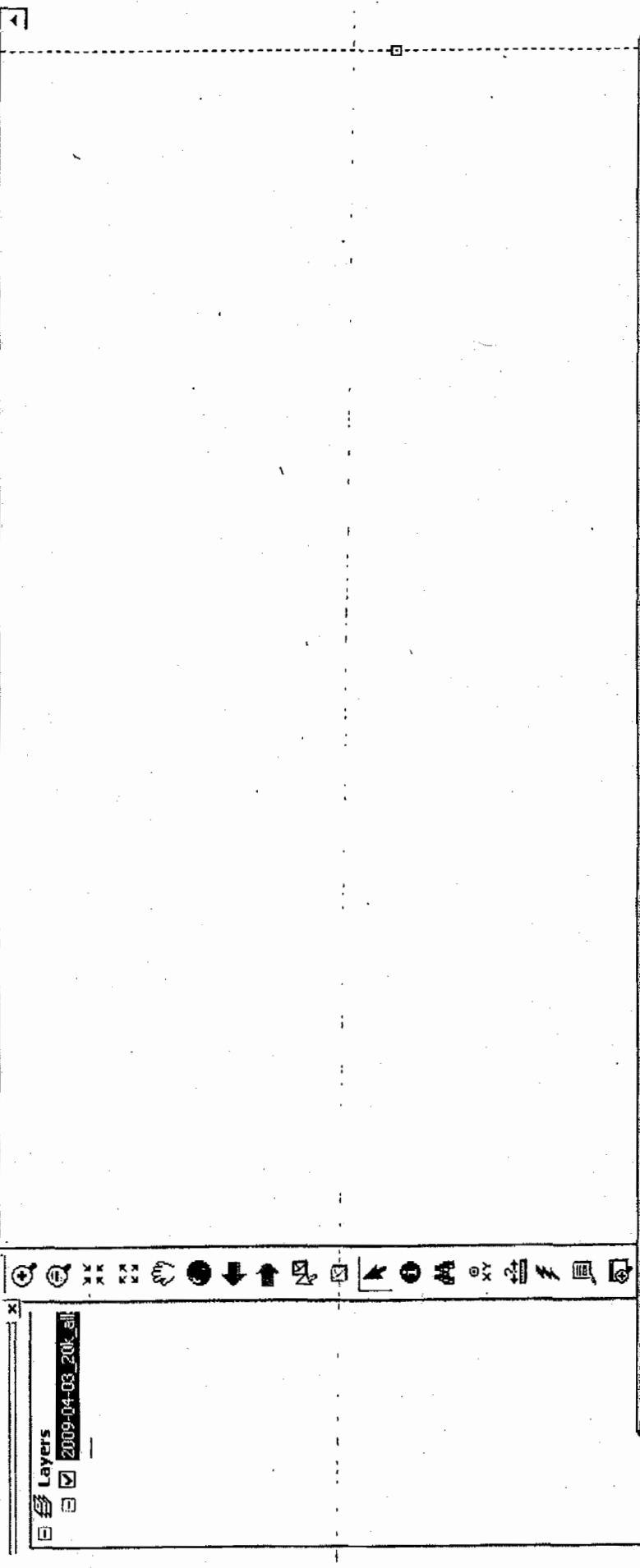
Untitled - ArcMap - ArcView

File Edit View Bookmarks Insert Selection Tools Window Help

Spatial Analyst Layer: Create New Feature Target:

Editor Task: 1:16,227

100%



Attributes of 2009-04-03_20k_allspray

FID	Shape*	SEG	FILE NAME	MISSION	SIDE	LINE	START_TIME	LATITUDE	LONGITUDE	ALTITUDE	DOP	FLT_TIME	FLT_LENGTH
0	Polyline	1	A3190\$AC.B99	79-1	Right	2	11:19:27:20	1.70014039	-78.83391772	61	0.63	0.4	32.382
1	Polyline	2	A3190\$AC.B99	79-1	Right	2	11:19:28:60	1.69898615	-78.83392753	60	0.63	0.3	24.332
2	Polyline	3	A3190\$AC.B99	79-1	Right	2	11:19:31:30	1.69713301	-78.83394068	60	0.63	1	81.408

Record: 1 of 3 | Show: All Selected | Options

Records (0 out of 247 Selected)

Display Source

Military Analyst

Drawing

78.641 1.382 Decimal Degrees

start

Irbox - Microsoft Out...

Untitled - ArcMap - Ar...

Carel Paint Shop Pro X

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Untitled - ArcMap - ArcView

File Edit View Bookmarks Insert Selection Tools Window Help

1:16.227 100%

Task: Create New Feature Target:

Spatial Analyst Layer: Layers

- 2009-04-03_20k_all

Attributes of 2009-04-03_20k_allspray

ALTITUDE	DOP	FLT_TIME	FLT_LENGTH	OTE	SPEED	VOLUME	AREA	LENGTH	MONTH	SWATH	AIRCRAFT	AC_CROP	GROUP
61	0.63	0.4	32.382	1	181.1	5.8	0.16779	32.442	0901	85	AT802	AT802_Coca	Lobo
60	0.63	0.3	24.332	0.1	181.4	5.4	0.126081	24.378	0901	85	AT802	AT802_Coca	Lobo
60	0.63	1	81.406	1.6	182.1	6.1	0.421825	81.559	0901	85	AT802	AT802_Coca	Lobo

Record: 1 | Show: All Selected | Records (0 out of 247 Selected) | Options

Military Analy

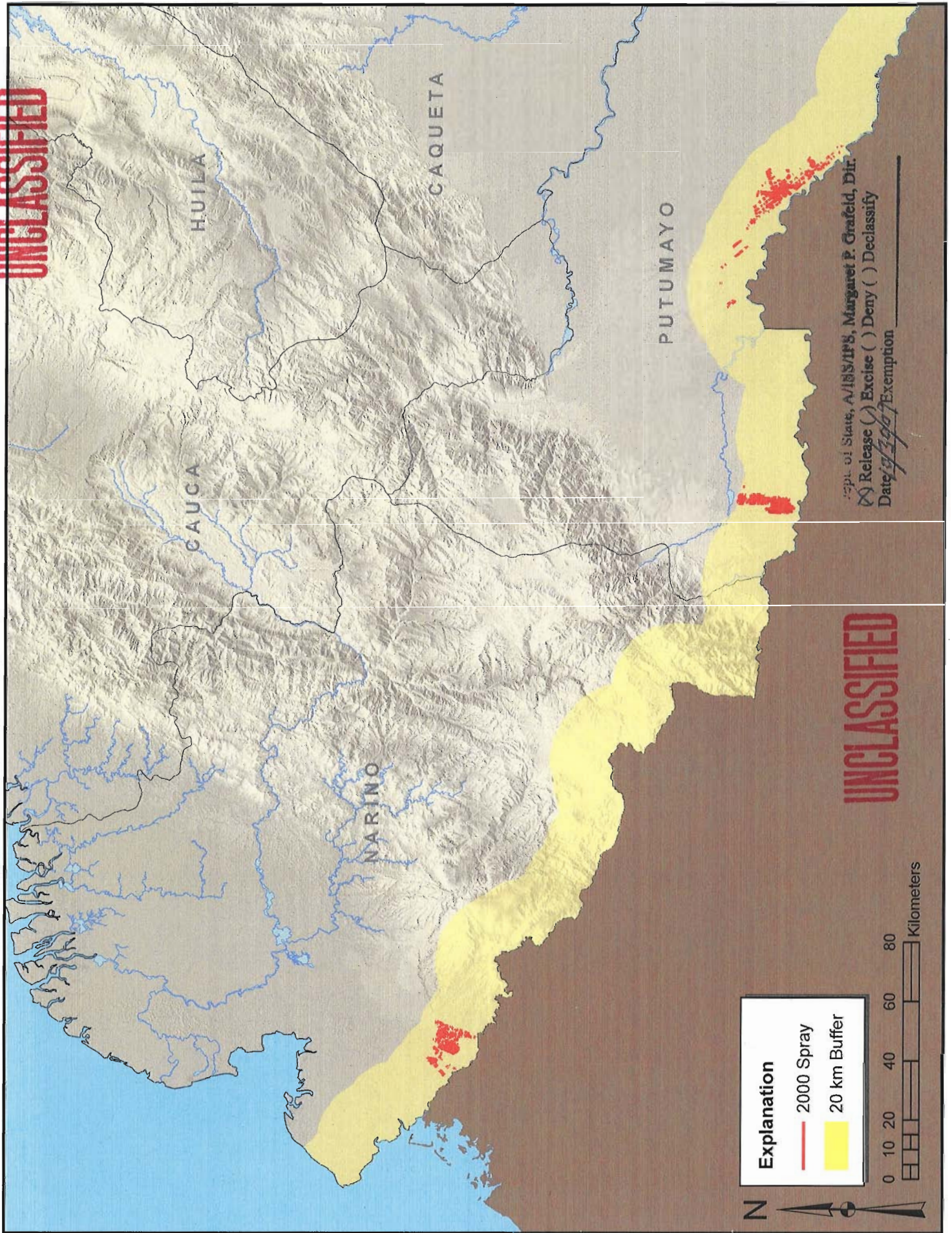
Drawing | 10 | B I U | A | 78.64 1,386 Decimal Degrees

start | Inbox - Microsoft Out... | Untitled - ArcMap - Ar... | Corel Paint Shop Pro X | 1:51 PM

Printing Report for Case 200806942 Segment INL002

Document: IN000001.....Printed 20 page(s)

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Explanation

- 2000 Spray
- 20 km Buffer



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 Date: 3/30/97 Exemption

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200806942



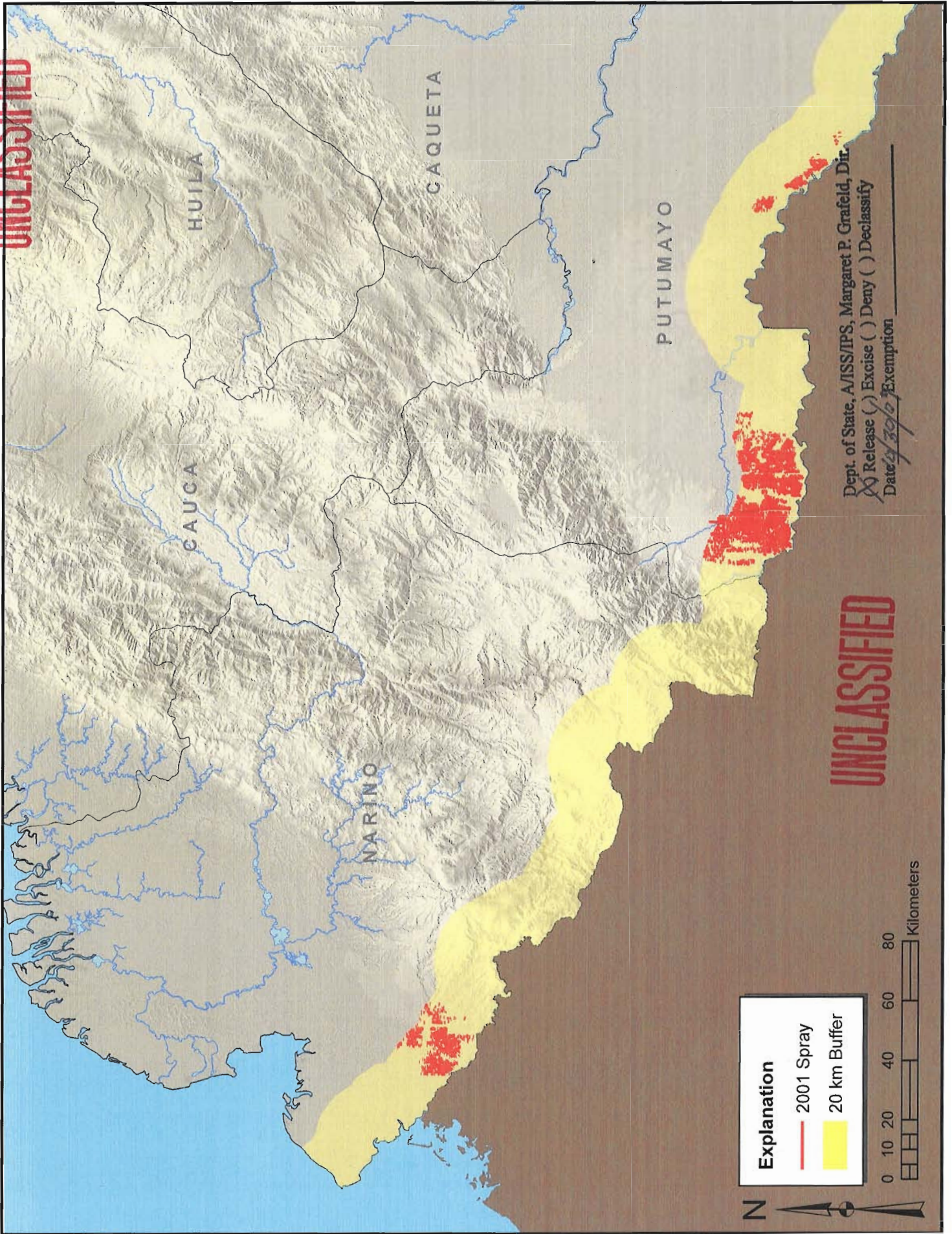
INL001



1442612

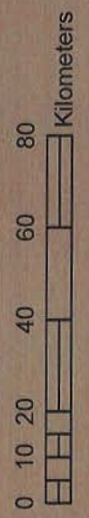
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Doc From:	
Doc To:	
Doc Type:	MP
Extension:	
Message No:	
Total Pages:	1

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Explanation

- 2001 Spray
- 20 km Buffer



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 Date: 3/9/02 Exemption _____

12



200806942



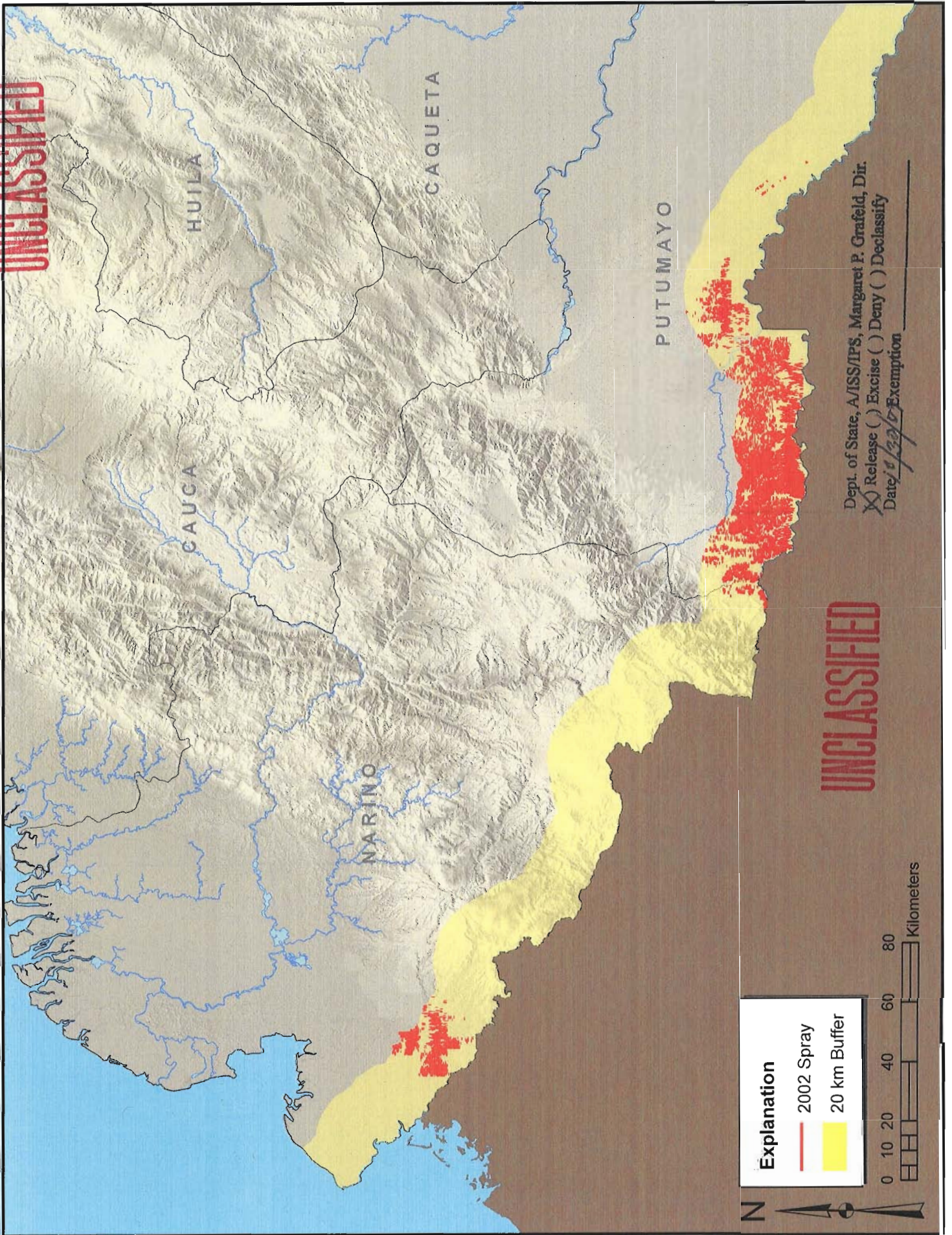
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1442613

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Message No:	
Total Pages:	1

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 Date: 8/23/07 Exemption

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13



200806942



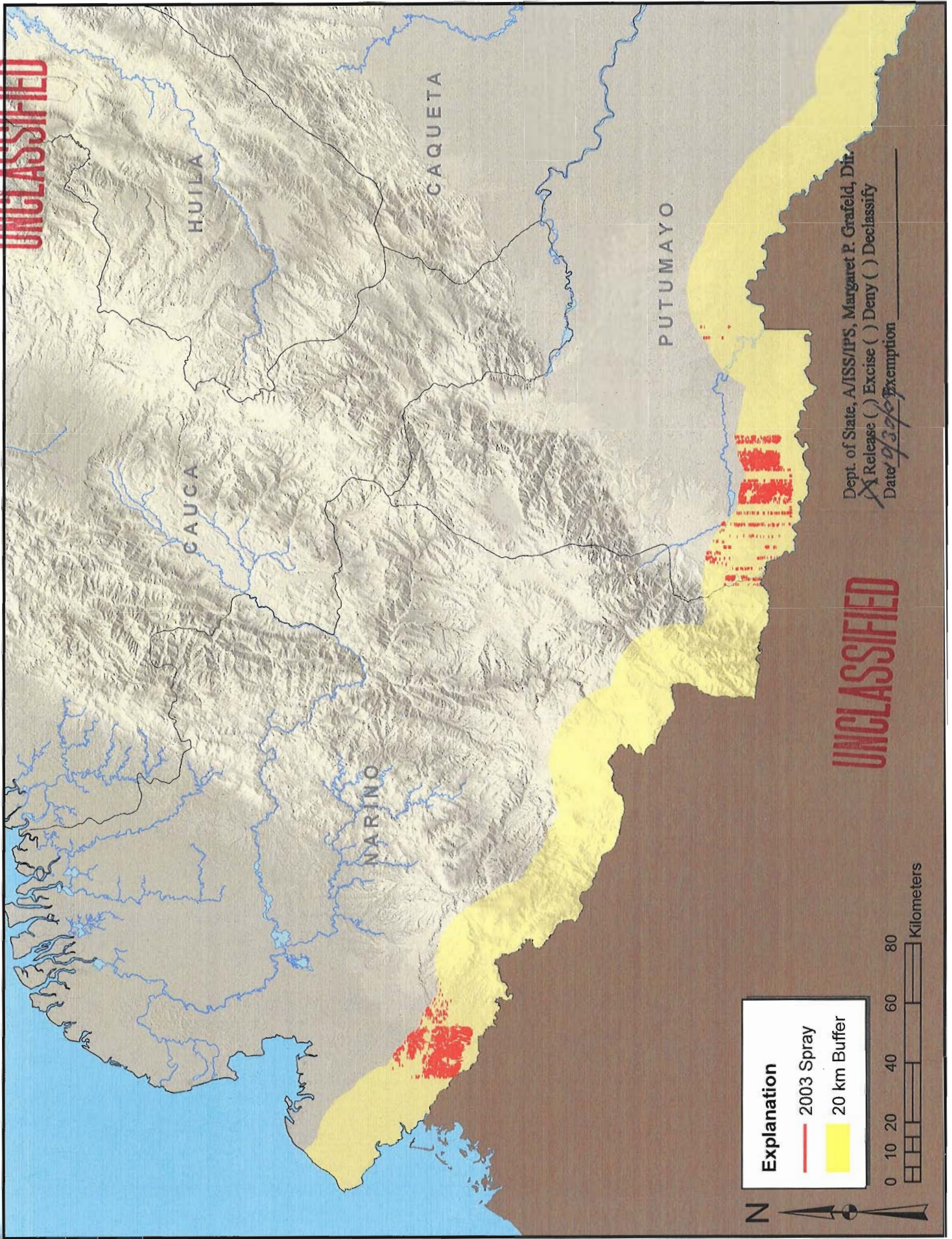
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1442614

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Total Pages:	1

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 Date 1/3/98 Exemption

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200806942



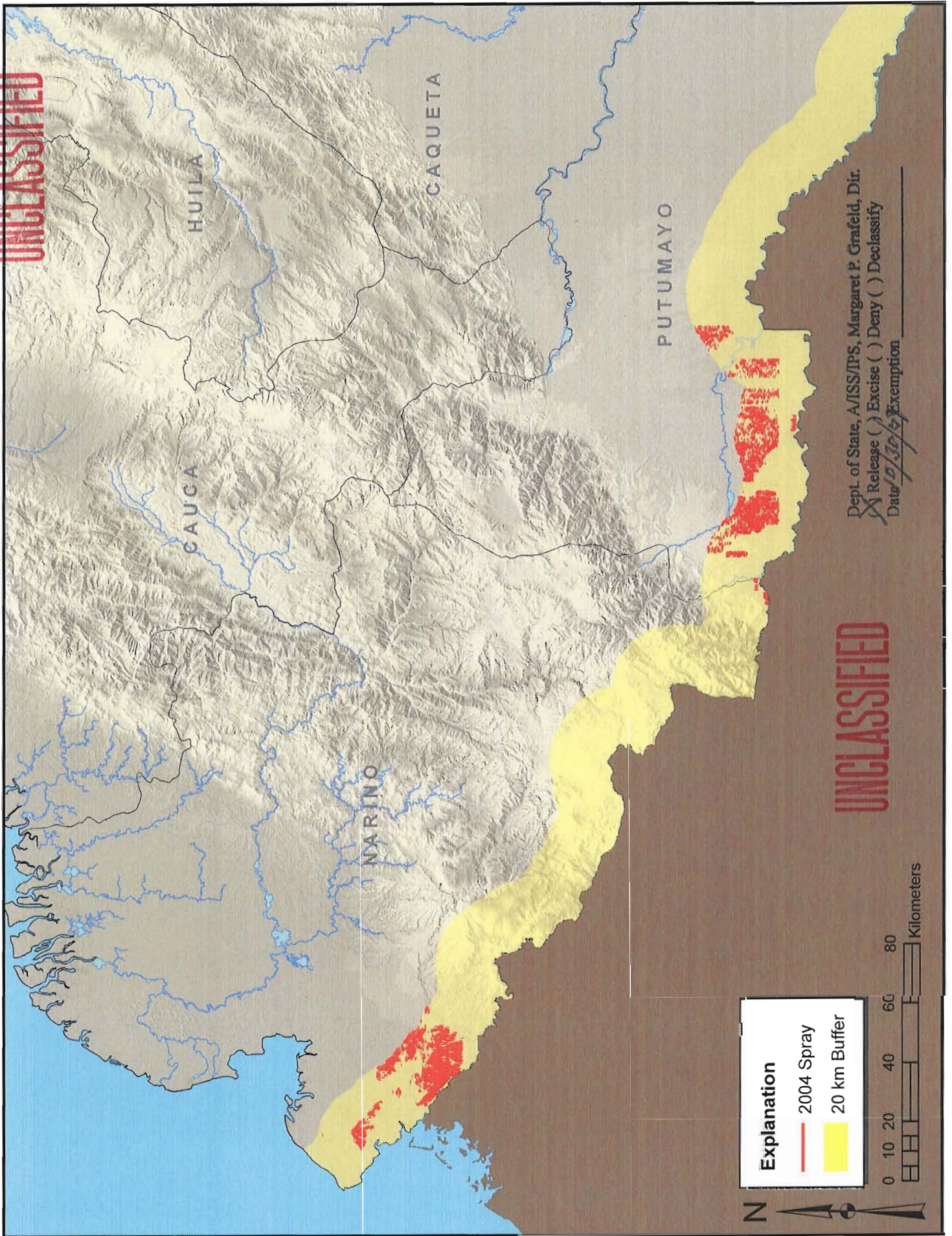
INL001



1442615

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Message No:	
Total Pages:	1

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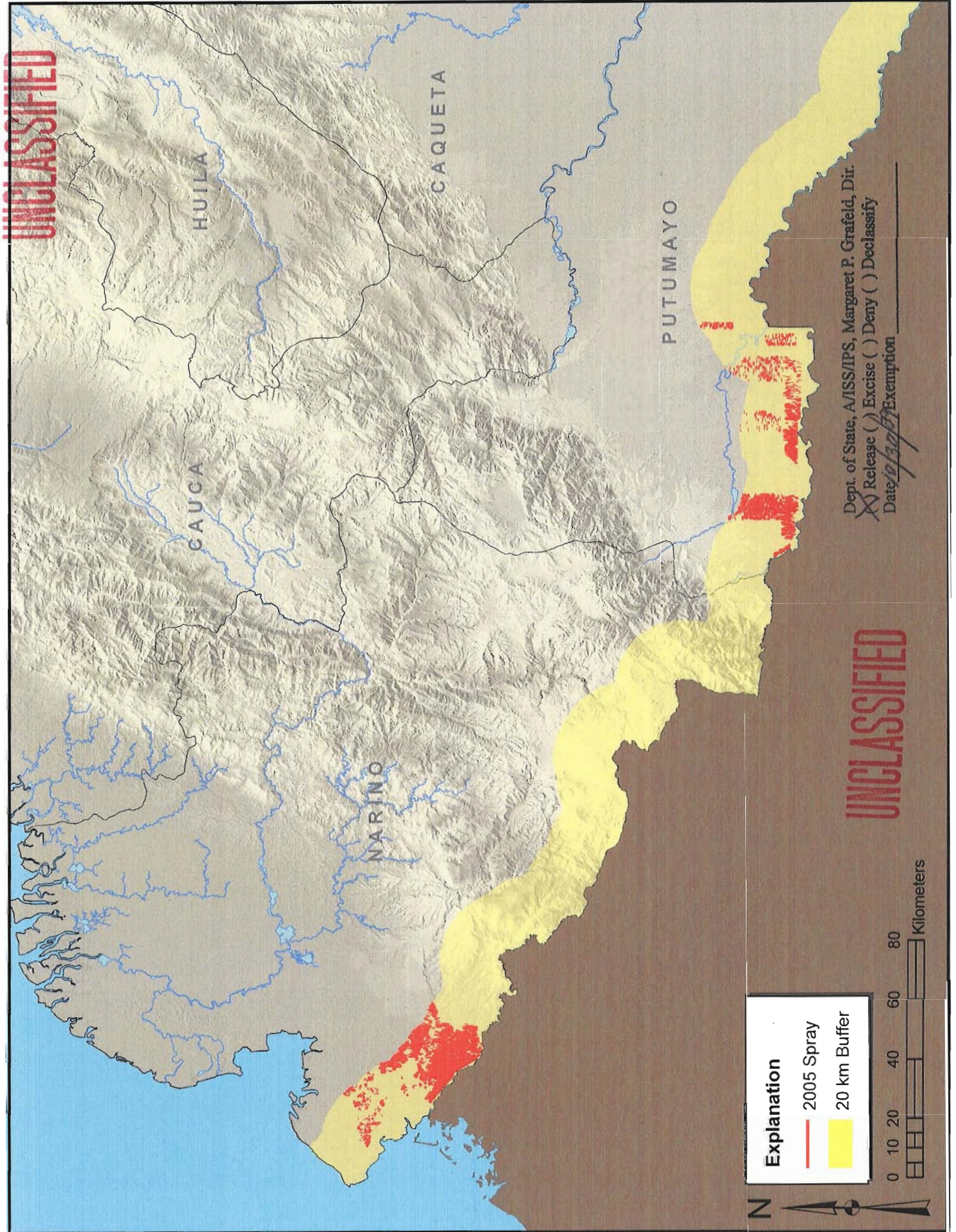


INL001



1442616

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116



200806942

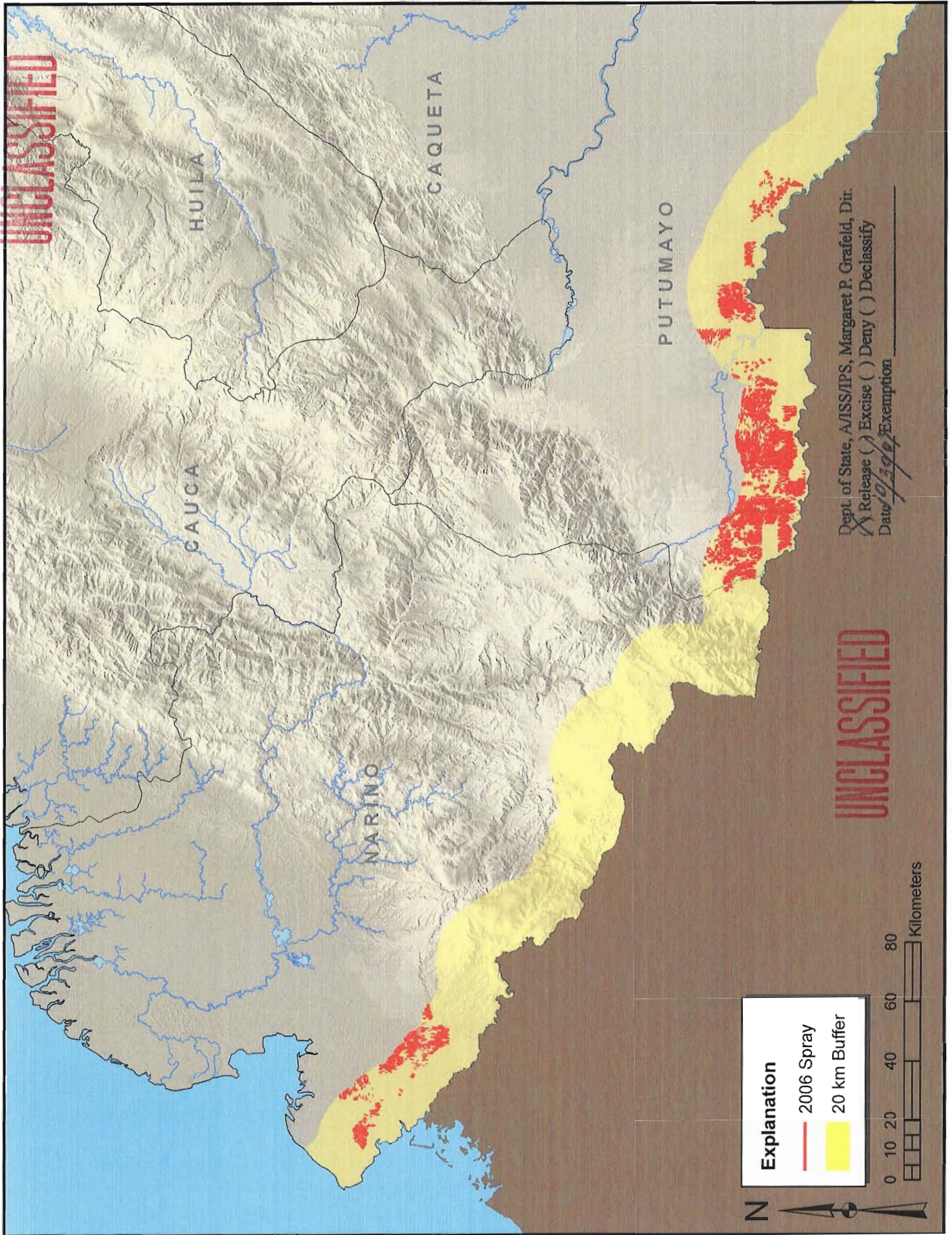


INL001



1442617

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Extension:
Message No:
Total Pages: 1



Explanation

- 2006 Spray
- 20 km Buffer

0 10 20 40 60 80 Kilometers

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 Release () Excise () Deny () Declassify
 Date: 12/13/99 Exemption

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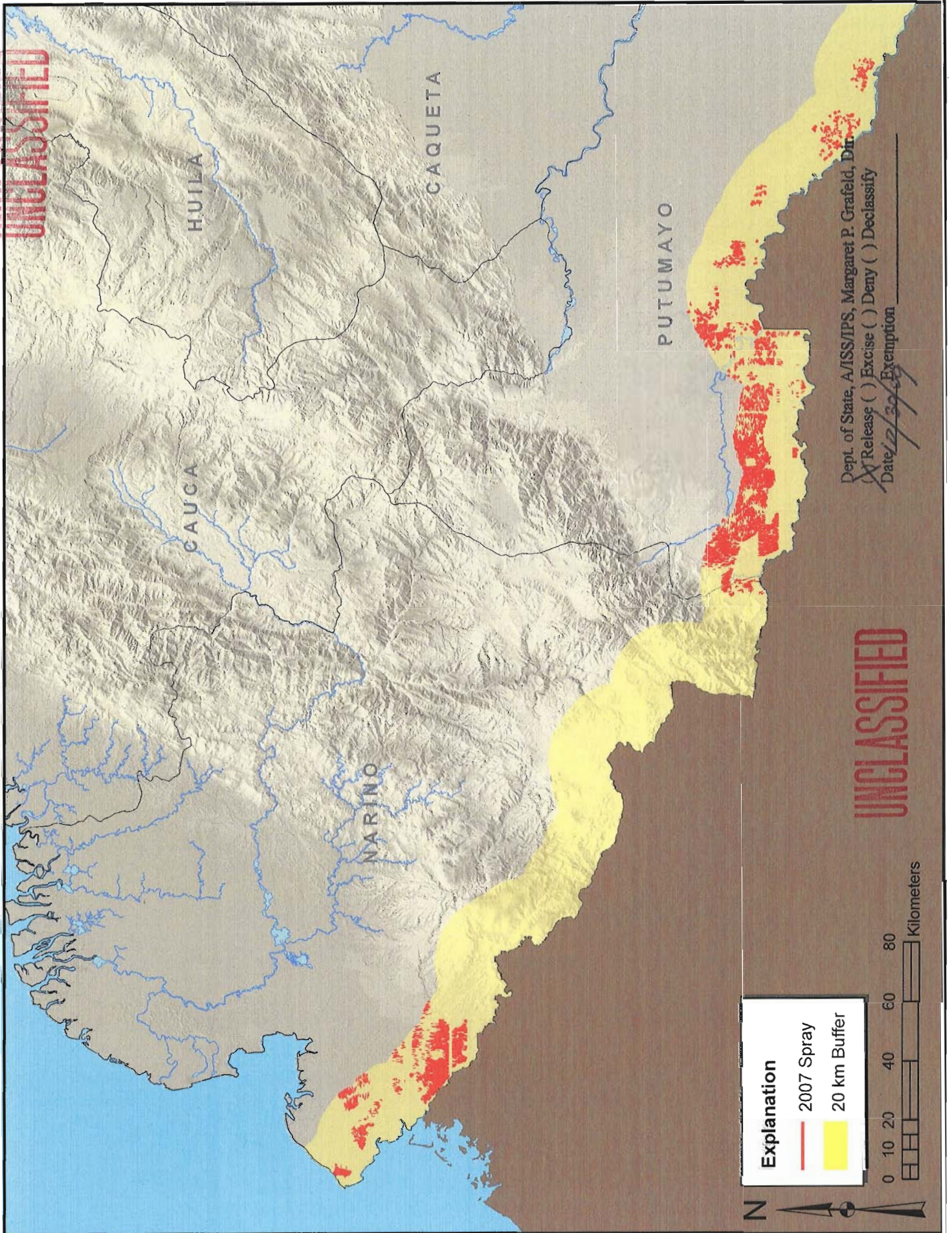
INL001



1442618

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Total Pages:	1

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200806942

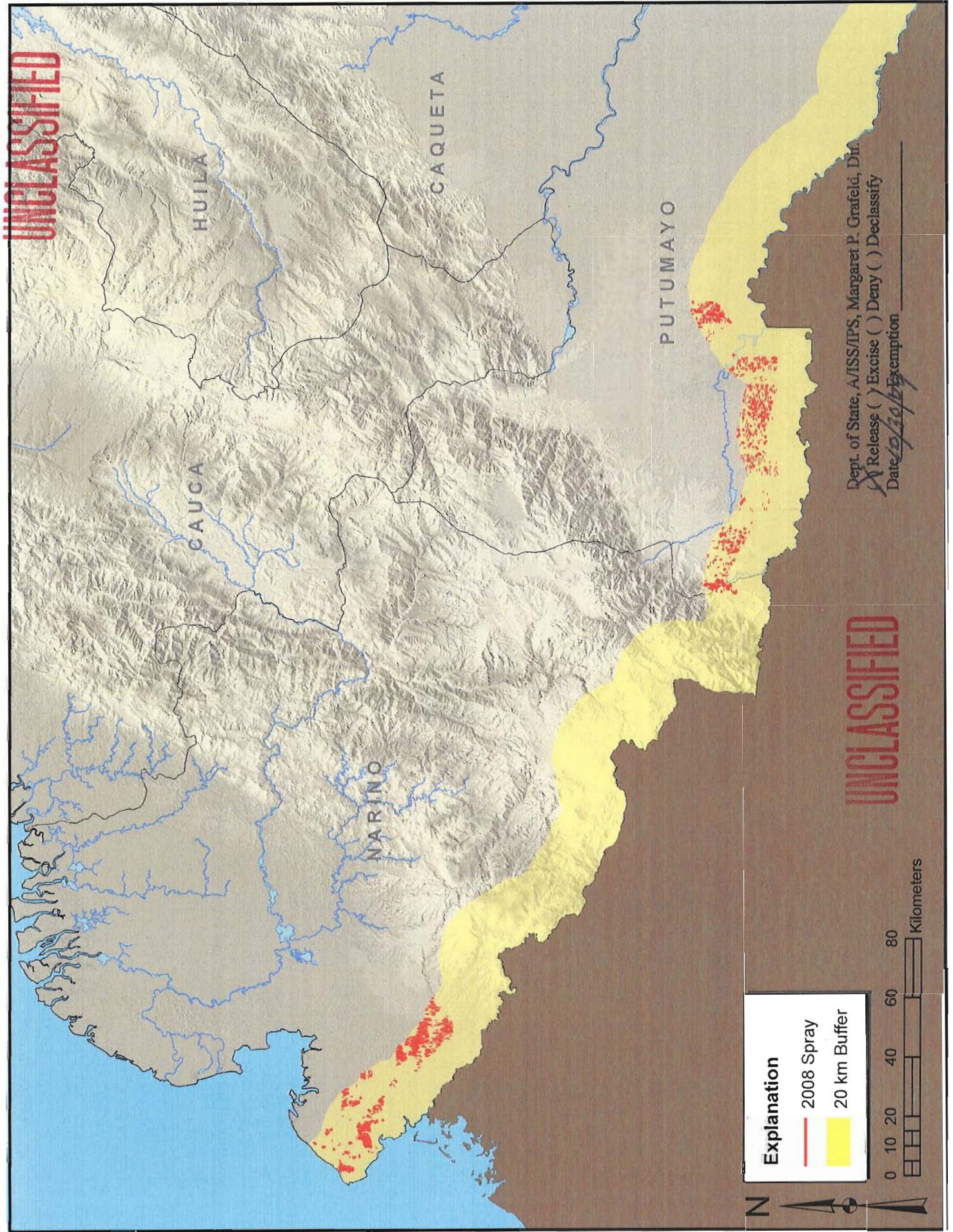


INL001



1442619

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Doc Type: MP
Extension:
Message No:
Total Pages: 1



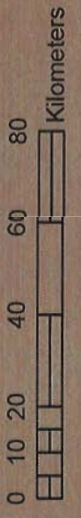
UNCLASSIFIED

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 Date 10/10/09 by Exemption

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Explanation

- 2008 Spray
- 20 km Buffer



67



200806942

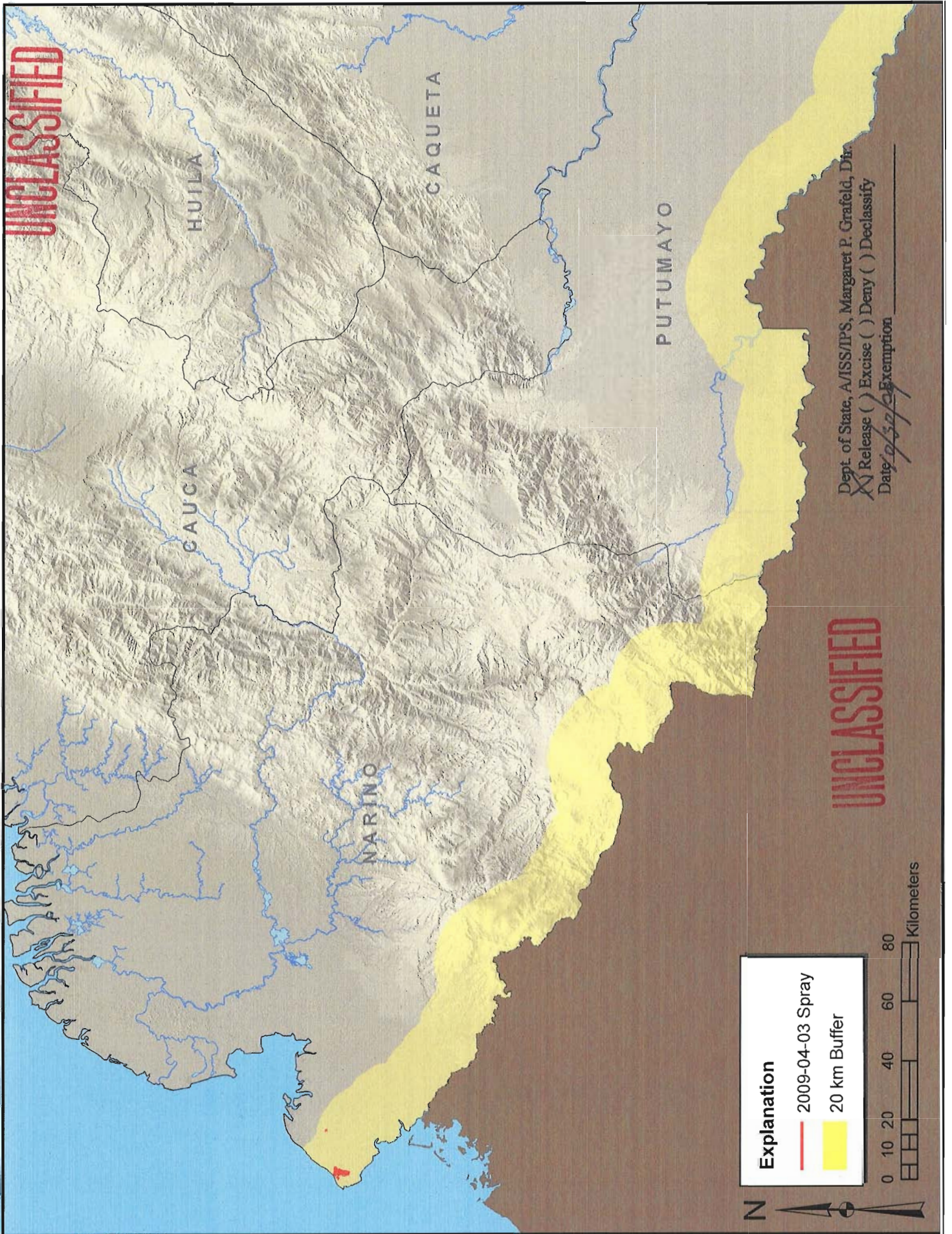


INL001



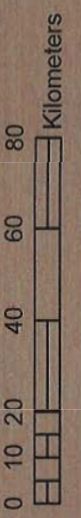
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Doc To:	
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Message No:	
Total Pages:	1



110

Explanation	
—	2009-04-03 Spray
—	20 km Buffer



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 Date: 07/27/09 Exemption

Annex 115

Letter from Rebecca L. Puskas, Counsel to Government of Ecuador to A. Harold (Hal) Eisner, United States Department of State Office of Information Programs and Services (19 Feb. 2010)





Seaport World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2600

617 832 1000 *main*
617 832 7000 *fax*

February 19, 2010

Rebecca L. Puskas
617 832 3039
rpuskas@foleyhoag.com

Via Fax (202) 261-8583

Hal Eisner
Office of Information Programs and Services
A/GIS/IPS/RL
Department of State, SA-2
Washington, DC 20522-8001

Re: Freedom of Information Act Request No. 200806942

Dear Mr. Eisner:

I am writing to follow-up on our telephone conversation this morning regarding the above-referenced Freedom of Information Act (FOIA) request regarding aircraft flight records in the possession of the U.S. Department of State related to aerial eradication of illicit coca in Colombia. This letter is not a new FOIA request. Rather, at this time I am seeking further description and/or clarification regarding the information that has already been provided to me.

The aircraft flight records I requested were provided to me on a data CD on November 13, 2009. I understand that the records are managed by the Department of State's Bureau of International Narcotics and Law Enforcement Affairs (INL) and/or by DynCorp contractors and are held at the Patrick Air Force Base in Florida. I would appreciate it if that office could provide information to describe several of the flight parameters and to explain their units (e.g., meters, miles per hour, etc.).

Attached hereto are sample pages of the data provided to me for the years 2001 and 2007. The records include labels for each data type, for example "ALTITUDE" or "VOLUME" but do not include the units for those data types. For example, it is unclear whether altitude is measured in feet or meters, and it is unclear whether the distance is measured above ground or above sea level. I would appreciate if the office that provided the records could identify the units associated with each recorded flight parameter. More specifically, I would appreciate if that office could identify the units, where applicable, for the following parameters: SEG, LINE, ALTITUDE, XTRACK, SPEED, HEADING, S, SPRAY_RATE, VOLUME, AREA, DOP, FLT_TIME, FLT_LENGTH, OTE, SV, USED, DF, STIND, LENGTH, and SWATH. If there is no other readily available documentation

Office of Information Programs and Services
February 19, 2010
Page 2

describing the units recorded, one way to do this would be to mark the units on the attachments to this letter and return them to me.

In addition, I do not understand the meaning of some of the data labels. I would appreciate if the office that provided the records could provide a definition or description for the following parameters: LINE_ID, SEG, MISSION, LINE, XTRACK, S, SPRAY_RATE, VOLUME, AREA, DOP, FLT_TIME, FLT_LENGTH, OTE, SV, USED, DF, STNID, ASCIINAME, LENGTH, SWATH, LOG, SOURCE, and GROUP.

By way of Request No. 200806942, I authorized the expenditure of \$1,000 in applicable fees. That authorization remains in effect with respect to any fees incurred in responding to this letter. Please contact me if the costs will be greater.

Thank you for your assistance with this matter. Please do not hesitate to contact me with any questions at 617-832-3039 or at rpuskas@foleyhoag.com.

Sincerely,


Rebecca L. Puskas

Enclosure

2001

LINE_ID	TIME	ALTITUDE	XTRACK	MPH	HEADING	S	SPRAY_RATE	DOP	SV	USED	DF	STNID
001204	07:39:21.18	1976.0	-10.13	169.99	180.30	1	0.000	0.8	12	11	0	-1
001245	07:39:58.89	1852.0	-7.76	169.99	178.70	1	0.000	0.8	12	11	0	-1
001256	07:40:06.83	1830.0	15.17	172.81	179.10	1	0.000	0.8	10	11	0	-1
001264	07:40:11.74	1804.0	35.59	174.70	178.60	1	0.000	0.8	10	11	0	-1
001286	07:40:30.51	1730.0	25.23	165.10	179.70	1	0.000	0.8	12	11	0	-1
001295	07:40:36.92	1729.0	12.11	161.47	180.20	1	0.000	0.8	12	11	0	-1
001518	07:44:16.64	1742.0	11.02	167.73	0.10	1	0.000	0.8	12	11	0	-1
001548	07:44:43.92	1842.0	41.58	161.45	0.00	1	0.000	0.8	12	11	0	-1
001582	07:45:15.02	1924.0	53.65	157.63	359.60	1	0.000	0.8	12	11	0	-1
001592	07:45:21.63	1949.0	-0.60	156.30	2.40	1	0.000	0.8	12	11	0	-1
001801	07:48:37.66	1938.0	13.43	176.71	180.20	1	0.000	0.8	12	11	0	-1
001841	07:49:15.20	1833.0	-13.41	172.12	179.70	1	0.000	0.8	12	11	0	-1
001862	07:49:33.00	1754.0	12.14	174.08	180.30	1	0.000	0.8	12	11	0	-1
001873	07:49:41.12	1715.0	8.18	173.94	179.20	1	0.000	0.8	12	11	0	-1
001883	07:49:47.63	1698.0	-0.82	172.84	181.60	1	0.000	0.8	12	11	0	-1
001889	07:49:51.07	1684.0	-21.18	172.90	181.00	1	0.000	0.8	12	11	0	-1
001956	07:50:54.99	1595.0	-17.59	168.45	181.80	1	0.000	0.8	12	11	0	-1
002011	07:51:47.00	1641.0	-191.20	163.53	6.90	1	0.000	0.8	12	11	0	-1
002082	07:52:54.95	1659.0	55.52	166.59	0.80	1	0.000	0.8	12	11	0	-1
002089	07:52:59.72	1666.0	49.48	167.24	0.20	1	0.000	0.8	12	11	0	-1
002159	07:54:06.47	1844.0	15.53	173.55	0.90	1	0.000	0.8	12	11	0	-1
002378	07:57:25.35	1935.0	21.64	184.43	178.60	1	0.000	0.8	12	11	0	-1
002441	07:58:25.49	1749.0	-25.51	170.90	180.30	1	0.000	0.8	12	11	0	-1
002450	07:58:31.66	1736.0	-13.91	171.31	178.10	1	0.000	0.8	12	11	0	-1

ASCIINAME	LENGTH	MONTH	SWATH	TYPE	AIRCRLOG	SOURCETHM	AC_CROP
I011ebac	0.003	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.004	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.003	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.004	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65 I011ebac	2001_sl_lines.sh	T-65_Coca

2007

SEG	FILE_NAME	MISSION	SIDE	LINE	START_TIME	LATITUDE	LONGITUDE	ALTITUDE	DOP	FLT_TIME
3964	K267LYAC.B99	280-1	Right	135	9:24:28:30	0.55542253	-76.43738595	321	1.10	1.20
3965	K267LYAC.B99	280-1	Right	135	9:24:36:90	0.54949189	-76.43738100	294	1.10	2.90
3966	K267LYAC.B99	280-1	Right	135	9:24:56:50	0.53613889	-76.43737241	300	1.10	1.00
3967	K267LYAC.B99	280-1	Right	135	9:24:58:40	0.53485644	-76.43735947	301	1.10	1.20
3968	K267LYAC.B99	280-1	Right	135	9:25:00:30	0.53357367	-76.43736022	302	1.10	1.80
3969	K267LYAC.B99	280-1	Right	135	9:25:22:30	0.51855226	-76.43739303	304	1.10	1.10
3970	K267LYAC.B99	280-1	Right	135	9:25:31:10	0.51252353	-76.43738867	303	1.10	2.30
3971	K267LYAC.B99	280-1	Right	135	9:25:34:80	0.50995401	-76.43740116	299	1.10	2.70
3972	K267LYAC.B99	280-1	Right	135	9:25:38:50	0.50739516	-76.43738960	296	1.10	2.10
3973	K267LYAC.B99	280-1	Right	135	9:26:20:80	0.47834607	-76.43738868	288	1.10	0.90
3974	K267LYAC.B99	280-1	Right	135	9:26:22:00	0.47752518	-76.43738528	287	1.10	1.60
3975	K267LYAC.B99	280-1	Right	140	9:28:33:70	0.49543879	-76.43506494	304	1.10	1.00
3976	K267LYAC.B99	280-1	Right	140	9:28:45:20	0.50342574	-76.43504252	298	1.10	1.50
3977	K267LYAC.B99	280-1	Right	140	9:28:49:10	0.50613008	-76.43503717	295	1.10	1.80
3978	K267LYAC.B99	280-1	Right	140	9:28:52:00	0.50811990	-76.43506380	295	1.10	1.30
3979	K267LYAC.B99	280-1	Right	140	9:28:53:80	0.50934815	-76.43507054	295	1.10	4.70
3980	K267LYAC.B99	280-1	Right	140	9:29:05:40	0.51724295	-76.43506146	308	1.10	0.50
3981	K267LYAC.B99	280-1	Right	140	9:29:56:30	0.55251769	-76.43502912	321	1.10	1.70
3982	K267LYAC.B99	280-1	Right	140	9:30:00:40	0.55526236	-76.43506154	331	1.10	0.70
3983	K267LYAC.B99	280-1	Right	140	9:30:10:90	0.56232861	-76.43504291	333	1.10	1.30
3993	K267LYAC.B99	280-1	Right	145	9:36:14:10	0.56944409	-76.43270091	334	1.10	2.00
3994	K267LYAC.B99	280-1	Right	145	9:36:21:70	0.56407835	-76.43275324	335	1.10	1.10
3995	K267LYAC.B99	280-1	Right	145	9:36:26:20	0.56089581	-76.43272170	336	1.10	1.20
3996	K267LYAC.B99	280-1	Right	145	9:36:46:70	0.54646590	-76.43272844	288	1.10	1.60

FLT_LENGTH	OTE	SPEED	VOLUME	AREA	LENGTH	MONTH	SWATH	AIRCRAFT	AC_CROP	GROUP
90.748		0.3	169.2	6.0	0.4702	90.736	0711	85 AT802	AT802_Coca	Lobo
223.560		0.2	172.4	5.7	1.1585	223.754	0711	85 AT802	AT802_Coca	Lobo
74.620		1.3	166.9	6.1	0.3867	74.647	0711	85 AT802	AT802_Coca	Lobo
89.534		2.8	166.9	6.3	0.4640	89.515	0711	85 AT802	AT802_Coca	Lobo
134.826		2.2	167.6	6.1	0.6987	134.910	0711	85 AT802	AT802_Coca	Lobo
83.101		1.0	169.0	5.7	0.4306	83.141	0711	85 AT802	AT802_Coca	Lobo
176.359		0.7	171.5	5.7	0.9139	176.379	0711	85 AT802	AT802_Coca	Lobo
206.787		1.7	171.3	5.9	1.0716	206.826	0711	85 AT802	AT802_Coca	Lobo
158.773		0.4	169.1	5.9	0.8227	158.848	0711	85 AT802	AT802_Coca	Lobo
68.061		0.3	169.2	6.3	0.3527	68.077	0711	85 AT802	AT802_Coca	Lobo
120.805		0.4	168.9	5.6	0.6260	120.812	0711	85 AT802	AT802_Coca	Lobo
76.601		0.8	171.4	5.8	0.3969	76.643	0711	85 AT802	AT802_Coca	Lobo
115.390		1.7	172.1	5.8	0.5979	115.485	0711	85 AT802	AT802_Coca	Lobo
136.708		1.9	169.9	5.8	0.7084	136.742	0711	85 AT802	AT802_Coca	Lobo
98.110		0.9	168.8	5.6	0.5084	98.104	0711	85 AT802	AT802_Coca	Lobo
353.858		1.6	168.4	6.0	1.8337	353.903	0711	85 AT802	AT802_Coca	Lobo
37.722		0.5	168.8	6.2	0.1955	37.703	0711	85 AT802	AT802_Coca	Lobo
126.198		2.6	166.1	6.1	0.6539	126.254	0711	85 AT802	AT802_Coca	Lobo
51.658		0.6	165.1	5.8	0.2677	51.671	0711	85 AT802	AT802_Coca	Lobo
98.377		1.5	169.3	5.4	0.5098	98.384	0711	85 AT802	AT802_Coca	Lobo
155.945		2.3	174.4	5.9	0.8081	156.031	0711	85 AT802	AT802_Coca	Lobo
86.411		2.8	175.7	5.8	0.4478	86.383	0711	85 AT802	AT802_Coca	Lobo
92.929		0.8	173.2	5.7	0.4816	92.972	0711	85 AT802	AT802_Coca	Lobo
128.131		0.1	179.1	5.8	0.6640	128.254	0711	85 AT802	AT802_Coca	Lobo

2001

LINE_ID	TIME	ALTITUDE	XTRACK	MPH	HEADING	S	SPRAY_RATE	DOP	SV	USED	DF	STNID
001204	07:39:21.18	1976.0	-10.13	169.99	180.30	1	0.000	0.8	12	11	0	-1
001245	07:39:58.89	1852.0	-7.76	169.99	178.70	1	0.000	0.8	12	11	0	-1
001256	07:40:06.83	1830.0	15.17	172.81	179.10	1	0.000	0.8	10	11	0	-1
001264	07:40:11.74	1804.0	35.59	174.70	178.60	1	0.000	0.8	10	11	0	-1
001286	07:40:30.51	1730.0	25.23	165.10	179.70	1	0.000	0.8	12	11	0	-1
001295	07:40:36.92	1729.0	12.11	161.47	180.20	1	0.000	0.8	12	11	0	-1
001518	07:44:16.64	1742.0	11.02	167.73	0.10	1	0.000	0.8	12	11	0	-1
001548	07:44:43.92	1842.0	41.58	161.45	0.00	1	0.000	0.8	12	11	0	-1
001582	07:45:15.02	1924.0	53.65	157.63	359.60	1	0.000	0.8	12	11	0	-1
001592	07:45:21.63	1949.0	-0.60	156.30	2.40	1	0.000	0.8	12	11	0	-1
001801	07:48:37.66	1938.0	13.43	176.71	180.20	1	0.000	0.8	12	11	0	-1
001841	07:49:15.20	1833.0	-13.41	172.12	179.70	1	0.000	0.8	12	11	0	-1
001862	07:49:33.00	1754.0	12.14	174.08	180.30	1	0.000	0.8	12	11	0	-1
001873	07:49:41.12	1715.0	8.18	173.94	179.20	1	0.000	0.8	12	11	0	-1
001883	07:49:47.63	1698.0	-0.82	172.84	181.60	1	0.000	0.8	12	11	0	-1
001889	07:49:51.07	1684.0	-21.18	172.90	181.00	1	0.000	0.8	12	11	0	-1
001956	07:50:54.99	1595.0	-17.59	168.45	181.80	1	0.000	0.8	12	11	0	-1
002011	07:51:47.00	1641.0	-191.20	163.53	6.90	1	0.000	0.8	12	11	0	-1
002082	07:52:54.95	1659.0	55.52	166.59	0.80	1	0.000	0.8	12	11	0	-1
002089	07:52:59.72	1666.0	49.48	167.24	0.20	1	0.000	0.8	12	11	0	-1
002159	07:54:06.47	1844.0	15.53	173.55	0.90	1	0.000	0.8	12	11	0	-1
002378	07:57:25.35	1935.0	21.64	184.43	178.60	1	0.000	0.8	12	11	0	-1
002441	07:58:25.49	1749.0	-25.51	170.90	180.30	1	0.000	0.8	12	11	0	-1
002450	07:58:31.66	1736.0	-13.91	171.31	178.10	1	0.000	0.8	12	11	0	-1

ASCIINAME	LENGTH	MONTH	SWATH	TYPE	AIRCLOG	SOURCEM	AC_CROP
I011ebac	0.003	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.004	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.003	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.004	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.004	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.001	0112	50	Coca	T-65	I011ebac	T-65_Coca
I011ebac	0.002	0112	50	Coca	T-65	I011ebac	T-65_Coca

2007

SEG	FILE_NAME	MISSION	SIDE	LINE	START_TIME	LATITUDE	LONGITUDE	ALTITUDE	DOP	FLT_TIME
3964	K267LYAC.B99	280-1	Right	135	9:24:28:30	0.55542253	-76.43738595	321	1.10	1.20
3965	K267LYAC.B99	280-1	Right	135	9:24:36:90	0.54949189	-76.43738100	294	1.10	2.90
3966	K267LYAC.B99	280-1	Right	135	9:24:56:50	0.53613889	-76.43737241	300	1.10	1.00
3967	K267LYAC.B99	280-1	Right	135	9:24:58:40	0.53485644	-76.43735947	301	1.10	1.20
3968	K267LYAC.B99	280-1	Right	135	9:25:00:30	0.53357367	-76.43736022	302	1.10	1.80
3969	K267LYAC.B99	280-1	Right	135	9:25:22:30	0.51855226	-76.43739303	304	1.10	1.10
3970	K267LYAC.B99	280-1	Right	135	9:25:31:10	0.51252353	-76.43738867	303	1.10	2.30
3971	K267LYAC.B99	280-1	Right	135	9:25:34:80	0.50995401	-76.43740116	299	1.10	2.70
3972	K267LYAC.B99	280-1	Right	135	9:25:38:50	0.50739516	-76.43738960	296	1.10	2.10
3973	K267LYAC.B99	280-1	Right	135	9:26:20:80	0.47834607	-76.43738868	288	1.10	0.90
3974	K267LYAC.B99	280-1	Right	135	9:26:22:00	0.47752518	-76.43738528	287	1.10	1.60
3975	K267LYAC.B99	280-1	Right	140	9:28:33:70	0.49543879	-76.43506494	304	1.10	1.00
3976	K267LYAC.B99	280-1	Right	140	9:28:45:20	0.50342574	-76.43504252	298	1.10	1.50
3977	K267LYAC.B99	280-1	Right	140	9:28:49:10	0.50613008	-76.43503717	295	1.10	1.80
3978	K267LYAC.B99	280-1	Right	140	9:28:52:00	0.50811990	-76.43506380	295	1.10	1.30
3979	K267LYAC.B99	280-1	Right	140	9:28:53:80	0.50934815	-76.43507054	295	1.10	4.70
3980	K267LYAC.B99	280-1	Right	140	9:29:05:40	0.51724295	-76.43506146	308	1.10	0.50
3981	K267LYAC.B99	280-1	Right	140	9:29:56:30	0.55251769	-76.43502912	321	1.10	1.70
3982	K267LYAC.B99	280-1	Right	140	9:30:00:40	0.55526236	-76.43506154	331	1.10	0.70
3983	K267LYAC.B99	280-1	Right	140	9:30:10:90	0.56232861	-76.43504291	333	1.10	1.30
3993	K267LYAC.B99	280-1	Right	145	9:36:14:10	0.56944409	-76.43270091	334	1.10	2.00
3994	K267LYAC.B99	280-1	Right	145	9:36:21:70	0.56407835	-76.43275324	335	1.10	1.10
3995	K267LYAC.B99	280-1	Right	145	9:36:26:20	0.56089581	-76.43272170	336	1.10	1.20
3996	K267LYAC.B99	280-1	Right	145	9:36:46:70	0.54646590	-76.43272844	288	1.10	1.60

FLT_LENGTH	OTE	SPEED	VOLUME	AREA	LENGTH	MONTH	SWATH	AIRCRAFT	AC_CROP	GROUP
90.748	0.3	169.2	6.0	0.4702	90.736	0711	85	AT802	AT802_Coca	Lobo
223.560	0.2	172.4	5.7	1.1585	223.754	0711	85	AT802	AT802_Coca	Lobo
74.620	1.3	166.9	6.1	0.3867	74.647	0711	85	AT802	AT802_Coca	Lobo
89.534	2.8	166.9	6.3	0.4640	89.515	0711	85	AT802	AT802_Coca	Lobo
134.826	2.2	167.6	6.1	0.6987	134.910	0711	85	AT802	AT802_Coca	Lobo
83.101	1.0	169.0	5.7	0.4306	83.141	0711	85	AT802	AT802_Coca	Lobo
176.359	0.7	171.5	5.7	0.9139	176.379	0711	85	AT802	AT802_Coca	Lobo
206.787	1.7	171.3	5.9	1.0716	206.826	0711	85	AT802	AT802_Coca	Lobo
158.773	0.4	169.1	5.9	0.8227	158.848	0711	85	AT802	AT802_Coca	Lobo
68.061	0.3	169.2	6.3	0.3527	68.077	0711	85	AT802	AT802_Coca	Lobo
120.805	0.4	168.9	5.6	0.6260	120.812	0711	85	AT802	AT802_Coca	Lobo
76.601	0.8	171.4	5.8	0.3969	76.643	0711	85	AT802	AT802_Coca	Lobo
115.390	1.7	172.1	5.8	0.5979	115.485	0711	85	AT802	AT802_Coca	Lobo
136.708	1.9	169.9	5.8	0.7084	136.742	0711	85	AT802	AT802_Coca	Lobo
98.110	0.9	168.8	5.6	0.5084	98.104	0711	85	AT802	AT802_Coca	Lobo
353.858	1.6	168.4	6.0	1.8337	353.903	0711	85	AT802	AT802_Coca	Lobo
37.722	0.5	168.8	6.2	0.1955	37.703	0711	85	AT802	AT802_Coca	Lobo
126.198	2.6	166.1	6.1	0.6539	126.254	0711	85	AT802	AT802_Coca	Lobo
51.658	0.6	165.1	5.8	0.2677	51.671	0711	85	AT802	AT802_Coca	Lobo
98.377	1.5	169.3	5.4	0.5098	98.384	0711	85	AT802	AT802_Coca	Lobo
155.945	2.3	174.4	5.9	0.8081	156.031	0711	85	AT802	AT802_Coca	Lobo
86.411	2.8	175.7	5.8	0.4478	86.383	0711	85	AT802	AT802_Coca	Lobo
92.929	0.8	173.2	5.7	0.4816	92.972	0711	85	AT802	AT802_Coca	Lobo
128.131	0.1	179.1	5.8	0.6640	128.254	0711	85	AT802	AT802_Coca	Lobo

Annex 116

Fax from A. Harold Eisner, Office of Information Programs and Services, United States Department of State to Rebecca L. Puskas, Counsel to Government of Ecuador (12 Mar. 2010)



MAR-12-2010 19:03 STATE DEPT.
DEPARTMENT OF STATE
A/RPS/IPS/CR SA-2
WASHINGTON, DC 20522-6001

202 261 8583 P.01/10



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A/RPS/IPS/CR FAX COVER SHEET

TO: REBECCA L. PUSKAS
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Year 2000

FID – A field maintained by ArcGIS that guarantees a unique ID for each row in the table.

SHAPE – ArcGIS data type record

LINE_ID – Job and Line ID number

TIME – Time record of spray event

ALTITUDE – MSL Altitude of event in Feet

XTRACK – Deviation from planned flight path measured in feet

MPH – GPS calculated ground speed in miles per hour

HEADING – Aircraft flight direction units in degrees

S – Spray Valve Position (0-Shut, 1, 2, 3- Open).

SPRAY_RATE – Chemical Application Rate reported in Gallons per Minute.

DOP – (Dilution of Precision), a term used in global positioning satellites (GPS) to specify the additional multiplicative effect of GPS satellite geometry on GPS precision.

SV – Space Vehicle or Satellite Vehicle. Typically a GPS term used to denote how many satellite vehicles are being tracked by a GPS receiver.

USED – In conjunction with space/satellite vehicle (SV), the number of SV's being used to calculate the position of the receiver.

DF- Differential Correction Age reported in Seconds.

STNID – Station ID

ASCIINAME –Binary log filename

LENGTH – Spray Line Length in meters

MONTH – Month of spray event

SWATH –Half of the effective swath width in feet (used to buffer the lines in GIS)

MISSION – Target crop

AIRCRAFT – Describes the aircraft type

A_C_CROP – Describes the aircraft type and target crop

CROP – Target crop

Year 2001

FID – A field maintained by ArcGIS that guarantees a unique ID for each row in the table.

SHAPE – ArcGIS data type record

LINE_ID – Job and Line ID number

TIME – Time record of spray event

ALTITUDE – MSL Altitude, records are mixed units of feet and meter altitude readings

XTRACK – Deviation from planned flight path measured in feet

MPH – GPS calculated ground speed in miles per hour

HEADING – Aircraft flight direction units in degrees

S – Spray Valve Position (0-Shut, 1, 2, 3- Open).

SPRAY_RATE – Chemical Application Rate reported in Gallons per Minute.

DOP – (Dilution of Precision), a term used in global positioning satellites (GPS) to specify the additional multiplicative effect of GPS satellite geometry on GPS precision.

SV – Space Vehicle or Satellite Vehicle. Typically a GPS term used to denote how many satellite vehicles are being tracked by a GPS receiver.

USED – In conjunction with space/satellite vehicle (SV), the number of SV's being used to calculate the position of the receiver.

DF- Differential Correction Age reported in Seconds.

STNID – Station ID

ASCIINAME – Binary log filename

LENGTH – Spray Line Length in meters (data is invalid)

MONTH – Month of spray event

SWATH – Half of the effective swath width in feet (used to buffer the lines in GIS)

MISSION – Target crop

AIRCRAFT – Describes the aircraft type

LOG – Binary log filename

SOURCETHM – Intermediate merge filename

CROP – Target crop

Year 2002

FID - A field maintained by ArcGIS that guarantees a unique ID for each row in the table.

SHAPE- A geospatial vector data format for GIS software

SEG – Event number generated by Del Norte Software

FILE_NAME – Binary Log filename

MISSION – Job number

SIDE – Right or Left flight patterns

LINE – Target line within a job being flown

START_TIME – Start time of spray event

LATITUDE – Expressed in Decimal Degrees, World Geographic Coordinate System

LONGITUDE - Expressed in Decimal Degrees, World Geographic Coordinate System

ALTITUDE – MSL altitude of event in feet

DOP-(Dilution of Precision), a term used in global positioning satellites (GPS) to specify the additional multiplicative effect of GPS satellite geometry on GPS precision.

FLT_TIME – Length of time of spray event in seconds

FLT_LENGTH – Spray event length calculated in feet

OTE – Off track error (same as XTRACK), Deviation from planned flight path measured in feet

SPEED – GPS ground speed calculated in miles per hour

VOLUME – Chemical application rate in Gallons per acre

AREA – Calculated area for each spray event in acres

LOG - Binary Log filename

LENGTH - Spray event length calculated in meters

MONTH – Month of spray event

SWATH – Half of the effective swath width in feet (used to buffer the lines in GIS)

AIRCRAFT – Describes the aircraft type

CROP – Target crop

A_C_CROP – Describes the aircraft type and target crop

Year 2003

FID - A field maintained by ArcGIS that guarantees a unique ID for each row in the table.

SHAPE- A geospatial vector data format for GIS software

SEG – Event number generated by Del Norte Software

FILE_NAME – Binary Log filename

MISSION – Job number

SIDE – Right or Left flight patterns

LINE – Target line within a job being flown

START_TIME – Start time of spray event

LATITUDE – Expressed in Decimal Degrees, World Geographic Coordinate System

LONGITUDE - Expressed in Decimal Degrees, World Geographic Coordinate System

ALTITUDE – MSL altitude of event in feet

DOP-(Dilution of Precision), a term used in global positioning satellites (GPS) to specify the additional multiplicative effect of GPS satellite geometry on GPS precision.

FLT_TIME – Length of time of spray event in seconds

FLT_LENGTH – Spray event length calculated in feet

OTE – Off track error (same as XTRACK), Deviation from planned flight path measured in feet

SPEED – GPS ground speed calculated in miles per hour

VOLUME – Chemical application rate in Gallons per acre

AREA – Calculated area for each spray event in acres

LOG - Binary Log filename

LENGTH - Spray event length calculated in meters

MONTH – Month of spray event

SWATH – Half of the effective swath width in feet (used to buffer the lines in GIS)

AIRCRAFT – Describes the aircraft type

CROP – Target crop

A_C_CROP – Describes the aircraft type and target crop

Year 2004

FID - A field maintained by ArcGIS that guarantees a unique ID for each row in the table.

SHAPE- A geospatial vector data format for GIS software

SEG - Event number generated by Del Norte Software

FILE_NAME - Binary Log filename

MISSION - Job number

SIDE - Right or Left flight patterns

LINE - Target line within a job being flown

START_TIME - Start time of spray event

LATITUDE - Expressed in Decimal Degrees, World Geographic Coordinate System

LONGITUDE - Expressed in Decimal Degrees, World Geographic Coordinate System

ALTITUDE - MSL Altitude, records are mixed units of feet and meter altitude readings

DOP-(Dilution of Precision), a term used in global positioning satellites (GPS) to specify the additional multiplicative effect of GPS satellite geometry on GPS precision.

FLT_TIME - Length of time of spray event in seconds

FLT_LENGTH - Spray event length, mixed units of feet or meters

OTE - Off track error (same as XTRACK), Deviation from planned flight path measured in feet or meters

SPEED - GPS ground speed calculated in miles per hour

VOLUME - Chemical application rate in Gallons per acre or Gallons per hectare

AREA - Calculated area for each spray event in mixed units of acres or hectares

LOG - Binary Log filename

LENGTH - Spray event length calculated in meters

MONTH - Month of spray event

SWATH - Half of the effective swath width in feet (used to buffer the lines in GIS)

AIRCRAFT - Describes the aircraft type

CROP - Target crop

A_C_CROP - Describes the aircraft type and target crop

Year 2005

FID - A field maintained by ArcGIS that guarantees a unique ID for each row in the table.

SHAPE- A geospatial vector data format for GIS software

SEG – Event number generated by Del Norte Software

FILE_NAME – Binary Log filename

MISSION – Job number

SIDE – Right or Left flight patterns

LINE – Target line within a job being flown

START_TIME -- Start time of spray event

LATITUDE – Expressed in Decimal Degrees, World Geographic Coordinate System

LONGITUDE - Expressed in Decimal Degrees, World Geographic Coordinate System

ALTITUDE – MSL altitude of event in meters

DOP-(Dilution of Precision), a term used in global positioning satellites (GPS) to specify the additional multiplicative effect of GPS satellite geometry on GPS precision.

FLT_TIME – Length of time of spray event in seconds

FLT_LENGTH – Spray event length calculated in meters

OTE – Off track error (same as XTRACK), Deviation from planned flight path measured in meters

SPEED – GPS ground speed calculated in miles per hour

VOLUME – Chemical application rate in Gallons per hectare

AREA – Calculated area for each spray event in hectares

LENGTH - Spray event length calculated in meters

MONTH – Month of spray event

SWATH – Half of the effective swath width in feet (used to buffer the lines in GIS)

AIRCRAFT – Describes the aircraft type

A_C_CROP – Describes the aircraft type and target crop

CROP – Target crop

Year 2006

FID - A field maintained by ArcGIS that guarantees a unique ID for each row in the table.

SHAPE- A geospatial vector data format for GIS software

SEG -- Event number generated by Del Norte Software

FILE_NAME -- Binary Log filename

MISSION -- Job number

SIDE -- Right or Left flight patterns

LINE -- Target line within a job being flown

START_TIME -- Start time of spray event

LATITUDE -- Expressed in Decimal Degrees, World Geographic Coordinate System

LONGITUDE - Expressed in Decimal Degrees, World Geographic Coordinate System

ALTITUDE -- MSL altitude of event in meters

DOP-(Dilution of Precision), a term used in global positioning satellites (GPS) to specify the additional multiplicative effect of GPS satellite geometry on GPS precision.

FLT_TIME -- Length of time of spray event in seconds

FLT_LENGTH -- Spray event length calculated in meters

OTE -- Off track error (same as XTRACK), Deviation from planned flight path measured in meters

SPEED -- GPS ground speed calculated in miles per hour

VOLUME -- Chemical application rate in Gallons per hectare

AREA -- Calculated area for each spray event in hectares

LENGTH - Spray event length calculated in meters

MONTH -- Month of spray event

SWATH -- Half of the effective swath width in feet (used to buffer the lines in GIS)

AIRCRAFT -- Describes the aircraft type

A_C_CROP -- Describes the aircraft type and target crop

Year 2007

FID - A field maintained by ArcGIS that guarantees a unique ID for each row in the table.

SHAPE- A geospatial vector data format for GIS software

SEG - Event number generated by Del Norte Software

FILE_NAME - Binary Log filename

MISSION - Job number

SIDE - Right or Left flight patterns

LINE - Target line within a job being flown

START_TIME - Start time of spray event

LATITUDE - Expressed in Decimal Degrees, World Geographic Coordinate System

LONGITUDE - Expressed in Decimal Degrees, World Geographic Coordinate System

ALTITUDE - MSL altitude of event in meters

DOP-(Dilution of Precision), a term used in global positioning satellites (GPS) to specify the additional multiplicative effect of GPS satellite geometry on GPS precision.

FLT_TIME - Length of time of spray event in seconds

FLT_LENGTH - Spray event length calculated in meters

OTE - Off track error (same as XTRACK), Deviation from planned flight path measured in meters

SPEED - GPS ground speed calculated in miles per hour

VOLUME - Chemical application rate in Gallons per hectare

AREA - Calculated area for each spray event in hectares

LENGTH - Spray event length calculated in meters

MONTH - Month of spray event

SWATH - Half of the effective swath width in feet (used to buffer the lines in GIS)

AIRCRAFT - Describes the aircraft type

A_C_CROP - Describes the aircraft type and target crop

GROUP - Assigned names given to squadrons

Year 2008

FID - A field maintained by ArcGIS that guarantees a unique ID for each row in the table.

SHAPE- A geospatial vector data format for GIS software

SEG – Event number generated by Del Norte Software

FILE_NAME – Binary Log filename

MISSION – Job number

SIDE – Right or Left flight patterns

LINE – Target line within a job being flown

START_TIME – Start time of spray event

LATITUDE – Expressed in Decimal Degrees, World Geographic Coordinate System

LONGITUDE - Expressed in Decimal Degrees, World Geographic Coordinate System

ALTITUDE – MSL altitude of event in meters

DOP-(Dilution of Precision), a term used in global positioning satellites (GPS) to specify the additional multiplicative effect of GPS satellite geometry on GPS precision.

FLT_TIME – Length of time of spray event in seconds

FLT_LENGTH – Spray event length calculated in meters

OTE – Off track error (same as XTRACK), Deviation from planned flight path measured in meters

SPEED – GPS ground speed calculated in miles per hour

VOLUME – Chemical application rate in Gallons per hectare

AREA – Calculated area for each spray event in hectares

LENGTH - Spray event length calculated in meters

MONTH – Month of spray event

SWATH – Half of the effective swath width in feet (used to buffer the lines in GIS)

AIRCRAFT – Describes the aircraft type

A_C_CROP – Describes the aircraft type and target crop

GROUP – Assigned names given to squadrons

Annex 117

United States District Court of the District of Columbia, *Arias, et al. v. Dyncorp, et al., Quinteros, et al. v. Dyncorp, et al.*, Declaration of Redacted Witness (2 June 2010)



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Venancio Aguasanta Arias, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:01cv01908 (RWR-DAR)
)	
DynCorp, <i>et al.</i> ,)	
)	
Defendants.)	
)	
Nestor Ermogenes Arroyo Quinteros, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:07cv01042 (RWR-DAR)
)	
DynCorp, <i>et al.</i> ,)	
)	
Defendants.)	(Cases Consolidated for Case Management and Discovery)
)	

DECLARATION OF [REDACTED]

I, [REDACTED] under penalty of perjury, hereby declare pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. My name is [REDACTED] I am 56 years old. I have personal knowledge of the matters discussed below and am competent to provide this testimony. I provide this Declaration in conjunction with the pleadings filed by Eagle Aviation Services & Technology, Inc. ("EAST") in support of DynCorp's Motion for Reconsideration of the Court's Order Compelling Production of Flight Lines or, In the Alternative, for Certification of Interlocutory Appeal ("Motion for Reconsideration") in the above-captioned case.

2. I am employed by EAST as an instructor pilot working on an aerial drug eradication spraying program operated by the U.S. Department of State ("DOS") in Colombia in conjunction with the Colombian government ("ERAD Program"). EAST is a subcontractor to DynCorp, which holds the prime contract with DOS to operate the ERAD Program. EAST's primary role on the ERAD Program is to recruit, train, and provide pilots for fixed-wing aircraft used in the drug spraying, and to participate in the planning and execution of aerial spraying missions.

3. I first began working on the ERAD Program in 1989 and have worked on the Program for more than 18 of the last 21 years. I have been employed by EAST since 1994 and during that time have worked in all aspects of the pilot operations of the ERAD Program. I have served as both a pilot and an instructor pilot in all three models of aircraft (OV-10 Bronco, T-65 Turbo Thrush, and AT-802 Air Tractor) that have been used for aerial spraying missions. For approximately 10 years, I worked in Colombia regularly flying aircraft to spray fields of coca that was being grown to produce illegal cocaine. This work entailed being based at remote forward operating locations ("FOLs") throughout Colombia and flying aircraft from those locations as part of aerial eradication missions, including dozens of missions in the Colombian Departments of Putumayo and Narino that share a border with Ecuador. These flying missions are conducted pursuant to detailed and comprehensive operational systems and procedures specified by DOS that are intended to assure spraying accuracy, the safety of all involved personnel, and mission effectiveness.

4. Pilots working on the ERAD Program typically receive four to six months of training for the highly specialized and dangerous flying that the Program requires. Among other topics, this training covers low-altitude terrain flight, maneuvers for flying into and out of coca

field spray areas, spray accuracy, negotiating wires and obstacles, and defensive and evasive maneuvers for avoiding and responding to hostile weapons fire from the ground. These skills are first mastered in flights of a single aircraft and later in multi-aircraft formations. Because the planes are vulnerable from take-off to landing, not just when they are spraying, pilots are trained to follow specific procedures and flight patterns – including procedures and patterns that are tailored to specific FOLs – to maximize mission security and pilot safety.

5. Aircraft conducting these missions fly at extremely low altitudes – indeed, just above the treetops – that make the flying highly dangerous for the pilots. The risks are heightened because spray aircraft fly in formations with various other types of aircraft and helicopters that make up the mission team. The other aircraft include armed escort helicopters to help assure the security of the mission team, as well as helicopters equipped for search and rescue in the event that a spray aircraft is shot down.

6. Because the coca crops being sprayed are part of a large and highly profitable illegal drug trade in Colombia, various narco-terrorist and criminal groups oppose and attempt to disrupt the drug-spraying missions that I and others fly in Colombia. These opposition and disruption efforts include such conduct as shooting at the low-flying spray aircraft with high-caliber firearms from the ground, rigging above-ground wires to snag and damage the aircraft, and placing tall poles or trees (with limbs removed) that cannot easily be seen from the fast-moving aircraft to create flight obstacles. On several occasions, our aircraft have been rocked by explosions from remote-controlled Improvised Explosive Devices ("IEDs") installed in the tops of tall trees. I have personally witnessed all of these dangers. I have had aircraft I was piloting seriously damaged by weapons fire to the point where I had to abort my spraying mission and return to base. I have seen obstacles intentionally placed as hazards to low-flying spray planes. I

have known fellow pilots who were killed during spraying missions in plane crashes caused by these types of hazards.

7. Each spray aircraft has a GPS-based guidance and recording system that tracks exactly where the plane flies and where spraying occurs. This tracking data is stored in computer files. I understand that the plaintiffs in this case have sought all of the flight line tracking data and that the Court has ordered that they be given the flight line data. I also understand that DynCorp is asking the Court through its Motion for Reconsideration to reconsider its order so that the flight line data would not be revealed. As a pilot who for many years has faced the serious threats that the narco-terrorists present to spray aircraft, and who has seen firsthand the deadly consequences those threats can have, I strongly support DyCorp's Motion for Reconsideration. It is highly dangerous and life-threatening to be shot at while piloting an aircraft in a complicated spraying mission, and those dangers will grow if flight line data is released such that it might become available to the ERAD Program's enemies. That is why we carefully protect that data currently and limit who has access to it.

8. I am very concerned about the release of any flight line data because that data could be used by the narco-terrorists and others who oppose the ERAD Program. In the time I have worked on the ERAD Program, weapons fire by the ERAD Program's enemies has damaged aircraft many hundreds of times and has resulted in at least ten aircraft crashes. When crashes occur, the pilots (if they survive) are at additional risk of kidnapping, torture, or murder by the narco-terrorists and others who hunt them down after a crash. In fact, pilots must at all times while in Colombia (even on the ground while off-duty) follow strict security guidelines because they are constant targets of the narco-terrorists and other pro-drug elements.

9. If the ERAD Program's enemies got access to the flight line data, they would be better able to predict flight routes and to prepare for attacks on aircraft. For example, pilots use certain maneuvers to minimize exposure to potential shooters, who typically take cover in areas where they are concealed yet have a field of vision upwards and toward aircraft flying overhead. If our enemies had flight data, they would know how we approach and depart a wide variety of FOLs and field targets, which in turn would enable them to identify more effective locations for hiding and shooting at our aircraft, as well as placing dangerous IEDs. The flight data would also enable our enemies to find more effective locations to construct wires, poles, and other flight obstacles that could cause plane crashes and kill pilots. If I knew that the narco-terrorists and their criminal allies had our flight line data, I would be much more concerned for my safety while flying the aircraft, and I strongly suspect that my fellow pilots would feel the same.



10. Flying a spray aircraft in the ERAD Program is extremely demanding work. In addition to the usual demands of piloting an aircraft that is going hundreds of miles per hour, ERAD pilots must fly in aerial "flotillas" with multiple other aircraft, conduct precise spraying operations, and endure war-like attacks in an aircraft that is far better suited for aerial spraying than for evading enemy ground fire. Anything that might make it easier for the narco-terrorists and other criminal elements to shoot down a spray plane will add to the demands and the risks of the job. Pilots already face substantial risk from being shot at as they do their jobs; giving the shooters detailed flight line data will only compound that risk and further endanger us.

11. I have already provided testimony in this case as a witness in the corporate (Rule 30(b)(6)) deposition that the plaintiffs' counsel conducted of EAST. Because of my service as a spray pilot in Colombia, I appeared for that deposition as "John Doe." I know from that deposition that the plaintiffs' counsel already have flight data that shows the spray lines of where

actual aerial spraying occurred. Based on my in-depth familiarity with the ERAD Program spraying operations, and my understanding that this case concerns claims that there was improper spraying in Ecuador, I believe that the spray-line data is sufficient to provide information that is relevant to the plaintiffs' claims. Moreover, the narco-terrorists and coca growers already have that information, since they know which coca fields have been sprayed. I do not believe that releasing the full flight data – showing every flight line for every ERAD Program spray plane over a multi-year period – will give the plaintiffs anything that is relevant to their spray-based claims. I do believe, however, that releasing that data will increase the risk of our enemies getting the data and ultimately using it to place me and other pilots at greater risk. I respectfully request that the Court reconsider and reverse its prior order directing that the full flight line data be released.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 02 JUN 10

Annex 118

Freedom of Information Act Correspondence With United States Environmental Protection Agency
Including Email from Stephen J. Wratten, Monsanto Company, to Jay Ellenberger, United States
Environmental Protection Agency (30 Oct. 2010)





Seaport World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2600

617 832 1000 *main*
617 832 7000 *fax*

January 30, 2009

Rebecca L. Puskas
617 832 1000

Via Email and Federal Express

U.S. Environmental Protection Agency
HQ FOIA Operations Staff (2822T)
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Freedom of Information Act Request – Office of Pesticide Programs
Follow-Up to Requests HQ-RIN 00274-09 and 00275-09

Dear Sir or Madam:

This is a request pursuant to the Freedom of Information Act (5 U.S.C. § 552). I am writing to request certain documents in the possession of the Environmental Protection Agency (EPA) Office of Pesticide Programs (OPP), the Office of International Affairs (OIA), and any other EPA offices, regarding herbicide use for the aerial eradication of illicit coca in Colombia.

To expedite processing, please note that I have made two prior requests to the EPA on this same general topic: HQ-RIN 00274-09 and 00275-09. These requests are being handled by Janet Bressant.

Please provide the following documents¹ or other materials described below. If not otherwise indicated, the requests refer to any and all documents or other material from 1987 to the present.

(1) Any and all maps, charts, images, photographs, or other documents that depict the coca fields and any other areas affected by the aerial eradication program.

¹ As used in this request, the term “documents” includes, without limitation, the following: studies, reports, memoranda, decision documents, records of decision, assessments, comments, consent decrees, notes, letters, telecopier transmissions, contracts, leases, tapes (audio or video), or any other written, recorded (including on disk or other computer format) or transcribed matter, including drafts.

U.S. Environmental Protection Agency
January 30, 2009
Page 2

(2) Any and all maps, charts, images, photographs, or other documents that depict areas of Colombia or Ecuador within 50 kilometers of the coca fields sprayed as part of the aerial eradication program.

(3) Any and all records of aircraft flight parameters recorded during missions to eradicate illicit coca in Colombia. Without limiting the foregoing, please provide any recorded information (including Global Positioning System information) regarding the precise geographic location (including longitude and latitude coordinates), airspeed, altitude, and application rate at the time of aspersion.

(4) Any and all product labels² for any component of the spray mixture used to eradicate illicit coca in Colombia. As used in this request, the phrase "any component of the spray mixture used to eradicate illicit coca in Colombia" refers to any chemical or other product used to eradicate illicit coca in Colombia between 1987 and the present, or any combination of those chemicals or products. Components of the spray mixture include, but are not limited to, glyphosate, any glyphosate-based herbicide including any Roundup product, Cosmo-Flux, Cosmo-Flux 411F, Cosmo-Plus, Cosmo-Plus 411F, Atplus 300F, polyoxyethylene alkylamine (POEA), Crop Oil Concentrate, Agri-Dext, Silwet L-77, Optima, Protrol II, Nalcotrol II, Inex-A, *Fusarium oxysporum*, Imazapir, 2-4-D, Paraquat, or any kerosene or petroleum based products.

(5) Any and all documents containing instructions, guidelines, precautions, or warning materials concerning the transport, handling, mixing, use, storage, or disposal of any component of the spray mixture used to eradicate illicit coca in Colombia. Without limiting the foregoing, please provide any safety manuals, notes or minutes from safety meetings, laboratory testing protocols and/or safety procedures, technical bulletins or data sheets, material safety data sheets, brochures, or product literature.

(6) Any and all documents related to the development, testing, or selection of any component of the spray mixture used to eradicate illicit coca in Colombia.

(7) Any and all documents containing information regarding the concentration, dilution, volume, quantity, or application rate of any component of the spray mixture used to eradicate illicit coca in Colombia.

(8) Any and all invoices, sales receipts, sales orders, shipping orders, bills of lading, waybills or other documents evidencing purchases of any component of the spray mixture used to eradicate illicit coca in Colombia.

(9) Any and all permits, licenses, or notices to federal, state, or local government agencies for the use or application of any component of the spray mixture used to eradicate illicit coca in Colombia. Without limiting the foregoing, please provide any permits,

² As used in this request, the term "labels" includes, without limitation, any documents, images, or other information, including copies, that describe, provide instructions for use, or provide other information regarding any component of the spray mixture used to eradicate illicit coca in Colombia.

U.S. Environmental Protection Agency
January 30, 2009
Page 3

licenses, or notices issued by federal, state or local governments in the United States, Colombia, or Ecuador.

(10) Any and all documents regarding research, testing, or use of biocontrol agents for against illicit drug crops in Colombia, including but not limited to testing of *Fusarium oxysporum* or any other mycoherbicides. Without limiting the foregoing, please provide any documents related to decisions or recommendations made by entities of the United States government or the Government of Colombia regarding the use of biocontrol agents against illicit coca in Colombia.

(11) Any and all documents, including research, estimates, models, projections, studies, and tests regarding the potential for spray drift from the program for aerial eradication of illicit coca in Colombia.

(12) Any and all documents, including verification studies or reports, documenting the occurrence of spray drift from the aerial eradication of illicit coca in Colombia. Without limiting the foregoing, please provide any documents related to spray drift within 50 kilometers of the Ecuador-Colombia border.

(13) Any and all documents, including reports, complaints, or correspondence, from any person in Colombia or Ecuador regarding spray drift or related impacts on human or animal health, plants, crops, or the environment resulting from the aerial eradication of illicit coca in Colombia.

(14) Any and all documents referring or relating to any warnings to persons in Ecuador regarding the use of herbicides or other products for the aerial eradication of illicit coca in Colombia. Without limiting the foregoing, please provide any warnings to Ecuadorian residents, property owners, government officials, or civil society organizations.

(15) Any and all documents, including reports or claims of illness, injury, death, and/or birth defects to any personnel involved in the transport, storage, mixing, use or disposal of any component of the spray mixture used to eradicate illicit coca in Colombia.

(16) Any and all agreements to indemnify, hold harmless, or release any person or entity for any consequences of the use, handling, or disposal of any herbicide or other product used in the aerial eradication program.

(17) Any and all contracts or other agreements, including any attachments and modifications thereto, between EPA and any contractors or subcontractors engaged in the study or implementation of any aspect of the aerial eradication program.

(18) Any and all contracts or other agreements, including any attachments and modifications thereto, between the Government of Colombia³ and any contractors or

³ As used in this request, the term "Government of Colombia" includes any and all agencies, departments, ministries, political subdivisions, officials, or employees of the Colombian government.

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January 30, 2009
Page 4

subcontractors engaged in the study or implementation of any aspect of the aerial eradication program.

(19) Any and all communications⁴ between EPA and any scientists, engineers, medical professionals, consultants, contractors or subcontractors engaged in the study or implementation of any aspect of the aerial eradication program.

(20) Any and all communications between the Government of Colombia and any scientists, engineers, medical professionals, consultants, contractors or subcontractors engaged in the study or implementation of any aspect of the aerial eradication program.

(21) Any and all newspaper articles, magazine articles, or clippings pertaining to the aerial eradication of illicit coca in Colombia.

Please contact me immediately at 617-832-3039 or at rpuskas@foleyhoag.com if you have any questions with respect to this request. In addition, please forward responsive documents to me as they become available, rather than waiting for all responsive documents to be identified.

This letter authorizes the expenditure of up to \$1,000 in costs; please contact me if the amount will be greater.

Sincerely,



Rebecca L. Puskas

⁴ As used in this request, the term "communications" means any recorded transmittal of information in the form of facts, ideas, inquiries or otherwise.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 10 2010

Rebecca L. Puskas
Foley Hoag LLP
Seaport World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2600

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Re: Freedom of Information Act Request HQ-RIN 0639-09

Dear Ms. Puskas:

This is in response to your January 30 request for copies of certain documents in the possession of the Environmental Protection Agency (EPA) Office of Pesticide Programs (OPP) regarding herbicide use for the aerial eradication of illicit coca in Colombia. The documents requested include:

- (1) Any and all maps, charts, images, photographs, or other documents that depict the coca fields and any other areas affected by the aerial eradication program.
- (2) Any and all maps, charts, images, photographs, or other documents that depict areas of Colombia or Ecuador within 50 kilometers of the coca fields sprayed as part of the aerial eradication program.
- (3) Any and all records of aircraft flight parameters recorded during missions to eradicate illicit coca in Colombia.
- (4) Any and all product labels for any component of the spray mixture used to eradicate illicit coca Colombia.
- (5) Any and all documents containing instructions, guidelines, Any precautions, or warning materials concerning the transport, handling, mixing, use, storage, or disposal of any component of the spray mixture used to eradicate illicit coca in Colombia.
- (6) Any and all documents related to the development, testing, or selection of any component of the spray mixture used to eradicate illicit coca in Colombia.
- (7) Any and all documents containing information regarding the concentration, dilution, volume, quantity, or application rate of any component of the spray mixture used to eradicate illicit coca in Colombia.
- (8) Any and all invoices, sales receipts, sales orders, shipping orders, bills of lading, waybills or other documents evidencing purchases of any component of the spray mixture used to eradicate illicit coca in Colombia.

(9) Any and all permits, licenses, or notices to federal, state, or local government agencies for the use or application of any component of the spray mixture used to eradicate illicit coca in Colombia.

(10) Any and all documents regarding research, testing, or use of biocontrol agents against illicit drug crops in Colombia, including but not limited to testing of *Fusarium oxysporum* or any other mycoherbicides.

(11) Any and all documents, including research, estimates, models, projections, studies, and tests regarding the potential for spray drift from the program for aerial eradication of illicit coca in Colombia.

(12) Any and all documents, including verification studies or reports, documenting the occurrence of spray drift from the aerial eradication of illicit coca in Colombia.

(13) Any and all documents, including reports, complaints, or correspondence, from any person in Colombia or Ecuador regarding spray drift or related impacts on human or animal health, plants, crops, or the environment resulting from the aerial eradication of illicit coca in Colombia.

(14) Any and all documents referring or relating to any warnings to persons in Ecuador regarding the use of herbicides or other products for the aerial eradication of illicit coca in Colombia.

(15) Any and all documents, including reports or claims of illness, injury, death, and/or birth defects to any personnel involved in the transport, storage, mixing, use or disposal of any component of the spray mixture used to eradicate illicit coca in Colombia.

(16) Any and all agreements to indemnify, hold harmless, or release any person or entity for any consequences of the use, handling, or disposal of any herbicide or other product used in the aerial eradication program.

(17) Any and all contracts or agreements, including any attachments and modifications thereto, between EPA and any contractors or subcontractors engaged in the study or implementation of any aspect of the aerial eradication program.

(18) Any and all contracts or other agreements, including any attachments and modifications thereto, between the Government of Colombia and any contractors or subcontractors engaged in the study or implementation of any aspect of the aerial eradication program.

(19) Any and all communications between EPA and any scientists, engineers, medical professionals, consultants, contractors or subcontractors engaged in the study or implementation of any aspect of the aerial eradication program.

(20) Any and all communication between the Government of Colombia and any scientists, engineers, medical professionals, consultants, contractors or subcontractors engaged in the study or implementation of any aspect of the aerial eradication program.

(21) Any and all newspaper articles, magazine articles, or clippings pertaining to the aerial eradication of illicit coca in Colombia.

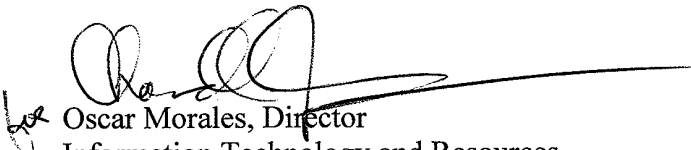
Records responsive to item# 21 were provided to you in a March 3, 2009 response.

An extensive search was completed for additional records responsive to your request to include files in the possession of Mr. Ellenberger with whom you have spoken. That search produced an additional 67 records. Of the 67 records, 32 documents originated at the Department of State (DoS) and will be referred to that Department for processing. Twenty-one records fall under the deliberative process privilege and are exempt from release under FOIA 5 U.S.C §552(b)(5). These records are predecisional drafts and notes, and inter and intra-agency communications whose disclosure would chill frank exchange of opinions and harm the Agency's decision making process. Six records are available on the DoS website and the cover page of each is enclosed. Seven records are enclosed with this response.

This concludes our response to your request. You may appeal this partial denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, Email: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the request identification number listed above (HQ-RIN 0639-09). For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions concerning this response, please contact Janet Bressant at (703) 305-6445, or via email at bressant.janet@epa.gov.

Sincerely,


Oscar Morales, Director
Information Technology and Resources
Management Division
Office of Pesticide Programs

Enclosures



Jim Tompkins

10/31/01 12:30 PM

To: Jay Ellenberger/DC/USEPA/US@EPA
cc: Donald Stubbs/DC/USEPA/US@EPA, Peter
Caulkins/DC/USEPA/US@EPA
Subject: RE: monday's meeting

This would be acceptable as an alternate CSF as long as the product would maintain its Danger signal word. To change the signal word on 524-308, Monsanto would have to submit acute toxicology data for the new formulation or cite a substantially similar product with the same composition as the alternate formulation. The current basic formulation would have to be cancelled and the alternate formulation would become the basic formulation for the production of 524-308.

Donald Stubbs



Donald Stubbs

10/31/01 11:31 AM

To: Jim Tompkins/DC/USEPA/US@EPA
cc:
Subject: RE: monday's meeting

----- Forwarded by Donald Stubbs/DC/USEPA/US on 10/31/2001 11:30 AM -----



"WRATTEN,
STEPHEN J
[AG/1000]"
<stephen.j.wratten@
monsanto.com>

10/30/2001 04:01
PM

To: Jay Ellenberger/DC/USEPA/US@EPA
cc: Peter Caulkins/DC/USEPA/US@EPA, Donald
Stubbs/DC/USEPA/US@EPA
Subject: RE: monday's meeting

Jay

It is my intention to submit the newer formula as an alternate CSF to add to the 524-308 registration, which is the old US "Roundup" product of the 1970's and 1980's (coded MON 2139), now named "Roundup Export Herbicide". As we discussed yesterday, MON 2139 is the product presently being used there. The current acute tox profile for 524-308 has all Category III and IV, except eye irritation at Category I, making it a Danger signal word product.

The new CSF will have the same glyphosate IPA amount (41%), and will have the same surfactant ingredients, but at a lower level. The MON 2139 had surfactant at total of [REDACTED]. A presently approved alternate formula on 524-308 has [REDACTED]. The new proposal would have [REDACTED] of the same material.

Based on the assumption that it can be approved as an alternate CSF, I do not intend to submit any new toxicology data. Acute toxicity testing on this particular reduced-surfactant product has not been performed - it has been registered ex-US using the existing data on MON 2139 (It is clearly not more toxic than the MON 2139 formula.) Therefore, I would propose that the same approach be used here by including it as an alternate formula in the existing registration.

Do you think this is an acceptable approach?

Steve

MANUFACTURING PROCESS INFORMATION HAS BEEN REMOVED

-----Original Message-----

From: Ellenberger.Jay@epamail.epa.gov
[mailto:Ellenberger.Jay@epamail.epa.gov]
Sent: Tuesday, October 30, 2001 2:19 PM
To: WRATTEN, STEPHEN J [AG/1000]
Cc: Caulkins.Peter@epamail.epa.gov; Stubbs.Donald@epamail.epa.gov
Subject: monday's meeting

steve--i told peter, don, and jim about the outcome of yesterday's meeting. let me know when you submit the application. will you also be submitting new acutes for the product that we'll need to review or relying on existing data?

jay
Jay Ellenberger, Associate Director
Field and External Affairs Division
Office of Pesticide Programs
703/305-7099

