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The Ecuador – Peru Boundary Dispute: The Road to Settlement

Ronald Bruce St John

1. Introduction

At the outset of the independence era, the exact borders of the newly-formed republics of Latin America were often a highly controversial subject. As a result, bitter territorial disputes, often involving vast tracts of land and considerable wealth, soon developed. Many of these territorial questions were in fact boundary disputes resulting from the failure of the Spanish government to delimit and/or demarcate carefully internal administrative units during the colonial period.

The boundary dispute between Ecuador and Peru, also referred to as the Zarumilla-Marañón dispute, was the last of these early territorial issues to be resolved. Emotionally charged and highly involved, the territorial question between Ecuador and Peru complicated and disrupted inter-American relations for much of the past two centuries. The Ecuador-Peru dispute was finally resolved in October 1998 through a package of accords known collectively as the *Brasilia Agreements*. The successful negotiation of these agreements was the product of a complex, innovative process which may well prove applicable to similar issues elsewhere in the world.

2. Spanish Colonial Jurisdictions

The conflicting claims of Ecuador and Peru largely arose from the uncertainty surrounding Spanish colonial administrative and territorial divisions. The Spanish government made little effort to delimit or demarcate carefully the boundaries of its possessions because most of those boundaries lay in remote and sparsely inhabited areas which were of minimal importance to the Crown.[1] As a result, colonial jurisdictions were often vague and overlapping while boundary surveys were either inadequate or non-existent. With the establishment of independent republics, boundary issues assumed a new importance because they became questions of territorial possession such as did not exist when the entire area belonged to Spain.

Consequently, even when neighbouring republics decided that their new national boundaries should reflect those of the former colonial administrative units, they still found it difficult to delimit and demarcate their frontiers. To complicate matters, the wars of independence generated or accentuated personal and regional jealousies with these rivalries hardening as states fought for political and economic advantage. In this sense, the Ecuador-Peru dispute was typical of the many territorial disputes which complicated diplomatic relations in post-independence Latin America. If the Ecuador-Peru question was at all unique, it was in its complexity, duration, and intensity.

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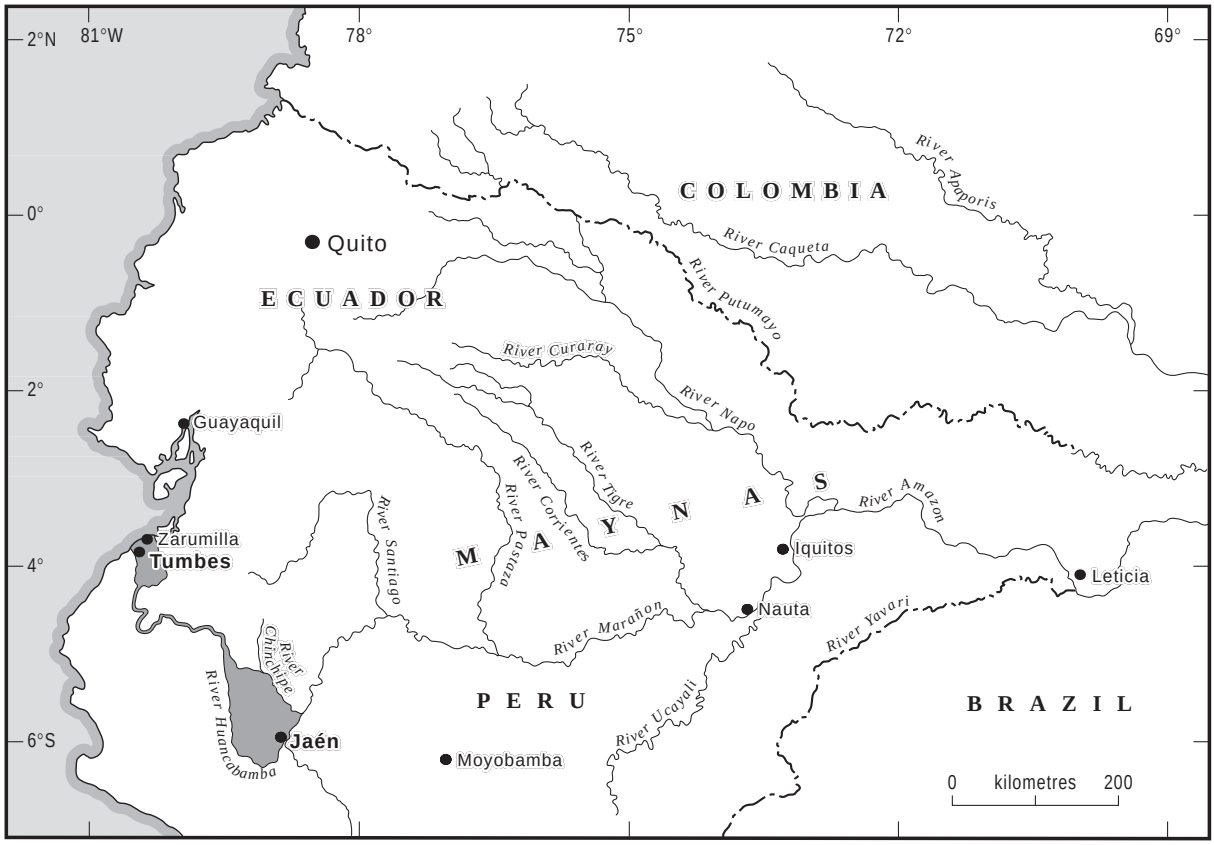
[1] For an interesting and enlightening historical analysis of the interaction of the concepts of delimitation, the definition of a boundary in a treaty or other agreement, and demarcation, the physical marking of the boundary on the ground, see Rushworth (1997: 61-64).

Figure 1: Tumbes, Jaén and Maynas



The Ecuador-Peru dispute involved the three related, but distinct, territories of Tumbes, Jaén, and Maynas (Mainas) (Figure 1). Tumbes is a largely desert region of some 500 square miles (1,295km^2) situated on the Pacific seaboard between the Tumbes and Zarumilla Rivers. Jaén is an area of less than 4,000 square miles (10,360km^2) which lies on the eastern side of the Andes Mountains between the Chinchipe and Huancabamba Rivers. Both Tumbes and Jaén were subject to Peruvian sovereignty after 1821, the year Peru declared independence from Spain, and delegates from both areas attended Peruvian congresses held in 1822, 1826, and 1827 (Maier, 1969: 28-29; Wagner de Reyna, 1962: 4).[2]

Maynas, often referred to as the *Oriente*, was the third and largest of the disputed territories, consisting of well over 100,000 square miles (259,000km^2) of land. Triangularly shaped, the limits of the region are defined by the headwaters of the Amazon tributaries on the west, the Yapurá or Caquetá Rivers on the north, and the Chinchipe, Marañón, and Amazon Rivers on the south. Maynas was liberated from Spanish rule in 1821 but had to be reliberated in 1822.[3] Representatives from Maynas attended the 1826 and 1827 Peruvian congresses. After independence, Peruvian nationals occupied far more of the vast areas of Maynas than did Ecuador, but the inhospitable character of the region hampered either party's ability to exert effective jurisdiction (Pons Muzzo, 1994: 88-89; Wright, 1941: 253-254).

2 On 4 June 1821, the most influential *criollos* of the Jaén region, then a part of the Viceroyalty of Nueva Granada, proclaimed their independence from Spain together with their desire to be a part of Peru (Denegri Luna, 1996: 47).

3 In Maynas, the Moyobamba municipal council declared independence on 19 August 1821, recognising the authority of the incipient Peruvian state. Royal forces reoccupied Moyobamba in late May 1822, and Republican authority was not reestablished in the region until September 1822 (Denegri Luna, 1996: 49-50).

During the struggle for independence, the governments of Ecuador and Peru joined other Latin American states in accepting the doctrine of *uti possidetis de jure* or *uti possidetis juris* as the principal method to establish the boundaries of newly independent states. Under this principle of regional international law, the Latin American states formerly part of the Spanish colonial empire generally agreed that each new state was entitled to the territory formerly under the jurisdiction of the colonial administrative areas from which it was formed (Ratner, 1996: 593-595). In the case of Peru, for example, this meant that the limits of the new republic would be defined by the previous jurisdiction of the Viceroyalty of Peru. While *uti possidetis* was generally accepted throughout Latin America, the doctrine was of questionable validity under universal international law, and it proved extremely difficult to apply in practice. Colonial documents were complex, and the language which the Crown employed to make territorial changes often lacked clarity. As a result, confusing and sometimes contradictory legal bases were often the only foundation for significant reforms to the Spanish colonial system (Checa Drouet, 1936: 137-138).[4]

Recognising the importance of these territorial questions, many Latin American governments, including Peru, moved quickly to assert their rights to the disputed regions. On 6 July 1822, Bernardo Monteagudo, Peruvian Minister of War and Marine, and Joaquín Mosquera, the Colombian ambassador to Peru, called for a precise demarcation of limits at an unspecified later date. An article in the 1823 Peruvian constitution called for the Peruvian congress to fix the boundaries of the republic; and, on 17 February 1825, Foreign Minister José Faustino Sánchez again asked congress to resolve the nation's borders. In the face of such appeals, the Peruvian congress appointed a boundary commission, but the political and economic uncertainty of the times made sustained progress toward demarcation impossible. While Gran Colombia and Peru concluded a peace treaty in September 1829, dialogue between the two states ended in May 1830 when Gran Colombia dissolved into three separate states, one of which was Ecuador (Pérez Concha, I, 1961: 53-57; Basadre, I, 1968: 67-69 and 203-206).

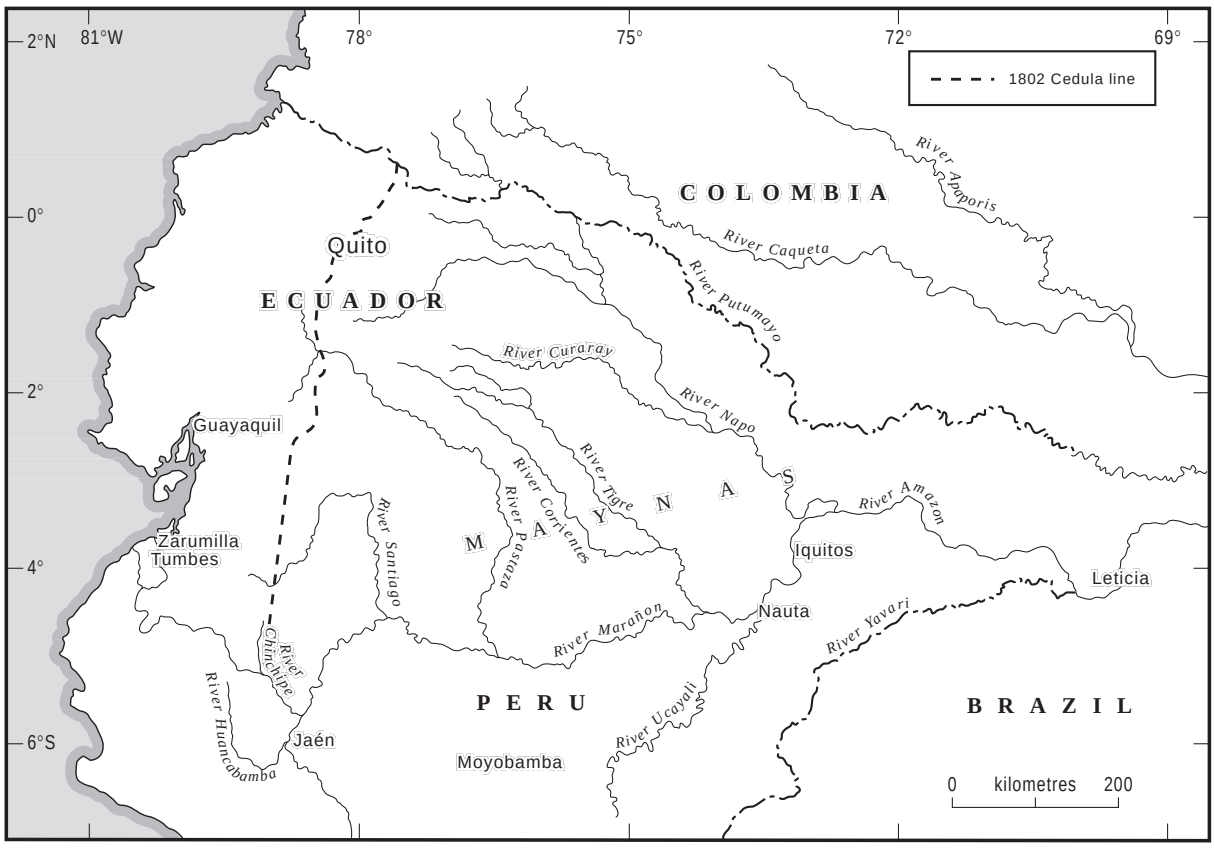
3. The Legal Cases of Ecuador and Peru

Ecuador based its legal case for the application of *uti possidetis* on a series of Spanish decrees issued after 1563 when a *cédula* awarded Maynas, Quijos, Jaén, and any adjoining land, i.e. the whole of the disputed territory, to the *Audiencia* of Quito, a part of the Viceroyalty of Nueva Granada. Based on the doctrine of *uti possidetis* and the *cédulas* of 1563, 1717, 1739, and 1740, Ecuador argued that the disputed territories were first part of the *Audiencia* of Quito, later part of Gran Colombia, and finally part of Ecuador when the latter emerged in 1830 following the breakup of Gran Colombia (Tobar Donoso and Luna Tobar, 1994: 1-32; Arroyo Delgado, 1939: 44-53; Flores, 1921: 67-70).

In turn, Peru argued that the essence of independence in the Americas was the sacred and unalterable character of movements of self-determination. Within this greater principle, Peru contended that *uti possidetis* served only as a guide to the demarcation of actual boundaries and not as a basic principle for the assignment of provinces or the organisation of states (Peru, 1937: 3 and 4; Tudela, 1941: 12-38). This aspect of the Peruvian legal case was based on a widely recognised corollary to the rule of *uti possidetis* which gave individual provinces the

[4] For an examination of the propriety of *uti possidetis* to contemporary challenges related to state unity, see Ratner (1996: 590-624).

Figure 2: The 1802 *Cédula* Line



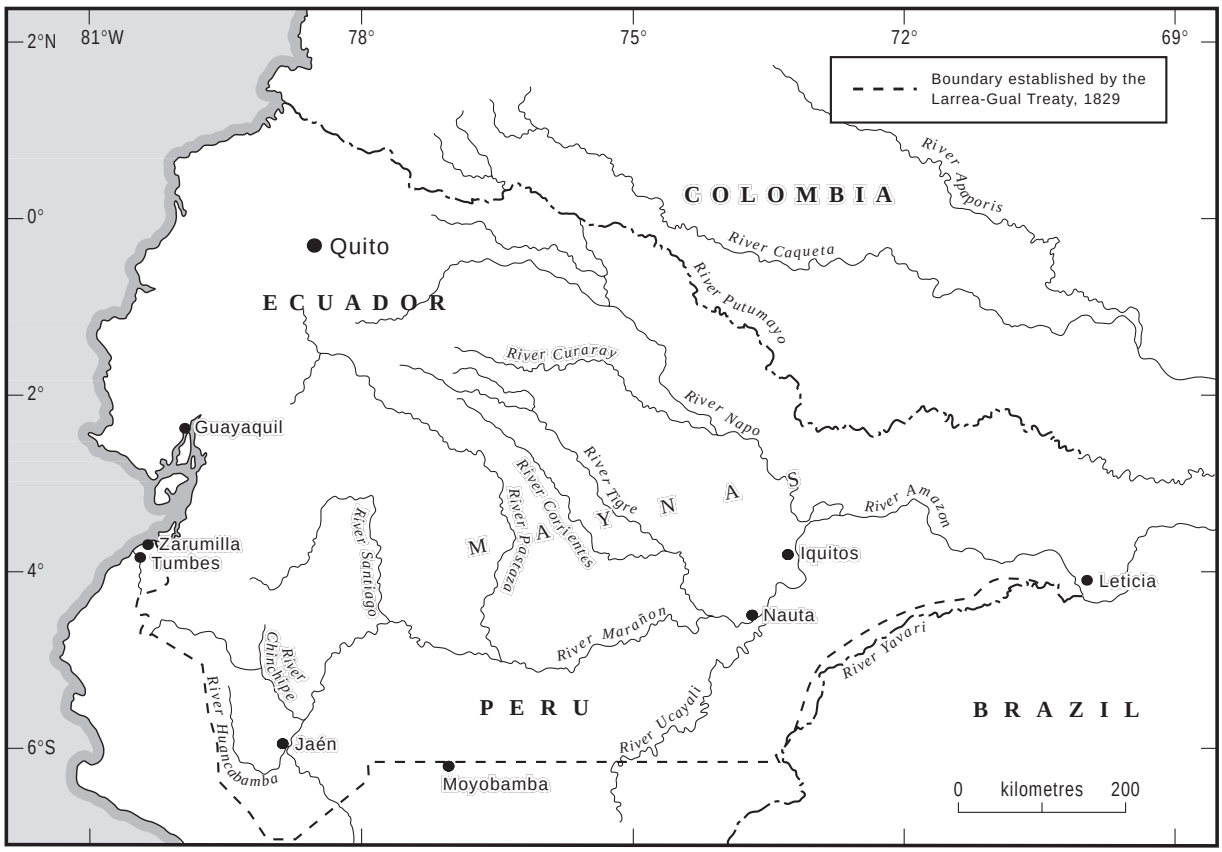
right to attach themselves to the state of their choosing. Following this line of argument, the Peruvian government concluded that all of the territories in question were Peruvian because the populations of Jaén, Tumbes, and Maynas had all voluntarily adhered to Peru at the time of Peruvian independence, which was many years before the independence of Ecuador (Porras Barrenechea, 1942: 7; Cornejo and de Osma, 1909: 16-17).

In support of its chief argument that the principle of self-determination was the most relevant to the ownership question, Peru developed two related, supporting arguments. Through a *cédula* dated 15 July 1802, the King of Spain separated the provinces of Maynas and Quijos, excluding Papallacta, from the Viceroyalty of Nueva Granada and transferred them to the Viceroyalty of Peru (Figure 2). The Peruvian government claimed that the 1802 *cédula* was also a valid guide for determining the jurisdiction of Maynas. However, it was always careful to put forward this claim as secondary to its title based on the principle of self-determination. Pressing for the applicability of the older colonial decrees, Ecuador sought to counter this Peruvian argument by contending that the 1802 *cédula* separated Maynas and Quijos for ecclesiastical and administrative ends but not in any political sense (Tobar Donoso and Luna Tobar, 1994: 32-45; Wagner de Reyna, I, 1964: 8-9; Zook, 1964: 28-30).[5]

In addition, the Peruvian government argued that the principle of *uti possidetis* was not applicable until the end of colonial dependence which it interpreted to be the 1824 battle of Ayacucho. Since 1810 was widely accepted throughout Latin America as the year in which *uti possidetis* was applicable, the Ecuadorian government naturally refused to accept the later date. By that time, the populations of Jaén, Tumbes, and Maynas had all expressed their

[5] The available evidence does not support the contention of Maier that Peru based its legal claim on the *cédula* of 1802. On the contrary, its claim here was always secondary to title based on the principle of self-determination (Maier, 1969: 34).

Figure 3: The 1829 Larrea-Gual Treaty Line



determination to become part of Peru (St John, 1970: 28-33; Lecaro Bustamante, 1997: 36-38; Santamaría de Paredes, 1910: 277-280; Ulloa Sotomayor, 1941: 19-20).[6]

Other documents of legal importance to the dispute included the treaties of 1829 and 1832 and the highly controversial *Pedemonte-Mosquera Protocol* of 1830. In the wake of an abortive Peruvian invasion of Ecuador, the two governments on 22 September 1829 concluded a peace treaty known as the *Larrea-Gual Treaty* (see Zook, 1964: 271-279 for a copy of the 1829 treaty). The 1829 agreement was a general instrument of peace and not exclusively one of frontiers (Article 1). While it recognised as the boundary between the signatories the limits of the ancient Viceroyalties of Nueva Granada and Peru (Article 5), it neither settled the boundary question nor fixed a boundary line.

The 1829 treaty did not even mention Jaén, Tumbes, and Maynas, much less impose on Peru a specific obligation to surrender those territories (Figure 3). It merely established a settlement procedure to be followed. Under the terms of the agreement, a joint commission would survey, rectify, and fix the boundary line between Gran Colombia and Peru (Article 6). The joint commission provided for in the treaty was to begin its labours within 40 days of treaty ratification and complete its work within six months (Article 7). Treaty ratifications were exchanged on 27 October 1829, but the assent of Gran Colombia was of doubtful validity as it ratified without congressional approval. Boundary negotiations between Gran Colombia and Peru were subsequently halted in May 1830 when the former split into three secessionist states. Thereafter, the Peruvian government refused to be bound by the terms of the *Larrea-*

[6] Checa Drouet was wrong to suggest that Peru generally accepted the year 1810 for the commencement of *uti possidetis* as this was never completely true in the case of the Ecuadorian dispute (Checa Drouet, 1936: 31, 65-69, and 89-91).

Gual Treaty (Wagner de Reyna, I, 1964: 25; Lecaro Bustamante, 1997: 39-41; Pérez Concha, I, 1961: 78-86).[7]

Some two years later, on 12 July 1832, the governments of Ecuador and Peru concluded a treaty of friendship, alliance, and commerce in which they agreed to recognise and respect the present limits of the two states until a boundary convention could be concluded (Article 14). The terms of the treaty did not specify whether the phrase *"present limits"* referred to the territories then in the physical possession of the signatories, or to the territories of the former viceroyalties mentioned in 1829. Therefore, it is important to note that Diego Noboa, the Ecuadorian Minister to Peru, had earlier declared in an official communication to the Peruvian Minister of Foreign Affairs, dated 18 January 1832, that all Peruvian treaties with Gran Colombia had lapsed. The Peruvian government, arguing the 1832 treaty nullified the 1829 pact, gravitated toward the first interpretation of the phrase "*present limits*" while Ecuador, arguing the 1832 treaty confirmed the 1829 treaty, advocated the second. Valid ratifications of the 1832 treaty were exchanged on 27 December 1832 (Tobar Donoso and Luna Tobar, 1994: 67-84; Bákula, III, 1992: 115; Eguiguren, 1941: 149; Cano, 1925: 48; see Zook, 1964: 282-285 for a copy of the 1832 treaty).[8]

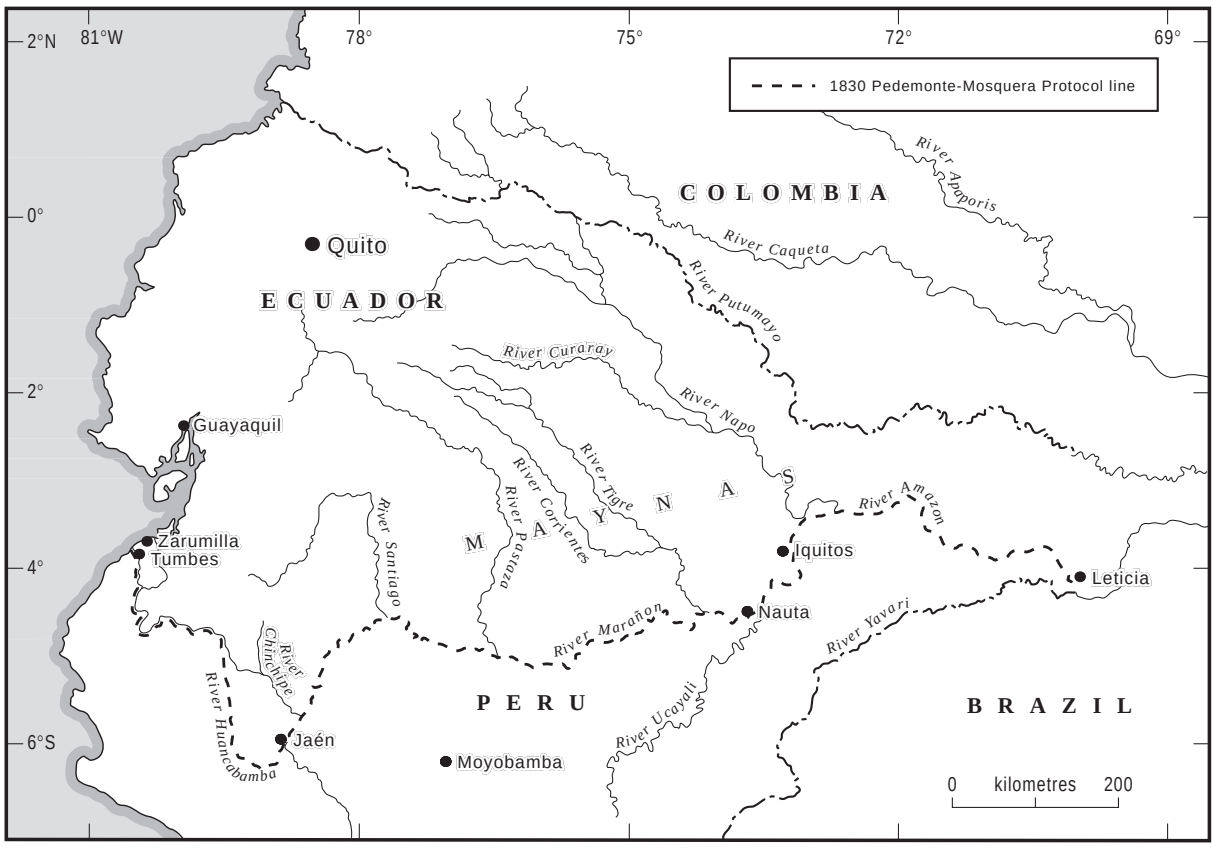
The ensuing debate between Ecuador and Peru over the relevance of the 1829 and 1832 treaties involved several complicated issues. On the one hand, there was the question of the extent to which the 1829 treaty actually established a boundary. While Peru argued that the pact established only a principle of delimitation and a procedure to be followed, Ecuador maintained that the treaty actually fixed a boundary and thus resolved the controversy. In support of its position, the Ecuadorian government later introduced the *Pedemonte-Mosquera Protocol* into its legal brief. According to Ecuador, the Peruvian Foreign Minister, Carlos Pedemonte, and the Gran Colombian Minister to Peru, General Tómas C. Mosquera, agreed to a protocol on 11 August 1830 which determined the bases of departure for the border commissioners established in the 1829 treaty. In this protocol, Foreign Minister Pedemonte supposedly accepted the Marañón River as the frontier between Ecuador and Peru, leaving in doubt only the question of whether the border would be completed with the Chinchipe or Huancabamba Rivers (Lecaro Bustamante, 1997: 41-43; Tobar Donoso and Luna Tobar, 1994: 85-97; see Zook, 1964: 279-281 for a copy of the 1830 protocol) (Figure 4).

The Colombian government was long in possession of a copy of the *Pedemonte-Mosquera Protocol* but did not mention it until 1904, and the Ecuadorian government first introduced the document in an *Exposición* filed on 20 October 1906. The Peruvian government rejected both the validity and applicability of the protocol. In support of its position, Peru demonstrated that General Mosquera had sailed from the port of Callao on the day before the protocol was allegedly concluded. Even if General Mosquera had reached an agreement on 11 August 1830, Peruvians pointed out that he could not at that time have been considered an official representative of Gran Colombia because Venezuela had seceded at an earlier date which meant Gran Colombia had ceased to exist as a legal entity. Finally, the Peruvian government

7 Maier was inaccurate to imply the 1829 treaty was duly ratified by both signatories as Gran Colombia's ratification was clearly imperfect. In addition, he was misleading to suggest the treaty provided for a *"clear and unambiguous definition of the boundary"* as the exact boundaries of the Viceroyalties of Peru and Nueva Granada were uncertain which was the reason the treaty provided for a commission of limits (Maier, 1969: 38).

8 Maier added confusion to this issue by suggesting the 1832 treaty was never in force because ratifications were never exchanged. On the contrary, Ecuador and Peru exchanged treaty ratifications on 27 December 1831, and the Foreign Minister of Ecuador acknowledged receipt of the ratified agreements on 13 March 1833 (Zook, 1964: 23-24; St John, 1977: 327).

Figure 4: The 1830 Pedemonte-Mosquera Protocol



emphasised that any document of the importance of the *Pedemonte-Mosquera Protocol* would have necessitated some form of congressional approval and none was given (Ulloa Cisneros, 1911; San Cristóval, 1932: 43-83).

The second major area of disagreement centred on whether or not Ecuador was entitled to assume the legal privileges and duties of Gran Colombia after the latter disintegrated. Although Ecuador enthusiastically advocated this position, its legal case here was at best questionable. According to the doctrine of the succession of states, when a state ceases to exist, its treaty rights and obligations generally cease with it (Brierly, 1963: 153-154). Therefore, after Gran Colombia split into three secessionist states in 1830, there was a legitimate question in Peru, as well as internationally, as to why Ecuador should feel it was the legitimate successor to Gran Colombia. Moreover, even if Ecuador had some limited claim to the legal rights and obligations of Gran Colombia, it could hardly be the successor to the latter's southern boundary since that line had never been fixed. As a point of fact, the boundary commission provided for in the 1829 treaty had never met (Maier, 1969: 39).

The third and final issue focused on the exact interrelationship of the 1829 and 1832 agreements. The Peruvian government took the position that the 1832 treaty both nullified the earlier pact and confirmed Peruvian possession of Jaén, Tumbes, and Maynas. In turn, the Ecuadorian government argued that the 1829 treaty fixed a final boundary which was unaffected by the later agreement. As for the Peruvian argument that the 1832 treaty rendered the 1829 pact null and void, there was certainly no clear statement to this effect in the 1832 agreement. On the other hand, there was the January 1832 note from Ecuador's representative in Lima to the Peruvian Foreign Minister stating that the former was now empowered to negotiate treaties with Peru because all earlier agreements between Peru and Gran Colombia had lapsed. Moreover, as we have seen, it was far from clear that Ecuador inherited the rights

and obligations of the 1829 treaty. Finally, since the 1829 agreement did not establish a boundary, it remained impossible to determine whether the *"present limits"* in the 1832 agreement referred to the Viceroyalties of Peru and Nueva Granada in the 1829 treaty or to those territories in the actual possession of Peru and Ecuador when they concluded the 1832 treaty (Tudela, 1941: 12-38; Tobar Donoso and Luna Tobar, 1994: 123-128; Zook, 1964: 23-24).

Between 1833 and 1887 Ecuador and Peru defended their respective legal cases while Peru continued to occupy Jaén, Tumbes, and much of Maynas (Bákula, II, 1992: 343-350). Throughout this period, the dispute was not brought before any legal body; however, if it had been, the Peruvian government appeared to have the stronger *de jure* case. If the rule of *uti possidetis* was applied to the question, all of Spain's administrative acts up to the time of independence would have had to be considered, including the *cédula* of 1802. Furthermore, since the corollary to *uti possidetis* giving provinces the right to choose the republic to which they would adhere would also have had to be considered valid, Peru had a strong argument that the issue was not one of deciding the ownership of vast tracts of land. On the contrary, it was simply an issue of fixing the boundary between the state of Ecuador and three Peruvian provinces which had opted at the time of independence to become part of Peru.

Under the doctrine of succession of states, Ecuador may have inherited limited rights to the boundary procedure outlined in the 1829 treaty, but that agreement was a very weak foundation for a legal claim as it detailed a procedure which was never followed. As for the *Pedemonte-Mosquera Protocol*, its authenticity was so debatable that its introduction as a central pillar of Ecuador's legal case almost surely weakened the case instead of strengthening it. Finally, while the 1832 treaty was duly signed and ratified, the ambiguous wording in the pact added little support to either country's legal case. The relative strength of Peru's *de jure* case was then buttressed by the growing strength of its *de facto* case as it occupied and continued to develop economically both Jaén and Tumbes after 1822 as well as much of Maynas (St John, 1977: 327-328).

4. Third Party Interest

For much of the nineteenth century, the boundary dispute dominated diplomatic relations between Ecuador and Peru. While the essence of the dispute remained bilateral in character, attempts to involve outsiders in its resolution surfaced at an early stage. The Peruvian government in 1827 was the first to request mediation by the United States of America. Washington's positive response, in the form of a declared willingness to assist, took two years to arrive by which time the disputants had fought a war and concluded their own settlement (Krieg, 1986: 14-15). In early 1842, Ecuador threatened to occupy Jaén and Maynas by force if Peru refused to cede them voluntarily (García Salazar, 1928: 112-116). Two decades later, an Ecuadorian attempt to cede to English creditors land claimed by Peru in the Amazon region of Canelos led to a Peruvian invasion of Ecuador. The *Treaty of Mapasingue*, dated 25 January 1860 and concluded with only one of the Ecuadorian chieftains attempting to set up a unified government, ended the Peruvian invasion and reestablished diplomatic relations between the two states (Pérez Concha, I, 1961: 109-127 and 152-181).

In the treaty, Ecuador agreed to nullify the cession of Amazonian lands and to accept provisionally Peruvian claims to the disputed territories on the basis of *uti possidetis* and the

cédula of 1802. At the same time, it reserved the right to present, within two years, new documents in support of its territorial claims. On the other hand, if it failed to present documents annulling Peru's right of ownership within the specified period, it would lose its rights and a mixed commission would fix the border based on Peruvian pretensions. Highly favourable to Peru, the *Treaty of Mapasingue* proved a Pyrrhic victory as a unified Ecuadorian government later established itself in Quito and declared the 1860 treaty null and void (García Salazar, 1928: 112-118 and 134-142; Tobar Donoso and Luna Tobar, 1994: 135-143).

In the second half of the 1860s, the Ecuador-Peru dispute was temporarily set aside in the face of the Spanish intervention in the Americas. Nevertheless, it again surfaced at the end of the following decade. In the build-up to the War of the Pacific, the Chilean government in March 1879 sent an emissary to Quito with instructions to bring Ecuador into the conflict on the side of Chile. The Chilean envoy was told to suggest to the Ecuadorian government that the time was ripe to resolve its dispute with Peru by occupying the contested territory. If Ecuador rejected this proposal, the Chilean diplomat was instructed to negotiate an offensive and defensive alliance (St John, 1992: 111-112).

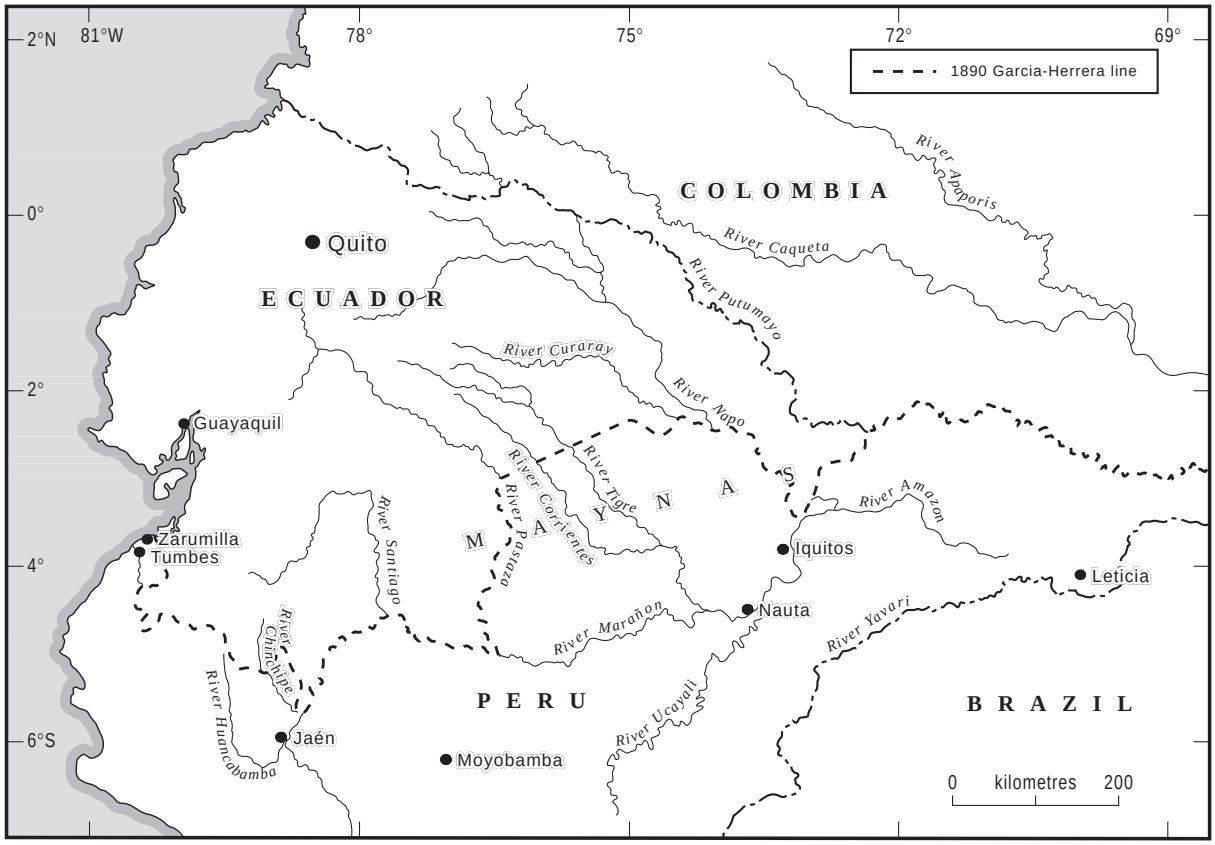
While the Ecuadorian government eventually elected to remain neutral, regional diplomacy in this period exemplified the full extent to which bilateral boundary disputes in Latin America often assumed multilateral dimensions as neighbouring states formed alliances to attain their foreign policy objectives. In the Amazon region, three separate but related disputes over the ownership of the Amazon Basin involved Ecuador and Peru, Peru and Colombia, and Colombia and Ecuador. Toward the end of the nineteenth century, Chile further complicated matters by encouraging the Amazonian claims of Colombia and Ecuador in an effort to distract Peru from the Tacna-Arica question which resulted from the War of the Pacific (Soder, 1970: 64-65; Burr, 1965: 146-147).

5. Spanish Arbitration

In 1887, the Ecuadorian government again tried to cancel foreign debts by granting land concessions in a section of the Amazon Basin claimed by Peru. As a result, the two governments opened new negotiations which led, on 1 August 1887, to an agreement known as the *Espinosa-Bonifaz Convention*. Under its terms, the signatories agreed to submit their territorial dispute to an arbitration by the King of Spain. The agreement provided for an arbitration so complete that even the points in contention were left to the arbitrator with no principles for their definition specified (Article 1). Ecuadorian critics of the 1887 convention later argued it was null and void because the open-ended procedure offered no securities for the weaker party. In the event the King of Spain declined to accept the arbitration, the convention provided, as an alternative, for an arbitration by the President of the French Republic, the King of Belgium, or the Swiss Federal Council in the order in which they were named (Article 7).

The agreement also provided for direct negotiations to continue concurrently with the arbitral process, and if the former were successful, the results would be brought to the knowledge of the arbitrator. In the event direct negotiations resolved some or all of the points in dispute, the arbitration would be terminated or limited to the points not resolved (Article 6). The governments of both Ecuador and Peru had more faith in direct negotiations than in the Spanish arbitration, and serious talks aimed at a comprehensive settlement soon produced an

Figure 5: The 1890 García-Herrera Treaty Line

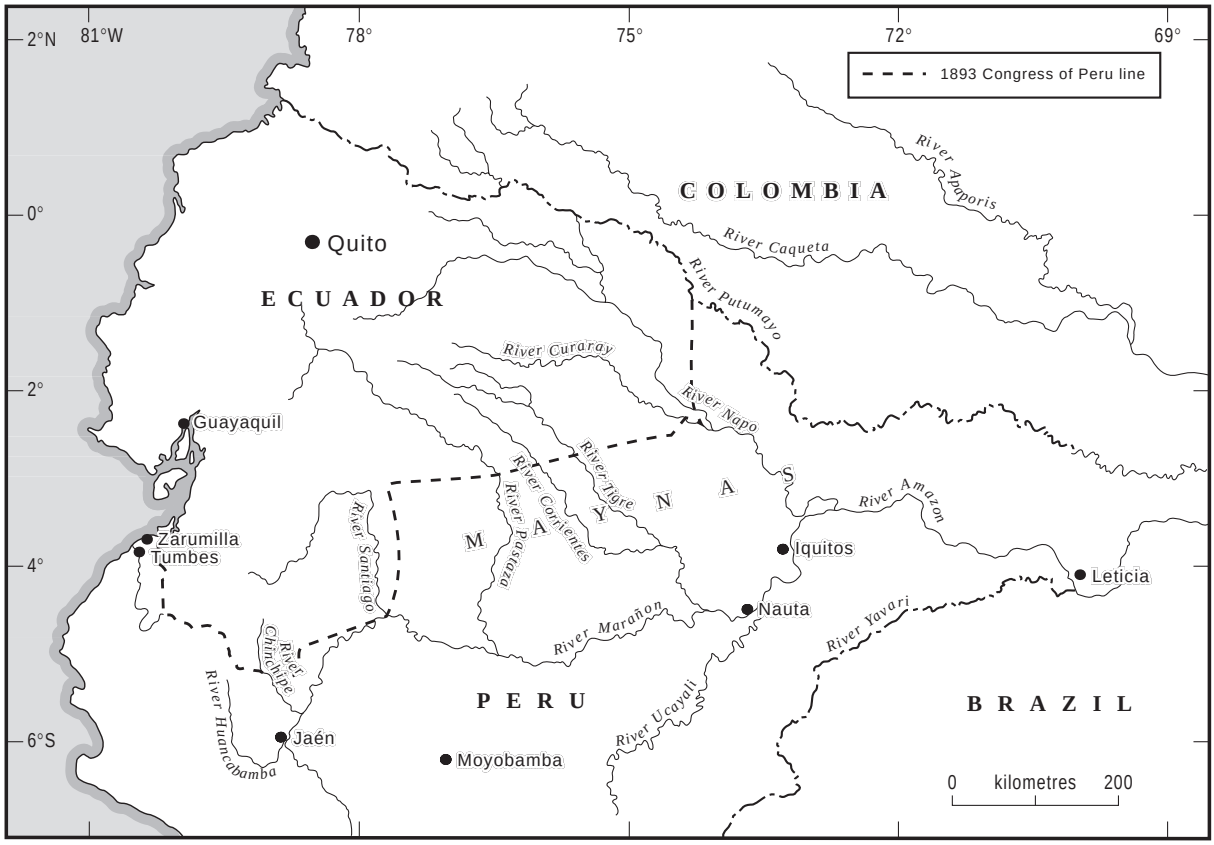


agreement (Peru, Memoria, 1890: 79-80; Tobar Donoso and Luna Tobar, 1994: 149-153; Bákula, II, 1992: 373-375; see Peru, I, 1936b: 271-273 for a copy of the 1887 convention).

The *García-Herrera Treaty*, dated 2 May 1890, granted Ecuador extensive concessions in the *Oriente*, including access to the Marañón River from the Chinchipe to the Pastaza (Article 6) (Figure 5). In the case of common rivers, the signatories agreed in the treaty to reciprocally recognise the right of free navigation (Article 13). Finally, in an effort to prevent the unlawful traffic of Indians in the *Oriente*, the agreement obligated Ecuador and Peru not to permit Indians to be carried off and conducted from the territory of one signatory to the other (Article 18).

Since the Peruvian government had long opposed making Ecuador an Amazonian power, the terms of the treaty marked a high watermark of compromise for Peru. Faced with a very favourable settlement, the Ecuadorian congress quickly approved the pact on 19 July 1890. The congress of Peru conditionally approved the treaty on 25 October 1891 but refused to grant final approval until modifications were made to several articles. The changes demanded would have given Peru a much larger share of the disputed territory while restricting Ecuador's Marañón River access to the mouth of the Santiago River. In 1893, the Peruvian congress reconsidered the terms of the *García-Herrera Treaty* but continued to insist on either treaty modifications or a full arbitration by the King of Spain (Figure 6). Ecuador refused to accept the Peruvian proposals, and on 25 July 1894, the Ecuadorian congress withdrew its approval of the pact, directing the Ecuadorian government to open new talks (Bákula, II, 1992: 387-389; Wood, 1978: 3-4; Tobar Donoso and Luna Tobar, 1994: 153-158; Zook, 1964: 295-299 for a copy of the 1890 treaty).

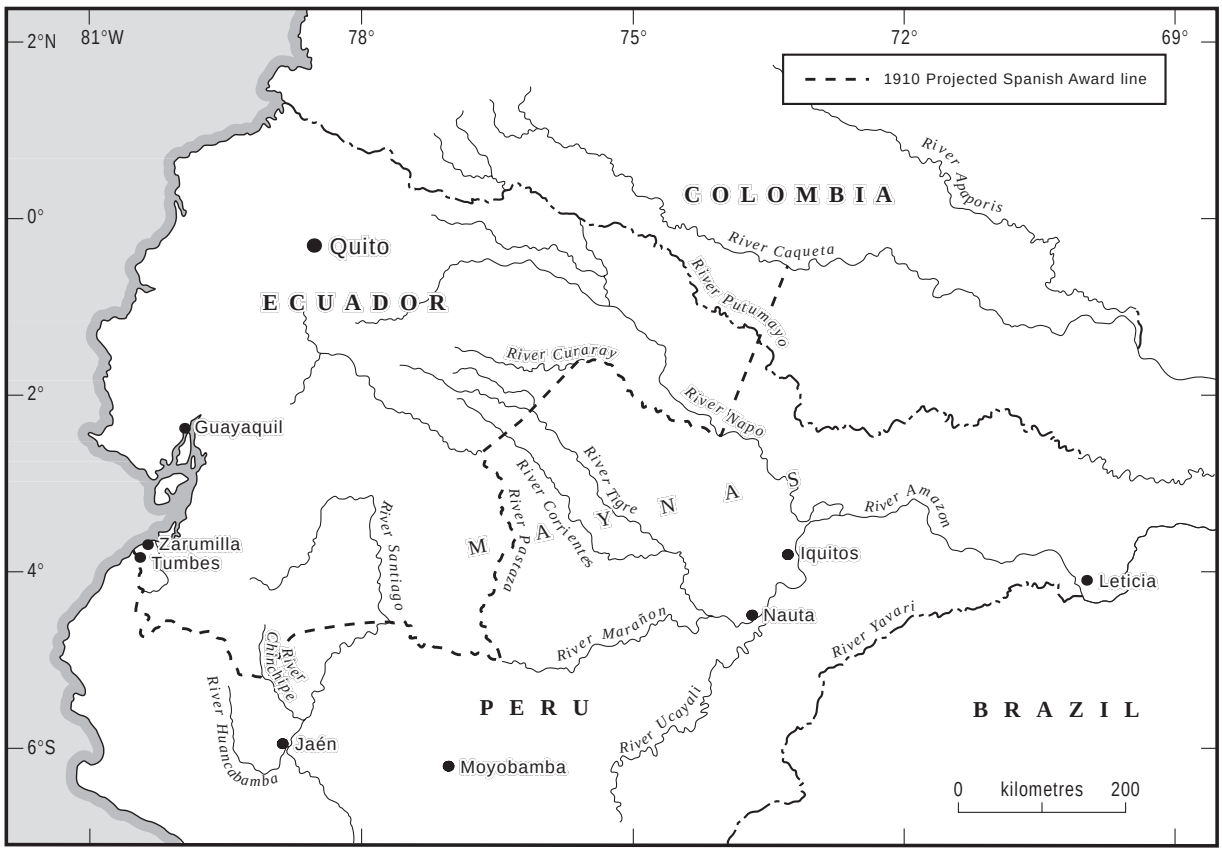
Figure 6: The 1893 Congress of Peru Modifications



Several considerations helped to explain the Peruvian government's agreement to the *García-Herrera Treaty*, a pact through which it would have lost some 120,000 square miles (310,000 square kilometres) of Amazon jungle. First, Peru had not recovered economically or politically from the War of the Pacific; and in just four years, it was scheduled to participate in the Tacna-Arica plebiscite. Needing all available resources to protect its southern interests, the *García-Herrera Treaty* was a means to neutralise Ecuador while Peru focused on its struggle with Chile. Second, the Peruvian government lacked the necessary legal documents to prove conclusively its ownership of the disputed territories. Peruvian scholars had been searching feverishly for new documents in Seville and other Spanish archives, but they had yet to discover anything which decisively proved the Peruvian case. A third consideration, not always mentioned, related to the relative value of the *Oriente*. When compared to Tacna and Arica, the Amazon territory was geographically larger and of greater potential wealth, but it was also situated in a remote area, less known to Peruvians. In addition, it had not been the theatre of a long, bloody war. The boom in rubber prices had not yet occurred, and at the time, little or no thought was given to the possibility of oil deposits in the region. Consequently, there were both economic and political reasons for the Peruvian government to assign a higher priority to a successful resolution of the Tacna and Arica dispute even if it meant granting concessions in the *Oriente* (Wagner de Reyna, I, 1964: 34-35; Ulloa Sotomayor, 1941: 67-71).

In 1890 and again in 1891, Colombia protested that the terms of the *García-Herrera Treaty* violated its territorial rights. Faced with continuing Colombian opposition, the governments of Ecuador and Peru eventually agreed to broaden the 1887 arbitral convention to include Colombia. The *Tripartite Additional Arbitration Convention*, dated 15 December 1894, provided for Colombian adherence to the arbitration provisions of the 1887 *Espinosa-Bonifaz Convention*. It also provided for an arbitral decision based on legal title as well as equity and convenience. As it turned out, the tripartite convention never came into effect because the

Figure 7: The Projected Spanish Award



Ecuadorian congress rejected the pact. Ecuadorian critics rightly feared a tripartite settlement might lead to Peru and Colombia dividing the *Oriente* between them at Ecuador's expense. When it became clear that Ecuador would not ratify the 1894 convention, the Peruvian congress revoked its approval of the tripartite convention. This cleared the way for a resumption of the Spanish arbitration; and in March 1904, both governments asked the King of Spain to continue this procedure (Peru, Memoria, 1896: 153-161; Pérez Concha, I, 1961: 256-262 and 270-284; Tobar Donoso and Luna Tobar, 1994: 158-162).

The 1887 Spanish arbitration led to a projected award in 1910 which largely accepted Peru's juridical theses (Figure 7). Rejecting Ecuador's attempt to reconstitute Viceroyalties and *Audiencias* dating back to 1563, the projected award agreed with the central Peruvian argument that the real issue was one of fixing the boundaries between provinces which had chosen at the time of independence to join one state or the other. Accepting the rule of *uti possidetis*, the award agreed that all of Spain's administrative acts up to the very moment of independence were applicable and thus accepted the validity of the royal *cédula* of 1802 as well as older decrees. As to documents pivotal to the Ecuadorian case, the award rejected the 1829 treaty on the grounds that Ecuador lost its rights as a successor to Gran Colombia when it concluded the 1832 treaty. It also ruled that the *Pedemonte-Mosquera Protocol* lacked authenticity as well as the requisite approval of the Ecuadorian and Peruvian congresses. Finally, the projected award agreed that the 1832 treaty had been ratified and the ratifications duly exchanged (Peru, 1936a; 12-18; Flores, 1921: 56-62).

When the provisions of the projected award became known in Ecuador, they resulted in violent demonstrations against Peru in Quito and Guayaquil in early 1910. When news of these riots reached Peru, they led to reprisals in Lima and Callao, and both countries assumed

a war footing. The mobilisation in Peru alone put 23,000 men under arms.[9] The Ecuadorian government suggested direct negotiations in Washington, but Peru refused to consider a solution other than arbitration. While war appeared imminent, a tripartite mediation by Argentina, Brazil, and the United States eventually restored the peace. After Ecuador and Peru agreed to return to a peacetime footing, the King of Spain in November 1910 resolved not to pronounce his award. With the end of the Spanish arbitration, the mediating powers advised Ecuador and Peru to bring the dispute before the Permanent Court of Arbitration at the Hague. While Peru accepted this proposal, Ecuador continued to insist on a solution *de aequitate*, either through arbitration or direct negotiations, which would take into account its self-professed moral right to an exit to the Amazon River (Basadre, XII, 1968: 94-102; Pérez Concha, I, 1961: 341-393; St John, 1970: 271-289 and 429-493).[10]

In retrospect, the Ecuadorian government made a serious mistake when it encouraged public demonstrations against the pending Spanish judgement. While the projected award was favourable to Peru, the King of Spain awarded Ecuador much more territory than it was to receive in the 1942 *Rio Protocol* some three decades later. Moreover, the abortive arbitration presented Peru with a major diplomatic victory both because of the favourable terms of the projected award and because Ecuador's reaction cast it in an unfavourable light. Finally, in the negotiations with Ecuador, time was on the side of Peru. With the breakdown in negotiations, Peru continued in *de facto* control of most of the disputed territory, a control buttressed by a screen of armed force. The Spanish arbitration gave both sides a day in court before the mother country, and since the award was not unkind to Ecuador, the Quito government would have been wise to accept it (St John, 1977: 328-329; Ulloa Sotomayor, 1942: 68).

6. The Salomón-Lozano Treaty

On 15 July 1916, the governments of Colombia and Ecuador concluded an agreement, known as the *Muñoz-Vernaza Treaty*, which was severely criticised in Ecuador both because it ceded to Colombia large portions of territory long claimed by Ecuador and because it did not include an alliance between the signatories (Muñoz Vernaza, 1928: 34; Krieg, 1986: 59-60) (Figure 8). Ecuador willingly sacrificed territory to Colombia in 1916 to terminate its territorial differences with its neighbour to the north before Colombia could conclude an agreement with Peru which adversely affected Ecuadorian rights. The Peruvian government, while it did not know at the time the terms of the rumoured agreement, protested its contents on 21 August 1916 on the assumption the new boundary encompassed territory which it felt belonged to Peru. Ecuador replied on 8 September 1916 in a statement which noted the contents of the Peruvian protest and expressed a desire to end its frontier litigation with Peru (St John, 1970: 48-49; Muñoz Vernaza, 1928: 19, 30, and 56-57; Tobar Donoso and Luna Tobar, 1994: 430-435).

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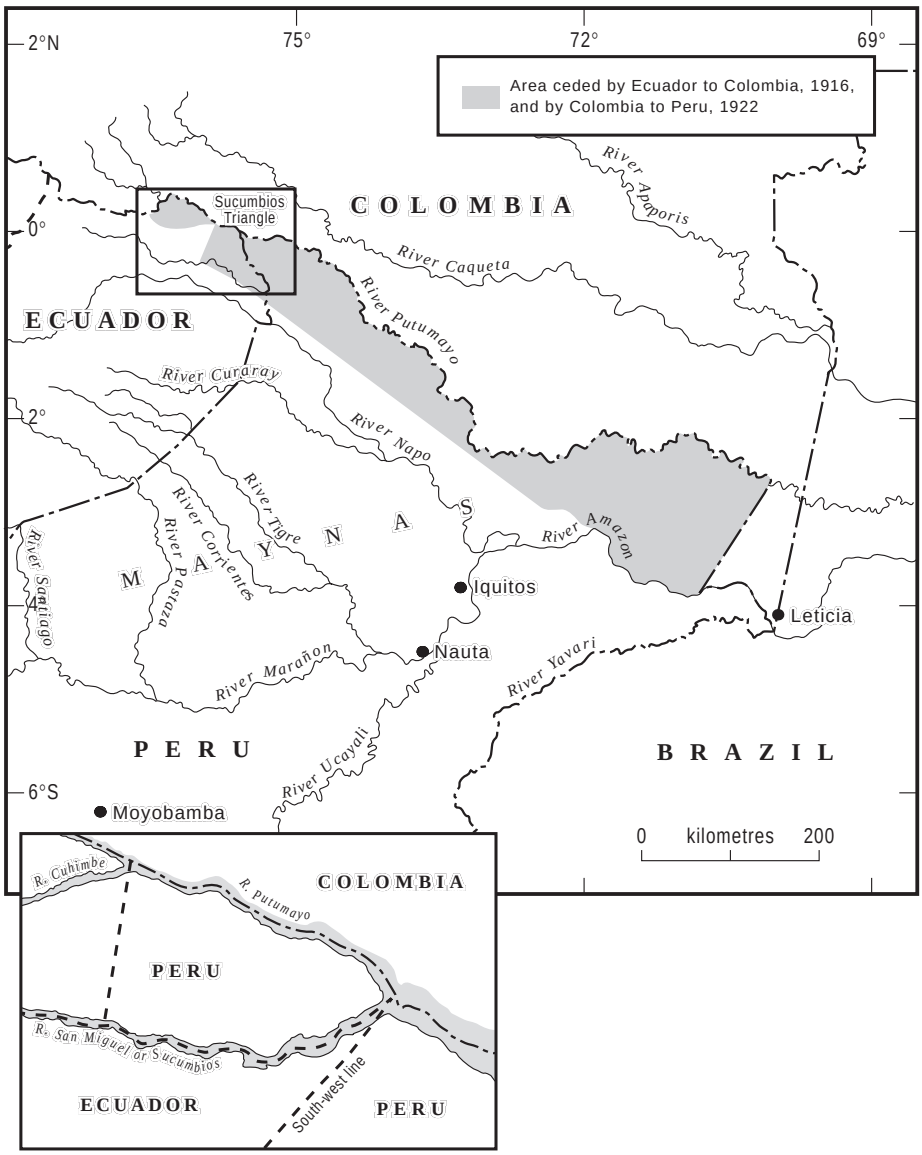
9 The projected award of the Spanish arbitration was a threat to Colombian pretensions in the Amazon region; and when its terms became known, Bogotá moved to end the arbitration without an award by the King of Spain. While the evidence is more circumstantial, Chile may also have worked to thwart an amicable settlement because a resolution of the Ecuador-Peru dispute would have strengthened Peru in its dispute with Chile over Tacna and Arica (Wood, 1978: 27-28).

10 Ecuador rejected the proposal of the mediators to take the question to The Hague because it anticipated that the Court would hand down a decision similar to that reached by the Spanish government. The line traced by the representatives of the King of Spain was drawn only after the presentation of massive documentation by both parties and extensive research by Spanish jurists and thus was the closest approximation to a decision on legal merits reached in the entire course of the dispute (Wood, 1978: 4).

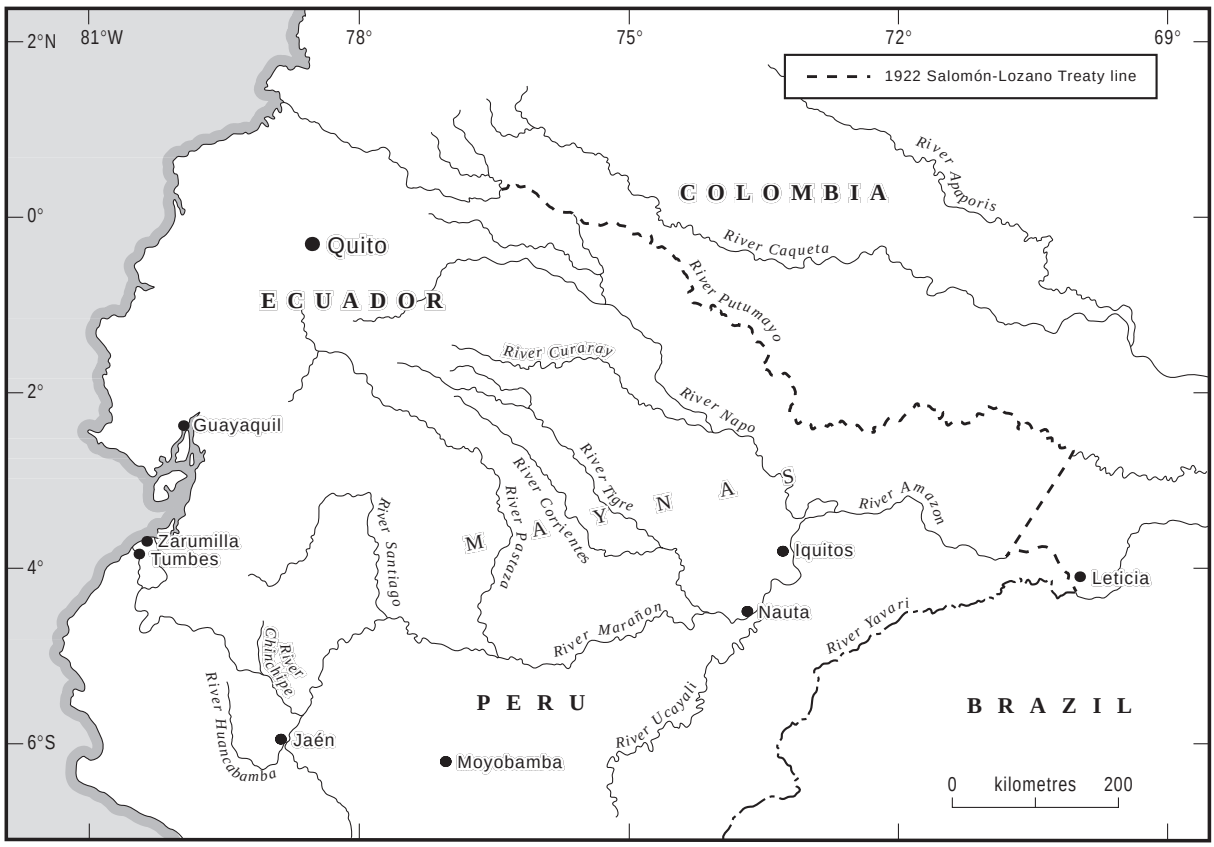
Figure 8: The 1916 Muñoz-Veranaza Treaty Line



On 24 March 1922, the governments of Colombia and Peru concluded a *Treaty of Frontiers and Free Inland Navigation*. Generally known as the *Salomón-Lozano Treaty*, the agreement granted Colombia frontage on the Amazon River in return for ceding Peru territory south of the Putumayo River which Colombia had received from Ecuador in 1916 (Tobar Donoso and Luna Tobar, 1994: 435-439) (Figure 9). It also provided for a mixed commission to mark the boundary and granted the signatories freedom of transit by land as well as the right of navigation on common rivers and their tributaries. The 1922 treaty generated considerable public interest, but its terms were not well understood. Debate in Peru focused on the decision to give Colombia frontage on the Amazon River when a more significant consideration was the extent to which the treaty undermined Ecuadorian claims in the *Oriente* (St John, 1976: 328-332; see Peru, I, 1936b: 251-254 for a copy of the 1922 treaty).

The territory south of the Putumayo River, ceded by Colombia to Peru, penetrated to the heart of the area disputed by Ecuador and Peru. Its acquisition by Peru greatly enhanced the Peruvian government's position in the region *vis-à-vis* Ecuador. Overnight, the Ecuadorian government found itself confronted by an antagonist (Peru) where previously it had an ally (Colombia). From the San Miguel River eastward, Ecuador was now enclosed on the north, east, and south by Peruvian territory. In addition to destroying any legal support which the

Figure 9: The 1922 Salomón-Lozano Treaty Line



1916 Colombia-Ecuador treaty had given Ecuadorian claims, the 1922 treaty eliminated the possibility of Colombian support, either military or diplomatic, for Ecuador in its dispute with Peru.[11] While few Peruvians understood or acknowledged the importance of the new geographic and political reality, the violent reaction that news of the agreement produced in Ecuador testified to its strategic importance. When the provisions of the 1922 treaty finally became public knowledge in 1925, the Ecuadorian government protested loudly, and after Colombia ratified the pact later in the year, Quito severed diplomatic relations with the government in Bogotá (Muñoz Vernaza, 1928: 90-92; Bákula, 1988: 223-281).

In early 1913, the Peruvian government had proposed to Ecuador what later came to be known as the "*mixed formula*" because it consisted of both a direct settlement and a limited arbitration. Talks renewed in 1919 led to the conclusion on 21 June 1924 of a new agreement known as the *Ponce-Castro Oyanguren Protocol*. It provided for the implementation of the mixed formula as soon as the Tacna and Arica dispute between Chile and Peru was resolved (Article 3). With the prior assent of the United States government, the signatories agreed to convene in Washington to negotiate a definitive boundary, and where they were unable to settle, they agreed to submit the unresolved segments to the arbitral decision of the United States (Article 1) (Tobar Donoso and Luna Tobar, 1994: 181-184; Bákula, III, 1992: 211-233; Peru, I, 1936b: 278-279).

The *Ponce-Castro Oyanguren Protocol* attempted to reconcile Peruvian insistence on a juridical arbitration with Ecuadorian insistence on an equitable arbitration or direct negotiations. Unfortunately, the agreement was neither clear nor satisfactory. In consequence,

[11] In the 1942 *Rio Protocol*, Peru later returned to Ecuador the territory along the Putumayo River above Güepi which Ecuador had ceded to Colombia in 1916 and Colombia later ceded to Peru in 1922 (McBride, 1949, Chapter II: 44 and Chapter III: 3).

the position of both Ecuador and Peru after 1924 continued to reflect the projected award of the Spanish arbitration. Confident in its legal title, Peru emphasised a juridical arbitration of the dispute while Ecuador, now certain that its legal arguments would not give it frontage on the Amazon River, insisted on an equitable arbitration or direct negotiations. Initially proclaimed a diplomatic victory in both countries, the 1924 agreement soon attracted growing criticism in Ecuador where detractors challenged its ambiguous provisions as well as the delay in settlement which resulted from tying the Ecuador-Peru dispute to a resolution of the Tacna-Arica question (Tudela, 1941: 38-43; Pérez Concha, II, 1961: 9-11 and 61-63).

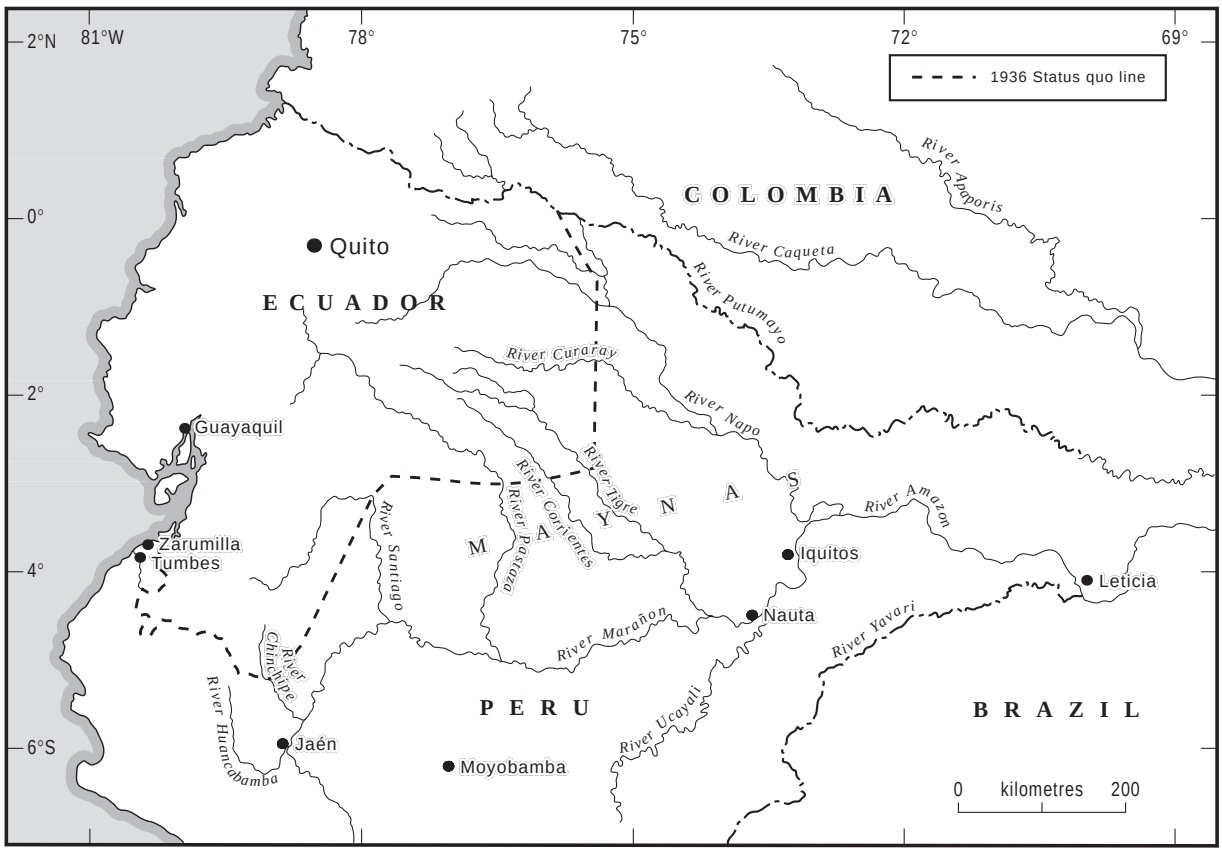
In late 1933, Peru invited Ecuador to open negotiations in Lima in accordance with the terms of the 1924 *Ponce-Castro Oyanguren Protocol*. In the belief that the United States would support its claims, Ecuador reluctantly accepted the Peruvian proposal, and in April 1934, a series of desultory talks opened in the Peruvian capital. Unable to find common ground, the negotiations broke down completely in August 1935. For the next 18 months, the two governments argued over the nature of the dispute and the form future proceedings should take. Finally, on 6 July 1936, they agreed to take the dispute to Washington for a *de jure* arbitration during which both states would maintain their existing territorial positions. Shortly thereafter, Peru issued a memorandum which defined what came to be known as the *status quo* line of 1936, a unilateral declaration by Peru of the *de facto* boundary line (Krieg, 1986: 71 and 120) (Figure 10). At the time, Ecuador did not officially contest Peru's description of the *status quo*, which in retrospect was surprising, as the potential importance of the line defined by Peru should have been recognised (McBride, 1949, Chapter II: 17-22).

The Washington Conference lasted two long years, and more than anything else, it proved a test of patience and an exercise in futility. Both the sessions and the proposals were long, repetitious, boring, and unproductive. Each side appeared to understand clearly the other's position, but neither side would acknowledge that the other had merit. In short, their respective viewpoints were too divergent to allow compromise. In the end, the principal result of the Washington Conference was to produce a clear statement of the seemingly irreconcilable positions of Ecuador and Peru (St John, 1970: 454).

At the opening meeting in Washington, the Ecuadorian delegation maintained that the central issues were territorial as they involved the ownership of large areas of the *Oriente*. In effect, Quito hoped to negotiate the possession of the entire territory north of the Tumbes, Huancabamba, and Marañón Rivers. According to the Ecuadorian delegate, the two governments had come to Washington to negotiate a comprehensive direct settlement or a partial settlement to be followed by a limited arbitration by the President of the United States. Later, Ecuador proposed a complete juridical arbitration of the dispute. While this proposal suggested a shift in its attitude toward arbitration, it was largely an attempt to precipitate a Solomon-like judgement by the United States government (Ecuador, 1937: xiii-xv, 5-6, and 43; Ecuador, 1938: 219-276).[12]

[12] The Ecuadorian government pressed representatives of the United States, as early as the end of 1937, to induce Peru to accept a compromise settlement. While Undersecretary of State Sumner Welles made some overtures to Peru in this regard, they were unsuccessful. Washington was unable or unwilling to push Peru hard on the issue of a compromise settlement because United States diplomacy during the Tacna-Arica dispute and the Leticia incident left a legacy of distrust and hostility in Peru.

Figure 10: The 1936 *Status Quo* Line



In contrast, the opening statement of the Peruvian delegation emphasised that the dispute was not one of organic sovereignty but rather one of frontiers. According to Peru, the issue at hand was the exact location of the boundary line between the three Peruvian provinces of Tumbes, Jaén, and Maynas and adjacent Ecuadorian territories. This was the same position the Peruvian government had taken in the Spanish arbitration four decades earlier. When Peruvian Foreign Minister Carlos Concha eventually announced the termination of the Washington Conference, he explained that it was impossible for Peru to continue because Ecuador's proposal for total arbitration was outside the spirit and letter of the 1924 protocol, a pact which contemplated only an eventual and partial arbitration by the President of the United States. He added that the only legitimate areas for discussion remained the exact limits separating Tumbes, Jaén, and Maynas from adjacent Ecuadorian territory (Peru, 1938: v-xiv, 10-11, 25-81, and 229-232).

Following conclusion of the abortive Washington Conference, the Peruvian government pressed Ecuador to either continue direct negotiations or to take the dispute to the Permanent Court of International Justice at the Hague.[13] Increasingly confident in its legal rights to the disputed territory, Peru continued to insist on a *de jure* solution to the dispute while Ecuador longed for a *de aequitate* solution, either through direct negotiations or arbitration. In so doing, the government in Quito hoped that outside intervention, such as a total arbitration by the President of the United States, would consider extra-legal arguments and thus recognise what Ecuador saw as its moral right to an exit to the Amazon River.

13 In 1935, 1937, and 1938, Peru proposed submitting part or all of the dispute to the Permanent Court of International Justice at the Hague. Ecuador rejected all three proposals in the apparent hope for a solution, such as total arbitration by President Franklin D. Roosevelt, which might consider extra-legal arguments (St John, 1977: 329).

7. The Rio Protocol

From 1940 to 1941, border incidents along the unmarked jungle frontier increased as both Ecuador and Peru asserted their territorial claims in the disputed region. Ecuadorian probes, returned in kind by Peruvian units, were accompanied by an aggressive press campaign in Quito which charged that Peru was preparing for war. As both the political and military situation deteriorated, the governments of Argentina, Brazil, and the United States offered their good offices in an effort to contain the conflict. While the Peruvian government accepted the offer, it was with the understanding that Peru intended to retain Tumbes, Jaén, and Maynas. Willing to accept good offices to reduce the possibility of war, the Peruvian government rejected an Ecuadorian suggestion that this procedure be employed as the basis to negotiate a final solution (Peru, Memoria, 1940-1941: xcv-cxiv).

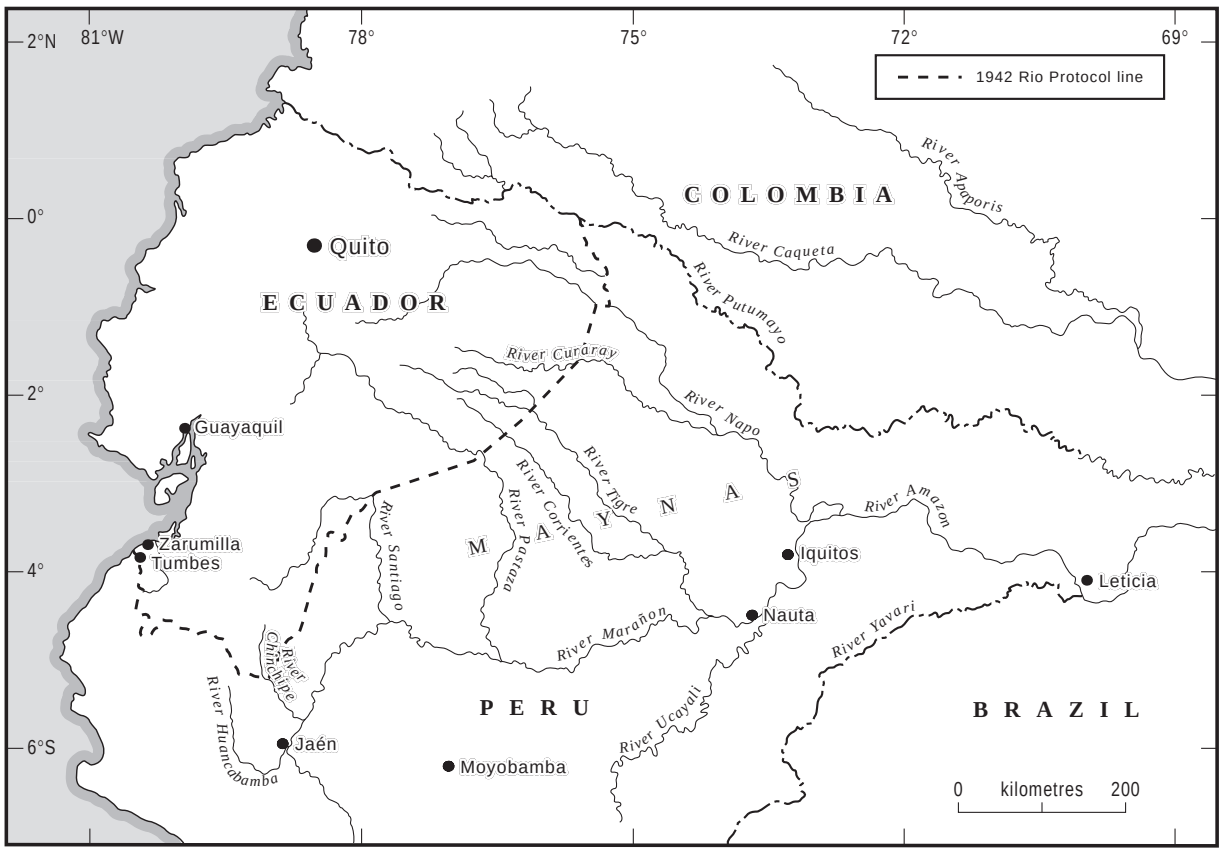
Hostilities opened in early July 1941 in the Zarumilla sector with both sides claiming the other fired the first shot (Lecaro Bustamante, 1997: 56-60; Pons Muzzo, 1994: 172-198).[14] The conflict spread quickly as Ecuador launched new attacks in the eastern sector along the Tigre and Pastaza Rivers. After intense fighting on several fronts, Peruvian forces blocked the Ecuadorian advance and successfully counter-attacked. Peru's swift and convincing defeat of the Ecuadorian army was the result of a military reorganisation the Peruvian armed forces had undergone in the 1930s, as well as the vast superiority of forces it achieved in the main theatre north of Tumbes. In contrast, the Ecuadorian army, which was largely unprepared for war, suffered from a lack of war material as well as limited civilian support for the war effort. By the end of July, Peruvian forces had advanced some 40 miles (65km) and occupied 400 square miles (1,000km^2) of territory (Peru, 1961: 71-72; Pérez Concha, III, 1961).

With the outbreak of hostilities, the governments of Argentina, Brazil, and the United States, later joined by Chile, worked to organise a peaceful settlement. Their efforts were rewarded on 2 October 1941 when representatives of Ecuador and Peru signed an armistice at Talara. Peace negotiations held in Rio de Janeiro in early 1942 produced a *Protocol of Peace, Friendship, and Boundaries*. Within fifteen days, Peru agreed to withdraw its forces to a designated area after which technical experts would demarcate the boundary delimited in the protocol. Under the terms of the settlement, the governments of Argentina, Brazil, Chile, and the United States agreed to guarantee both the protocol and its execution. On 26 February 1942, the Peruvian congress unanimously approved the *Rio Protocol* and ratifications were exchanged on 31 March 1942 (see Peru, 1967: 27-30 for a copy of the *Rio Protocol*) (Figure 11).

The terms of the *Rio Protocol* included a continuing role for the four guarantor states until such time as the demarcation of the Ecuador-Peru boundary was completed (Article 5). The agreement did not contain a provision for arbitration; however, any disagreements arising from its execution were to be settled by the parties concerned with the assistance of the guarantors (Article 7). Finally, the protocol allowed for Ecuador and Peru, with the collaboration of the guarantors, to grant reciprocal concessions to adjust the frontier to geographic conditions (Article 9). In effect, the *Rio Protocol* institutionalised the role of outsiders in the Ecuador-

[14] Bryce Wood, an internationally recognised expert on Latin American border disputes, completed an exhaustive study of the Ecuador-Peru dispute in 1978 in which he concluded that Peru committed a number of aggressive acts in 1941-1942 but did not consummate the act of aggression. Moreover, he cited several instances in which Ecuador as well as Peru committed aggressive acts (Wood, 1978: especially 210-214). George McBride had concluded earlier that both parties were guilty of aggressive acts in 1941 (McBride, 1949, Chapter VII: 4-5). Krieg clouded this issue when he later implied, without providing new information, that Peru was the aggressor in 1941 (Krieg, 1986: 4-5 and 80).

Figure 11: The 1942 Rio Protocol



Peru dispute as it provided for the four guarantor states an ongoing role of collaboration and assistance even as the ultimate responsibility for a definitive settlement rested with Ecuador and Peru (Palmer, forthcoming: 1-6).

Throughout the talks in Rio de Janeiro, a strong current reportedly existed in certain quarters of the US Department of State to give Ecuador an outlet on the Marañón River. Detailed studies of rival claims were completed, especially in the so-called Santiago triangle, an area generally defined by the mouth of the Santiago River, the *Quebrada* of San Francisco, and the Yaupi River, since it was thought by some at State that this was a potential area of compromise.[15] Undersecretary of State Sumner Welles, in December 1941, informally suggested to the co-mediators giving Ecuador access to the Marañón at the mouth of the Santiago; however, the United States in the end maintained its non-interventionist stance and did not officially propose any boundary line to its co-mediators, Ecuador, or Peru. In discussing the aims of United States diplomacy during the Rio Conference, Bryce Wood rightly concluded that Washington *"did not really care where the boundary lines were drawn as long as a formal settlement was reached"* (Wood, 1966: 338). While the United States displayed interest in giving Ecuador an outlet on the Marañón, and continued to do so after World War II, its real interest was in seeking a compromise settlement which ended the dispute, regardless of the rights or claims of the disputants.

15 Ecuador fought to the last to retain in the *Rio Protocol* a provision for an outlet of its own to the Amazon River. The Quito government preferred an outlet via the Napo but reportedly would have accepted the Morona or the Santiago. An outlet down the Santiago to the Marañón would have been of little practical value as the formidable Pongo de Manseriche (rapids) lie just below the Santiago-Marañón confluence (McBride, 1949, Chapter III: 13 and Chapter VII: 13).

Preoccupied with the threats posed by Germany and Japan, the United States government in general and Undersecretary of State Welles in particular could devote limited time to the dispute. Consequently, Welles encouraged Brazilian Foreign Minister Oswaldo Aranha, as early as January 1941, to play a lead role. The Japanese attack on Pearl Harbor at the end of the year only added urgency in Washington to resolving the Ecuador-Peru issue as soon as possible. Moreover, United States diplomacy continued to be hamstrung by the cloud of mistrust which coloured official relations between itself and Peru. In addition to the residue of ill-will from the Tacna-Arica and Leticia questions, more recent issues, like Washington's seizure of 18 Douglas bombers purchased by Peru, presumed United States interest in the Galapagos Islands, and alleged United States support for the Aprista party in Peru, combined to impact negatively on bilateral relations (St John, 1976: 325-344; Wood, 1978: 147-152).

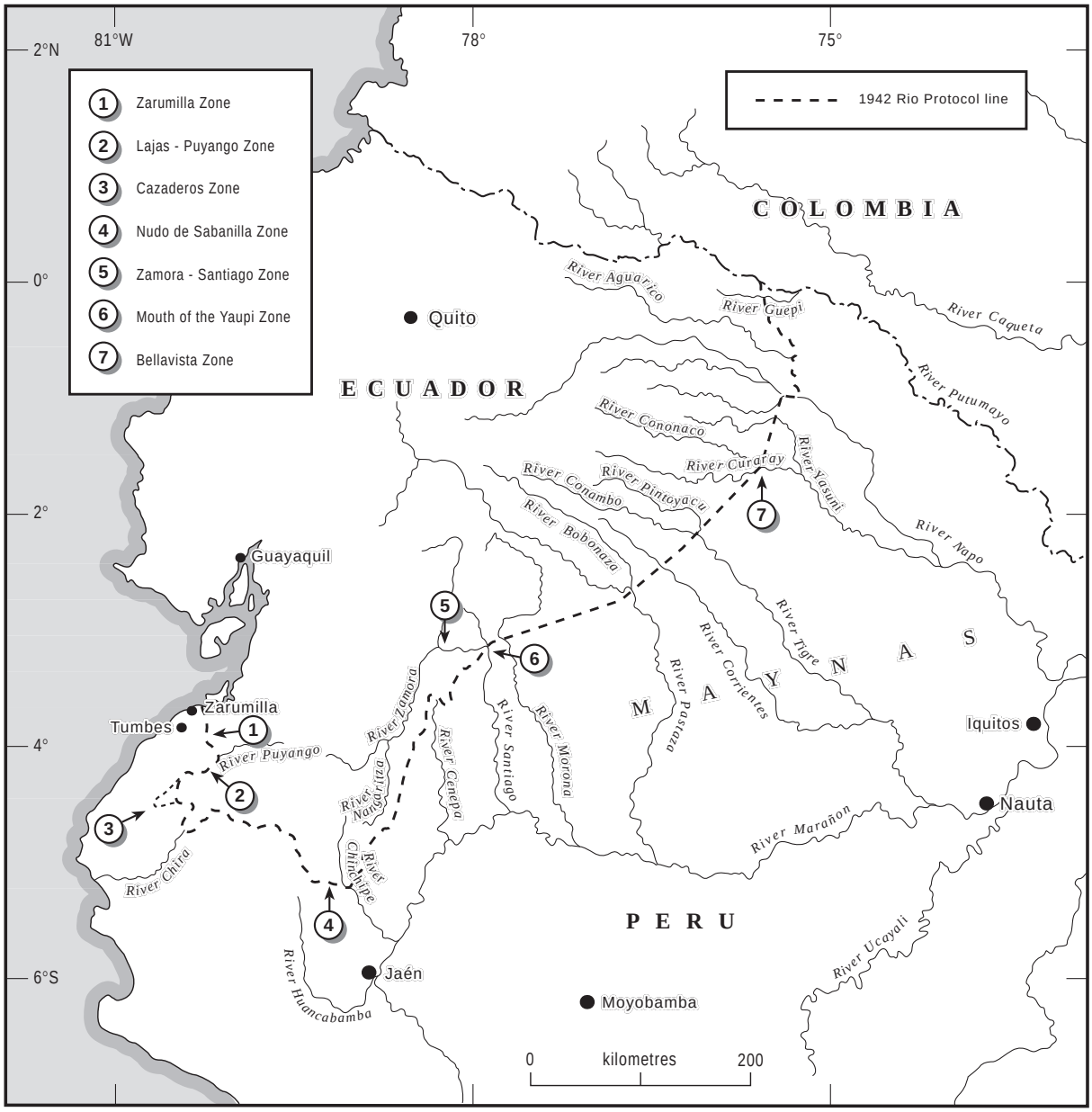
8. The Mixed Boundary Demarcation Commission

In accordance with the terms of the *Rio Protocol*, the Ecuador-Peru Mixed Boundary Demarcation Commission initiated efforts in June 1942 to mark the boundary. The commission first divided the total boundary into two broad sectors with the western sector running from the Boca de Capones on the Pacific Coast to the confluence of the Chinchipe and San Francisco Rivers and the eastern sector stretching from the latter point to where the Güepi River flows into the Putumayo River. During the entire demarcation process, the Mixed Commission for the West made its headquarters in the Peruvian town of Sullana while the Mixed Commission for the East headquartered in Iquitos (McBride, 1949, Chapter IV: 13). As work progressed, the representatives of Ecuador and Peru found it necessary to resort to the intervention of the guarantors to resolve differences of interpretation which naturally arose in often remote, difficult and unfamiliar terrain (Figure 12). The process employed was in line with the provisions of Article 9 of the *Rio Protocol* which provided that reciprocal concessions might be made with the collaboration of the guarantors (Tobar Donoso and Luna Tobar, 1994: 237-264; McBride, 1949, Chapter IV: 8 and 11).

In part because of Brazil's extensive experience with related boundary issues, the guarantors eventually turned to the Brazilian foreign minister, Oswaldo Aranha, for help in resolving such issues. In what came to be known as the 'Aranha Formula', the Brazilian Foreign Minister, following a report by Captain Braz Dias de Aguiar, chief of the Brazilian boundary service, began by proposing solutions to four relatively minor disputes in the western sector in which he agreed with the Ecuadorian position in some cases and with the Peruvian position in others (Peru, 1996a: 117-120; McBride, 1949, Chapter IV: 46-55; Yepes del Castillo, 1996: 29-31) (Figure 13). In the eastern sector, the disputes were far more complex, in part due to the absence of reliable maps; therefore, Aranha proposed appointing Dias de Aguiar to make on-site inspections of the disputed zones before issuing an arbitral award. While Aranha's proposals in the western sector were accepted by both Ecuador and Peru, the disputes in the eastern sector, in particular those in the Cordillera del Cóndor and Lagartococha zones, later formed the basis for Ecuador to declare the *Rio Protocol* inexecutable (Krieg, 1986: 128-132).

The Cordillera del Cóndor was the connecting link between the eastern and western sectors of the new boundary, and within the Cordillera del Cóndor, it was the *divortium aquarum* as provided for in the *Rio Protocol* (Article 8). The protocol stipulated that the boundary should follow the watershed between the Zamora and Santiago Rivers from the *Quebrada de* San Francisco to the confluence of the Santiago and Yaupi Rivers. On paper, the delimitation here

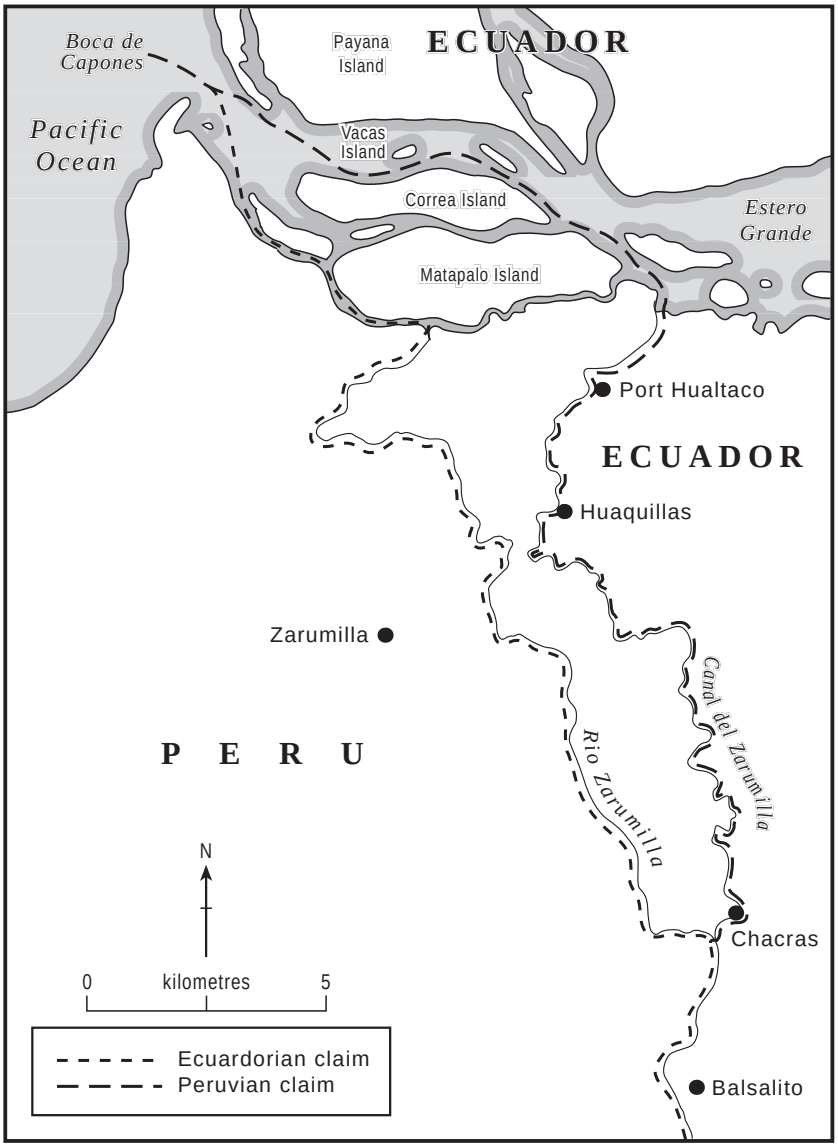
Figure 12: Differences of Interpretation after 1942



seemed plain, but on the ground, it raised several questions. The low ridge known as the Cordillera del Cóndor, thought to run in a northeasterly direction, was found to run in a due northerly direction, ending near where the Zamora River joins the Paute to form the Santiago River. As a result, the Santiago lacked some 25 miles (40km) of reaching as far south as the head of the *Quebrada* of San Francisco, and the divide that extended from the head of the *Quebrada* of San Francisco was properly the watershed between the headwaters of the Zamora and Marañón Rivers above where the Santiago enters the latter (McBride, 1949, Chapter IV: 39-40). When these geographic realities were known, the Peruvian representative on the Mixed Boundary Demarcation Commission proposed the boundary run north to the juncture of the Zamora and Paute Rivers and then down the Santiago to the confluence of the Santiago and Yaupi Rivers. Objecting that this line would be contrary to the terms of the *Rio Protocol*, the Ecuadorian representative, in turn, demanded a straight line between the two points (Figure 14).

The issue in the Cordillera del Cóndor zone was eventually referred to the guarantors – in effect the Brazilian Foreign Office and Captain Braz Dias de Aguiar. In this zone, Dias de

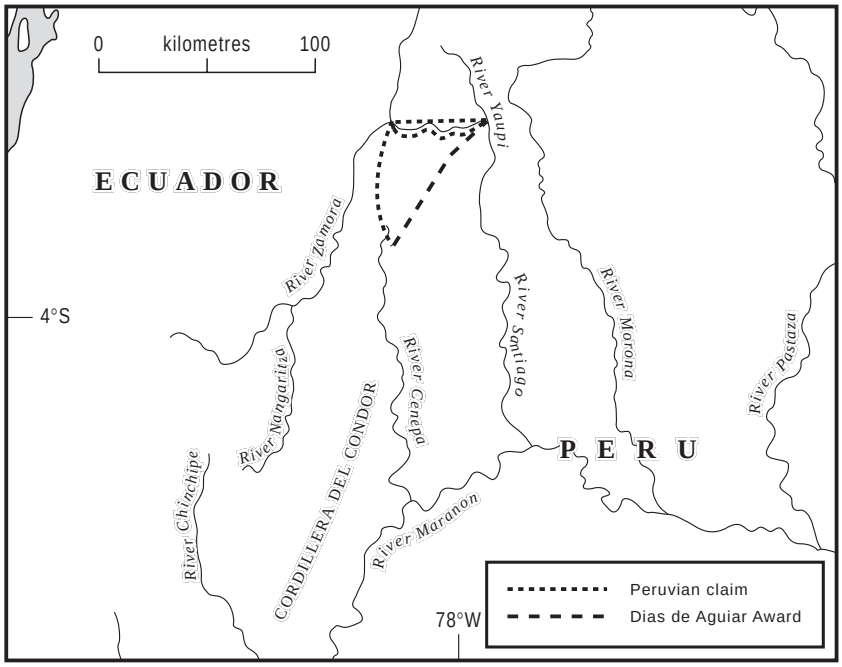
Figure 13: The Zarumilla Canal



Aguiar concentrated on the region between the northern end of the Cordillera del Cóndor and the confluence of the Santiago and Yaupi Rivers on the assumption that the Cordillera del Cóndor was the watershed between the Zamora and the Santiago Rivers. Given the later importance of this point, it should be emphasised that *no one* at this stage questioned that the Cordillera del Cóndor was the watershed between the Zamora and Santiago Rivers. Captain Dias de Aguiar ruled that the boundary line in this zone should follow the Cordillera del Cóndor to the point where it appeared on a map a spur branched off in the direction of the mouth of the Yaupi River. The boundary line should then follow this spur as far as it went, and if the end of the drainage divide did not extend to the confluence of the Yaupi and Santiago Rivers, the divide should be a straight line between its end and said confluence. The representatives of Ecuador and Peru accepted this decision in July 1945, and the Mixed Boundary Demarcation Commission continued its efforts to mark the border in this zone (Peru, 1996a: 129-140; Tobar Donoso and Luna Tobar, 1994: 265-274; McBride, 1949, Chapter IV: 59-61; Krieg, 1986: 130).

Another difference of interpretation developed in the zone of the boundary between the Napo and Putumayo Rivers in virtually unexplored terrain along the Lagartococha River. The *Rio Protocol* stipulated that the boundary line here should proceed up the Lagartococha River (also

Figure 14: The Zamora-Santiago Zone



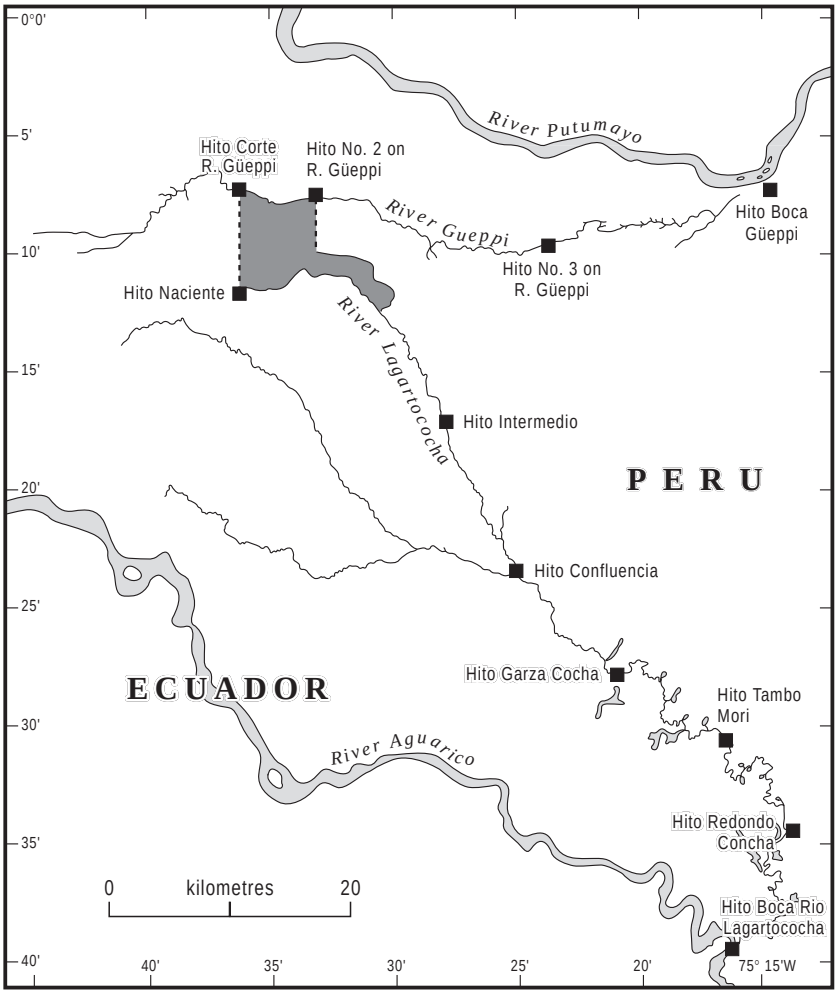
known as the Zancudo River) to its source and thence in a straight line to the Güepi River. A difference of opinion arose when it was discovered that the upper Lagartococha River consisted of three tributaries of similar size. The Peruvian representatives on the commission contended that the western tributary, known as the *Quebrada Sur*, was the principal one and thus should be followed. Originally, Ecuador argued that the source of the Lagartococha River was the point at which the three branches met, but it later argued that the eastern tributary, known as the *Quebrada Norte*, was the origin of the Lagartococha (Krieg, 1986: 129-131).

Before issuing an award in July 1945, Captain Dias de Aguiar visited the Lagartococha zone and studied the character of the several head streams. Based on the flow of the three forks, he concluded that the *Quebrada Norte* was the principal stream; consequently, his award determined that the boundary should follow this stream to its head as claimed by the Ecuadorian representatives (Figure 15). To activate this decision, the Mixed Boundary Demarcation Commission explored the source of the *Quebrada Norte* and fixed a point at which a straight line would take the boundary to the Güepi River (Peru, 1996a: 187-189; Tobar Donoso and Luna Tobar, 1994: 265-273). The boundary line agreed upon later became a subject of controversy in its own right because the resulting boundary differed from one traced by Dias de Aguiar on an inexact 1943 map which had accompanied his 1945 award (Peru, 1996b: 208-212; Krieg, 1986: 131-132).

In support of the Mixed Boundary Demarcation Commission, the United States offered the services of its air force to complete an aerial survey of the entire boundary and to provide maps of all zones. In the autumn of 1946, the United States Army Air Force, after repeated attempts, finally completed the first aerial survey of the Cordillera del Cóndor zone (St John, 1996: 79). The results of this survey revealed in detail, for the first time, the topographic contours, watershed, and drainage of the Cenepa River (Figure 16). Thought by some observers to be relatively short and of little consequence, the Cenepa proved to be a 120 mile (190km) fluvial system, lying between the Zamora and Santiago Rivers and emptying into the Marañón. As a result, there was not one but two *divortium aquarum* between the Zamora and

Santiago Rivers, and Article 7 of the *Rio Protocol*, which spoke of a single *divortium aquarum*, incorporated a geographic flaw.[16]

Figure 15: Dias de Aguiar Award in the Lagartococha-Güepi Zone



16 While the aerial survey clarified the full extent of the Cenepa River, the available evidence suggests the Mixed Boundary Demarcation Commission had considerable knowledge of the Cenepa River region well before completion of the survey. Therefore, it would be inaccurate to state, as did one recent article, that the Cenepa River was a *"hitherto-unknown river system"* before completion of the aerial survey (Biger, 1995: 198). On the other hand, as McBride pointed out, the map which resulted from the aerial survey showed for the first time the watershed, the pattern of stream drainage, and the topographic contours with a fair degree of accuracy (McBride, 1949, Chapter IV: 29).

Figure 16: The 1946 Aerial Survey

9. Nullity Thesis

The Ecuadorian government did not respond officially to the aerial survey until September 1948 when Foreign Minister Neftali Ponce Miranda ordered Ecuadorian representatives on the Mixed Boundary Demarcation Commission to stop work north of the Cunhuime Sur marker on the grounds that the new map showed there was no single watershed between the Zamora and Santiago Rivers. Since the Cordillera del Cóndor ran between the Zamora and Cenepa Rivers, Ecuadorians reasoned it could not be the watershed between the Zamora and Santiago Rivers. This meant the terms of the *Rio Protocol* could not be applied literally in this zone, a circumstance which Ecuadorians began to suggest threatened the permanency of the entire agreement (Reyes, 1967: 355; Luna, 1996: 286) (Figure 17).[17]

The controversy in the Cordillera del Cóndor zone left the boundary open in a sector which could be extended to the Marañón River and thus reinvigorated Ecuador's perennial dream of a sovereign outlet to the Amazon River. Ecuadorian President Galo Plaza Lasso in his 1951 message to congress, stated that the non-existence of the frontier line, in what he termed the Santiago-Zamora zone, made it necessary for Ecuador and Peru to negotiate a new border. He added that his government could never accept a boundary line in this sector which did not recognise Ecuador's inalienable right to a sovereign outlet to the Amazon (Martz, 1972: 182-183; Pons Muzzo, 1994: 257-258).[18]

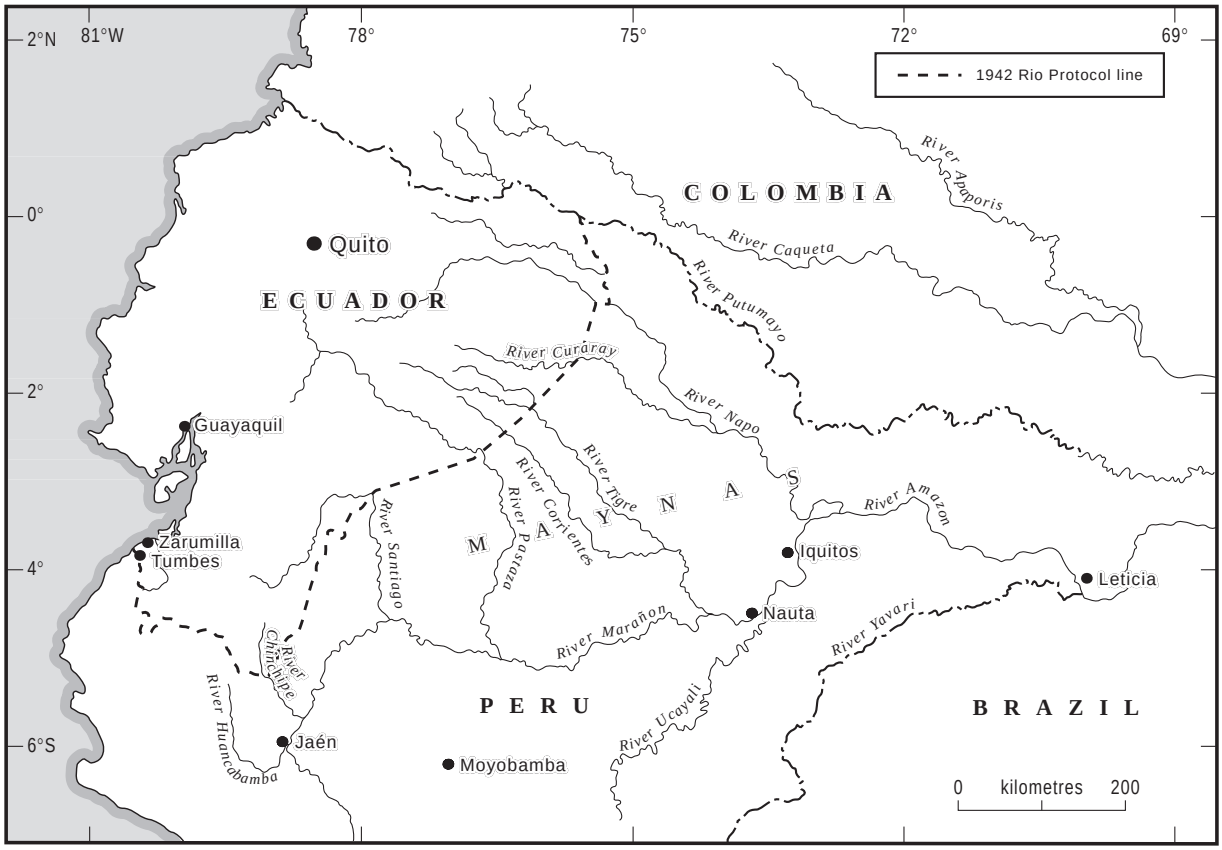
Dr George McCutchen McBride served as the United States technical advisor on the Ecuador-Peru Mixed Boundary Demarcation Commission from the outset of its work until 1948 (Yepes del Castillo, 1996: 4-19). In this role, he followed the activities of the commission and prepared several reports on the demarcation of the boundary for the Department of State. McBride's final report, submitted to Secretary of State Dean Acheson in July 1949, expressed a viewpoint substantially different from that of the Ecuadorian government, in that McBride suggested that the border demarcation process initiated in 1942 had worked effectively and efficiently. Both Ecuadorian and Peruvian representatives participated in the work of the Mixed Boundary Demarcation Commission after 1942, and both parties were jointly responsible for marking most of their common boundary. In his final report, McBride concluded,

> *…it may be said that the new Ecuador-Peru boundary fixed by the Protocol of Rio de Janeiro, is seen to meet the requirements of an international boundary in its general character, both historically and geographically, both in the east and in the west.* He added that,

[17] José Boza, a Peruvian diplomat and student of the dispute who served on the Peruvian Demarcation Commission in 1998-1999, developed an intriguing, alternative interpretation of Ecuadorian policy at this point. Based on a thorough analysis of the McBride Report, together with the records of the Mixed Boundary Demarcation Commission, Boza argued persuasively that Ecuador was aware of the existence of the Cenepa River as early as 1943 when a joint demarcation commission followed the river to its headwaters. Thereafter, he suggested Ecuadorian officials may have deliberately initiated several delays in the work of the commission with an intent to keep open Ecuador's options for access to the Amazon River in this sector (Typescript analysis, 1996).

[18] Julio Tobar Donoso, the Foreign Minister of Ecuador in 1942, later published a full account of the Rio Conference which was also a defence of Ecuadorian policy. Therein, he admitted that most of the territory lost by Ecuador in 1942 had actually been surrendered six years earlier with the tacit acceptance of the 1936 Status Quo line, and had never been occupied by Ecuador in the first place. He also acknowledged in his account that Ecuador had never had possessions on the Marañón River and not even on the Santiago (Tobar Donoso, 1945: 461-462).

Figure 17: The Rio Protocol Line



> *…any line that differed substantially from it would have been much less satisfactory and probably could not have stood the test of time as a suitable international boundary* (McBride, 1949, Chapter V: 38-39).[19]

The Peruvian government of General Manuel Odría, a hero of the 1941 war, responded almost immediately to the change in Ecuadorian policy signalled by President Galo Plaza Lasso in 1951 with a statement emphasising that Peru would never consent to an Ecuadorian outlet on the Marañón. Odría again took up the issue in his 1953 *Mensaje* when he reiterated the viewpoint that Peru had no pending boundary problem with Ecuador. In the eyes of Peruvians, the *Rio Protocol* had delimited the frontier, and Captain Dias de Aguiar had clarified the agreement where necessary. Even if Ecuador's claims had merit, which Odría argued was by no means established, all that remained was to complete the demarcation of the boundary by drawing a line connecting the border markers already in place (Peru, Mensaje, 1953: 11-13; St John, 1996: 80).[20]

In 1956, the four guarantors suggested a new aerial study of the Santiago-Zamora zone in the hope this might contribute to a definitive solution to the boundary question. The response of the Peruvian government expressed surprise at a statement in the proposal of the guarantors

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19 For an assessment of the McBride Report, see the author's review in *IBRU Boundary and Security Bulletin* 5, 1 (Spring 1997): 96-100. This review was later translated and published in *Política Internacional: Revista de la Academia Diplomática del Perú* 46 (October-December 1996): 184-191. Dr McBride and the Peruvian director of the Oficina de Fronteras were the only individuals to participate in the demarcation process from 1942 to 1948.

20 Francisco Tudela, a widely respected Peruvian scholar and diplomat, published a study in 1952 in which he attempted to demonstrate to Peruvians that their legal rights were supported by an irrevocable international act (Tudela, 1952).

which suggested the existence of a border issue since Peru felt that its dispute with Ecuador had been settled in Rio de Janeiro. All that remained to be resolved, according to the Peruvian government, was the placement of a few boundary markers to demarcate the boundary delimited in the *Rio Protocol*. Ecuador should be invited to continue demarcation of the remaining 48 miles (78km) in strict conformity with the Dias de Aguiar plan. The Peruvian government felt strongly that the approach proposed by the guarantors amounted to a new procedure distinct from the terms of the *Rio Protocol*, and it rejected this approach as serving to encourage what it described as an *"absurd revisionist thesis"* (quoted in Zook, 1964: 222; Lecaro Bustamante, 1997: 74; Pons Muzzo, 1994: 256-270).

A decade after McBride submitted his report, José María Velasco Ibarra, a five-time president of Ecuador, opened a controversial campaign for re-election in 1960 in which he asserted that the *Rio Protocol* could not be executed. Velasco's arguments focused on the alleged geographic flaw in the 1942 agreement. In the Cordillera del Cóndor region, he contended the protocol clearly defined the border as the *divortium aquarum* between the Zamora and Santiago Rivers while the aerial surveys placed the Cenepa River where the watershed was originally thought to be. With the size and location of the Cenepa River now known, Velasco concluded the execution of the protocol in that sector was impossible (FBIS-LAT-91-189, 30 September 1991: 36).

Where Ecuadorian President Galo Plaza in 1951 had used this discrepancy as a justification for declaring that Ecuador could never accept a final boundary which did not recognise its rights to a sovereign outlet to the Amazon through the Marañón River, the Velasco administration seized on the misunderstanding to declare the entire border in doubt and the protocol incapable of execution. In August 1960, after winning a major popular victory in the June presidential elections, President Velasco declared the *Rio Protocol* null and void.[21] One month later, the Ecuadorian Foreign Minister argued that Ecuador and Peru must return to the terms of the 1829 treaty which had fixed the Amazon River as their natural boundary. At the same time, he repeated allegations that the *Rio Protocol* was unjust, imposed by force, and incapable of execution (Zarate Lescano, 1960: 61-79; Chirinos Soto, 1968: 7-29; St John and Gorman, 1982: 188-189).

Both houses of the Ecuadorian Congress supported and applauded the policy of the Velasco Ibarra administration, and the Ecuadorian Supreme Court sustained the nullity thesis in November 1960. Julio Tobar Donoso, an ex-Foreign Minister now a member of the Supreme Court, signed the Court's opinion. In late September 1960, Ecuadorian Foreign Minister José Ricardo Chiriboga Villagómez released a carefully worded statement which set forth the government's position. The burden of Chiriboga's argument centred on the contention that free Ecuadorian consent was lacking in 1942, due to Peruvian military actions; therefore, since inter-American international law did not recognise the acquisition of territory by force, the agreement was null and void. In support of the nullity thesis, he also cited the deficiency of delimitation in the Zamora-Santiago region, and the alleged failure of Peru, through its denial to Ecuador of free navigation, to comply with the treaty. Since Ecuador considered the *Rio Protocol* stillborn, Chiriboga concluded the dispute at this point had not varied from the *status quo ante bellum* (Maier, 1966: 225).

[21] The Ecuadorian government did not reverse its position and recognise the validity of the Rio Protocol until early 1995 (FBIS-LAT-95-017, 26 January 1995: 54).

Pressured by Ecuador, the four guarantors issued separate but identical statements to Ecuador and Peru in December 1960 in which they supported the principle of sanctity of treaties. Their telegrams expressed the mutual agreement of the guarantors that a basic principle of international law was that a unilateral determination on the part of one party to a treaty of limits was not enough to invalidate the treaty nor would it free the state from the obligations of the treaty. As for doubts which might exist or arise concerning as yet undemarcated sections of the border, the guarantors indicated these issues should be amicably resolved in accordance with Article 7 of the *Rio Protocol*. By seeking unilaterally to void a treaty of limits, Ecuador was challenging a rule of international law whose overthrow threatened chaos for the region given the large number of boundary treaties concluded in Latin America since independence (St John, 1977: 329-330).

In October 1976, the Ecuadorian ambassador to the United Nations demanded a renegotiation of the 1942 *Rio Protocol* on the grounds that Peruvian occupation of the *Oriente* blocked Ecuadorian access to the Amazon River network and thus severely limited its participation in any multilateral economic development of the region. Diplomatic relations between Ecuador and Peru were strained further the following month when a leading Ecuadorian newspaper accused the Soviet Union of arming Peru for an invasion of northern Chile. While the Peruvian government initiated a modest peace offensive in early 1977, news of Ecuadorian plans to purchase a squadron of sophisticated jet fighters renewed concerns in Lima as did subsequent reports of the mistreatment of Peruvian nationals in Ecuador (St John, 1992: 203).

At about the same time, the United States government complicated the dispute when President Jimmy Carter, in separate talks with the Presidents of Ecuador and Peru, suggested the Peruvian position was too radical, expressing the hope that a solution could be found which gave Ecuador access to the Marañón. At this point, Ecuador's strategy appeared designed to obtain a corridor leading from the last approved boundary markers in the Cordillera del Cóndor zone to the Marañón River. In reality, access to the Marañón at the confluence of the Santiago River promised little practical advantage to Ecuador since the Manseriche Rapids barred navigation downstream; nevertheless, Ecuador apparently felt the psychological gains of such access would outweigh the practical disadvantages. While the abortive Carter initiative encouraged Ecuador to believe a compromise solution might now be possible, the proposal was widely criticised in Peru on the grounds that its exaggerated declarations raised Ecuadorian aspirations to a completely unrealistic level. Peruvian observers again expressed the long-standing concern that the dispute threatened to become multilateral in nature if other outsiders, in addition to the guarantors, intervened in the dispute in the guise of preserving hemispheric peace. In the end, the Peruvian government continued to insist that Ecuadorian access to the Marañón be limited to the free navigation of the northern tributaries of the river as set forth in Article 6 of the *Rio Protocol* (St John, 1996: 81-82; Krieg, 1986: ix and 221-223; Mercado Jarrín, 1981: 51-52).

Issuance of the Krieg Report in 1979, a study prepared for the Department of State under its External Research Program, heightened Peruvian concerns as to United States involvement in the dispute outside the confines of the *Rio Protocol*. Compared to the earlier report of George McBride, the Krieg Report, heavily dependent on Ecuadorian sources, took a much more sympathetic stance toward the Ecuadorian position in the dispute. On more than one occasion, William L. Krieg implied in his report that the Peruvian government should accommodate

Ecuadorian aspirations even though he readily acknowledged that the latter lacked *de jure* and *de facto* rights to the disputed territory (Krieg, 1986: 50-54, 252-256, and 333-335).[22]

Escalating tensions between Ecuadorian and Peruvian military forces on the border eventually led to skirmishes in and around Paquisha in the Cordillera del Cóndor region in January 1981 from which Peru emerged militarily triumphant. In addition, Ecuador suffered a serious diplomatic defeat as the Organization of American States (OAS) refused to play the role of peacemaker in the dispute because the *Rio Protocol* had effectively assigned that task to the four guarantor states (Lecaro Bustamante, 1997: 85-87). After Ecuador declared the protocol null and void in 1960, it had repeatedly refused to recognise the guarantors; therefore, it was forced to appeal in 1981 to the guarantors in the guise of *"four friendly countries"* for diplomatic support in restraining Peru (Tobar Donoso and Luna Tobar, 1994: 364-367). The guarantors assisted in arranging a cease-fire and restoring the peace, but they refused to do more until Ecuador recognised the *Rio Protocol* (Mares, 1996-97: 110; Palmer, 1997: 114-115; Krieg, 1986: 279-296).

While the Peruvian government took decisive action to defend the national patrimony, the terms of the subsequent cease-fire were severely criticised in Peru on several grounds. The cease-fire did not provide for a demarcation of the boundary, refer to the legal principle of respect for international agreements, or officially involve the guarantors of the *Rio Protocol* (St John, 1984: 302). Peruvian critics expressed growing concern that the essential character of the dispute seemed to be shifting from Peru's long-term focus on respect for the sanctity of international treaties. This concern surfaced again in October 1983 when the Ecuadorian congress declared the 1942 Protocol null and void and reaffirmed Ecuador's rights in the Amazon Basin (Mercado Jarrín, 1981: 22-106; Ferrero Costa, 1987: 64-65; Luna Vegas, 1986: 167-201).

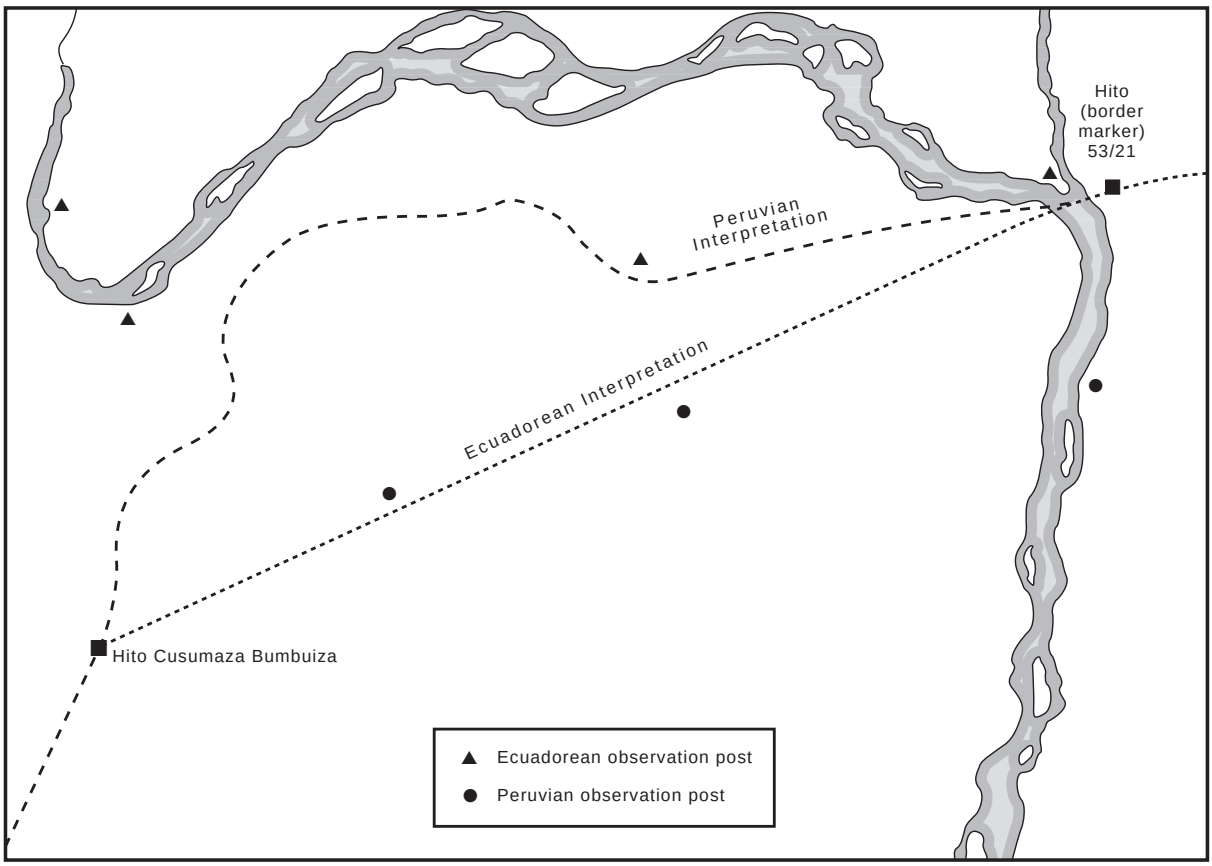
In February 1982, Secretary of State Alexander Haig reportedly offered Ecuador the good offices of the United States in resolving the dispute. When the Peruvian government requested a clarification of United States policy, Washington replied that it was not contemplating any initiative outside the framework of the *Rio Protocol*. This response satisfied Peru as the reply made clear that the United States continued to regard the *Rio Protocol* as a valid international instrument. Washington's reply also reaffirmed the intent of the United States government to work within the terms of the protocol (Krieg, 1986: 326).

10. The Road to Settlement

After almost a decade of relative quiet, albeit not without incident on the border, the Ecuador-Peru dispute again made international headlines in the late summer of 1991 (Lecaro Bustamante, 1997: 97). Tension increased markedly along the border after reports appeared in August 1991 that Ecuadorian troops had crossed into Peruvian territory the previous month in a remote sector of the frontier (FBIS-LAT-91-165, 26 August 1991: 40). Ecuadorian forces infiltrated the border at Pachacútec in the neighbourhood of the Cusumaza-Bumbuiza boundary marker near where the Yaupi meets the Santiago River. In this zone, Peru advocated a sinuous line from the Cusumaza-Bumbuiza marker to the junction of the Yaupi and Santiago Rivers while Ecuador advocated a straight line (Figure 18). Armed conflict was only avoided

[22] An abbreviated version of the Krieg Report was published by the Department of State as Krieg, 1980.

Figure 18: The Cusumaza Bumbuiza/Yaupi-Santiago Zone

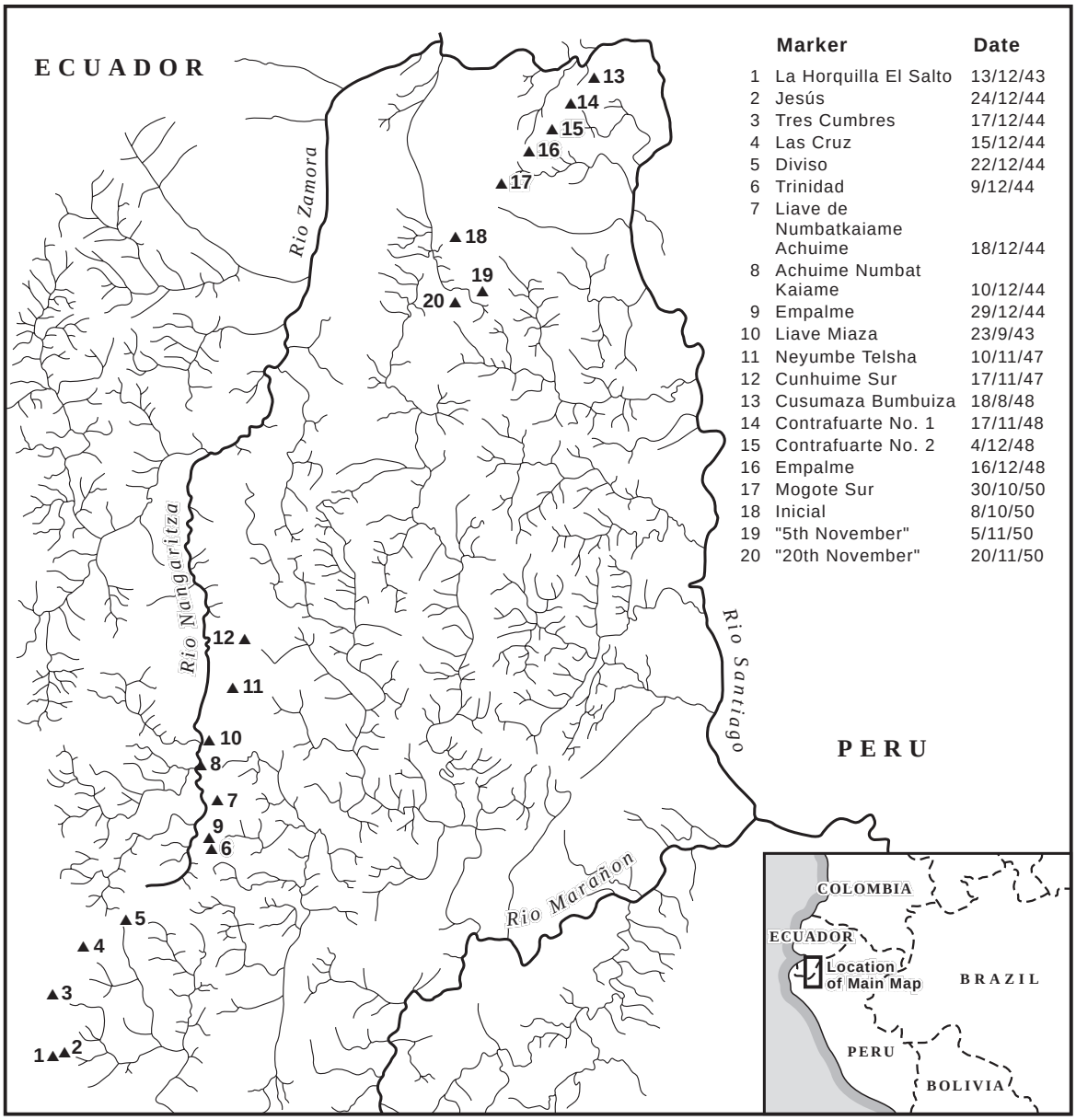


after the foreign ministers of Ecuador and Peru reached a so-called gentleman's agreement to establish a common security zone in the disputed area. The agreement called for troops from both countries to withdraw a little over one mile (2km) from their existing positions which were in some cases no more than 50-100 yards apart (FBIS-LAT-91-167, 28 August 1991: 56).

The Peruvian government took advantage of the incident to reiterate its long-standing commitment to the terms of the 1942 *Rio Protocol*. In a communiqué issued on 15 September 1991, the Foreign Ministry of Peru announced that it had officially informed representatives of Argentina, Brazil, Chile, and the United States, the guarantors of the *Rio Protocol*, of its agreement with Ecuador and asked for their intervention to find a peaceful solution. Peru later accepted the good offices of the four guarantors to find a solution to the most recent crisis on the Peru-Ecuador border within the framework of the terms established in the *Rio Protocol* (FBIS-Lat-91-180, 17 September 1991: 29-30) (Figure 19).

The Ecuadorian government, on the other hand, attempted to use the incident to challenge the very essence of the Rio agreement both as a definitive settlement and as a process to demarcate the boundary. In a September 1991 address to the United Nations, Ecuadorian President Rodrigo Borja Cevallos proposed an arbitration by Pope John Paul II of what he referred to as *"our old territorial dispute with Peru."* In so doing, the Ecuadorian leader left the impression that the issue at hand was really an unresolved territorial dispute as opposed to a question of demarcating an agreed-upon international boundary (FBIS-LAT-91-190, 1 October 1991: 28; Lecaro Bustamante, 1997: 97-107; Hey, 1995: 73). The Peruvian government swiftly rejected the Ecuadorian proposal on the grounds that there was no need for papal arbitration of a territorial dispute which had been definitely settled almost five decades earlier through the conclusion of the *Rio Protocol*. In a rejoinder before the United Nations,

Figure 19: The Cordillera del Cóndor



the Foreign Minister of Peru emphasised that there was no territorial problem between Ecuador and Peru since the issue had been resolved in 1942 through a bilateral treaty guaranteed by four American nations (FBIS-LAT-91-191, 2 October 1991: 39; Tobar Donoso and Luna Tobar, 1994: 377-378).

A few weeks later, the Ecuadorian government publicly explored mediation of the dispute first by Chile and later by Brazil. When neither initiative proved fruitful, Ecuador repeated its call for papal mediation arguing that it was time to find a peaceful solution, based on international law, to this perpetual disagreement (FBIS-LAT-91-225, 21 November 1991: 32). As Ecuador struggled to find a new venue to press its claims, Peruvian officials continued to affirm their respect for the legal framework embodied in the *Rio Protocol* and guaranteed by the governments of Argentina, Brazil, Chile, and the United States (FBIS-LAT-91-225, 21 November 1991: 39).

At the end of the year, Peru advanced an initiative intended to resolve the dispute peacefully within the confines of the *Rio Protocol*. The Peruvian government suggested in a letter of 21

November 1991 to Ecuador the idea of a treaty for commerce and free navigation in the Amazon region which would also be designed to create common interests and promote regional unity. Based on Article 6 of the *Rio Protocol*, which called for Ecuador to enjoy free and untrammelled navigation on the Amazon and its northern tributaries, the Peruvian initiative held out the possibility that an agreement could be reached which granted Ecuador the benefits of port facilities on the Amazon and its tributaries. In turn, Ecuador would agree to complete the demarcation of the remaining 48 miles (78km) of the border area as provided for in the *Rio Protocol*. Peru also suggested that this innovative new initiative was based on the need to ensure reciprocal security measures and arms limitation objectives along the common border. Conclusion of a broad agreement on border integration, together with an economic and social development plan for the entire border area, offered intriguing prospects for bilateral development projects and joint investments together with the creation of binational and multinational ventures (Perú, 1992: 48-49; FBIS-LAT-91-228, 26 November 1991: 22-23).

By early January 1992, when Alberto Fujimori made the first official visit of a Peruvian President to Ecuador in history, Peru had developed in much greater detail the concepts advanced in November 1991. Peruvian representatives presented Ecuador with draft agreements covering a number of topics, including commerce and free navigation in the Amazon Basin, frontier integration, and military confidence-building. In the course of his visit, President Fujimori also expressed a willingness to submit what he termed "*matters pending*" in the dispute to the technical opinion of an expert which the two states and the four guarantors of the *Rio Protocol* would ask the Vatican to appoint. While this new response to the Ecuadorian proposal for papal arbitration displayed some willingness to compromise, it still fell short of Ecuadorian insistence on papal arbitration of the complete territorial issue. Ecuadorian President Rodrigo Borja reportedly gave the Peruvian suggestion a very guarded welcome, indicating his government would study the proposal with care and attention (Perú, 1992: 57-95; Latin American Weekly Report, 23 January 1992; FBIS-LAT-92-014, 22 January 1992: 53; Thomas, 1997: 70).[23]

While the governments of Ecuador and Peru later concluded a trade agreement on 14 November 1992 which eliminated tariffs on a joint list of some 500 products (FBIS-LAT-92-231, 1 December 1992: 50), the Ecuadorian government, in a period of transition, failed to respond officially to the January 1992 Peruvian proposal (FBIS-LAT-93-053, 22 March 1993: 42-43). In the interim, Ecuadorian Foreign Minister Diego Paredes, in an interview outlining the foreign policy of the new Sixto Durán Ballén government, indicated that the dialogue with Peru on what he termed the "*territorial dispute*" would continue (FBIS-LAT-92-171, 2 September 1992: 34). When asked by a reporter in March 1993 why the Ecuadorian government had failed to respond, Paredes reportedly answered that his government considered the subject an important one and that the spirit of dialogue was fully engaged (FBIS-LAT-93-053, 22 March 1993: 42-43).

[23] The draft agreements tabled by the Peruvian government in 1991-1992 addressed most of the issues later covered in the final settlement to the dispute in 1998. In this sense, they mark the first step on what would become an eight-year trek down the road to settlement. In the course of subsequent negotiations, Ecuadorian diplomats reportedly complained after 1995 that Peru was offering less than it offered in 1992 (Interview, anonymous Peruvian diplomat).

11. The Itamaraty Process

The armed forces of Ecuador and Peru again clashed in the Cordillera del Cóndor in January 1995 in what proved to be the most serious round of fighting since 1941. Ecuador had deployed military units in the disputed zone along the headwaters of the Cenepa River after 1991; and these units constructed heavily fortified bases at Tiwinza (Tiwintza), Cueva de los Tallos (Tayos), and Base Sur (Bustamante, 1992-93: 206; Peru, 1995: 4-5). Aware of the Ecuadorian activity, Peruvian forces apparently made no serious effort to respond to the Ecuadorian incursions until the second half of 1994 when they visited the Ecuadorian positions and asked them to withdraw (Mares, 1996/97: 116-121).

When the Ecuadorians remained in place, the Peruvians began to probe their positions, and the fighting soon escalated into a headlong confrontation. Over a period of five weeks, the parties introduced over 5,000 troops into the disputed zone, an estimated 100 to 300 casualties were inflicted, and Ecuador and Peru between them expended some US$500 million (Weidner, 1996: 3-5). While Peru claimed victory in the fighting, at the end of the day Ecuadorian forces remained in control of at least two of the three bases they had established in the disputed zone. Unable to achieve a decisive military solution, Peru launched a diplomatic offensive which helped bring the fighting to an end (Palmer, 1997: 120-121; Hey, 1995: 75-76).

As part of a sustained diplomatic effort, Ecuador and Peru introduced significant policy changes in late January and early February which made an important contribution to the process of conflict resolution. On 24 January 1995, Ecuadorian President Durán requested an emergency meeting of the *Rio Protocol* guarantors to inform them of the border incidents and to request their assistance in resolving them (FBIS-LAT-95-017, 26 January 1995: 54). Shortly thereafter, Ecuadorian Foreign Minister Galo Leoro Franco confirmed that his government now considered the *Rio Protocol* in effect although he referred to the *"shortcomings"* of the agreement (FBIS-LAT-95-018, 27 January 1995: 30). Peru welcomed the Ecuadorian declaration and also requested a convening of the guarantors of the *Rio Protocol*, a meeting which soon took place in Brazil (Palmer, 1996: 18). President Durán later reiterated on 17 February his position that Ecuador was now willing to work within the parameters of the *Rio Protocol*, thus reversing the nullity thesis pursued by Ecuador after 1960. While Ecuador continued to question the validity of the protocol, allegedly because geographic anomalies made it impossible to execute a key provision, this diplomatic shift in a long-held policy position made it possible for the parties to return to the *Rio Protocol* as the vehicle for a definitive solution to the dispute.

At about the same time, the Peruvian government also demonstrated some flexibility in its long-held position that the *Rio Protocol* and the award of Captain Braz Dias de Aguiar constituted a definitive, final solution to the dispute which was not subject to negotiation. When Peru offered a unilateral cease-fire in mid-February 1995, it formally acknowledged that a disagreement existed, impeding demarcation of the border, and that it was appropriate for Ecuador, Peru, and the guarantors to address this disagreement within the context of the *Rio Protocol*. While movement in the policy position of Peru was more subtle and less dramatic than that of Ecuador, the combined effect of these shifts in long-standing diplomatic positions established a new-found basis for talks between the parties and the guarantors (Palmer, 1998: 4-5).

Starting with the initial meeting in Rio de Janeiro in January 1995 which took place in the Itamaraty Palace in the room where the 1942 *Rio Protocol* was signed, the peacekeeping

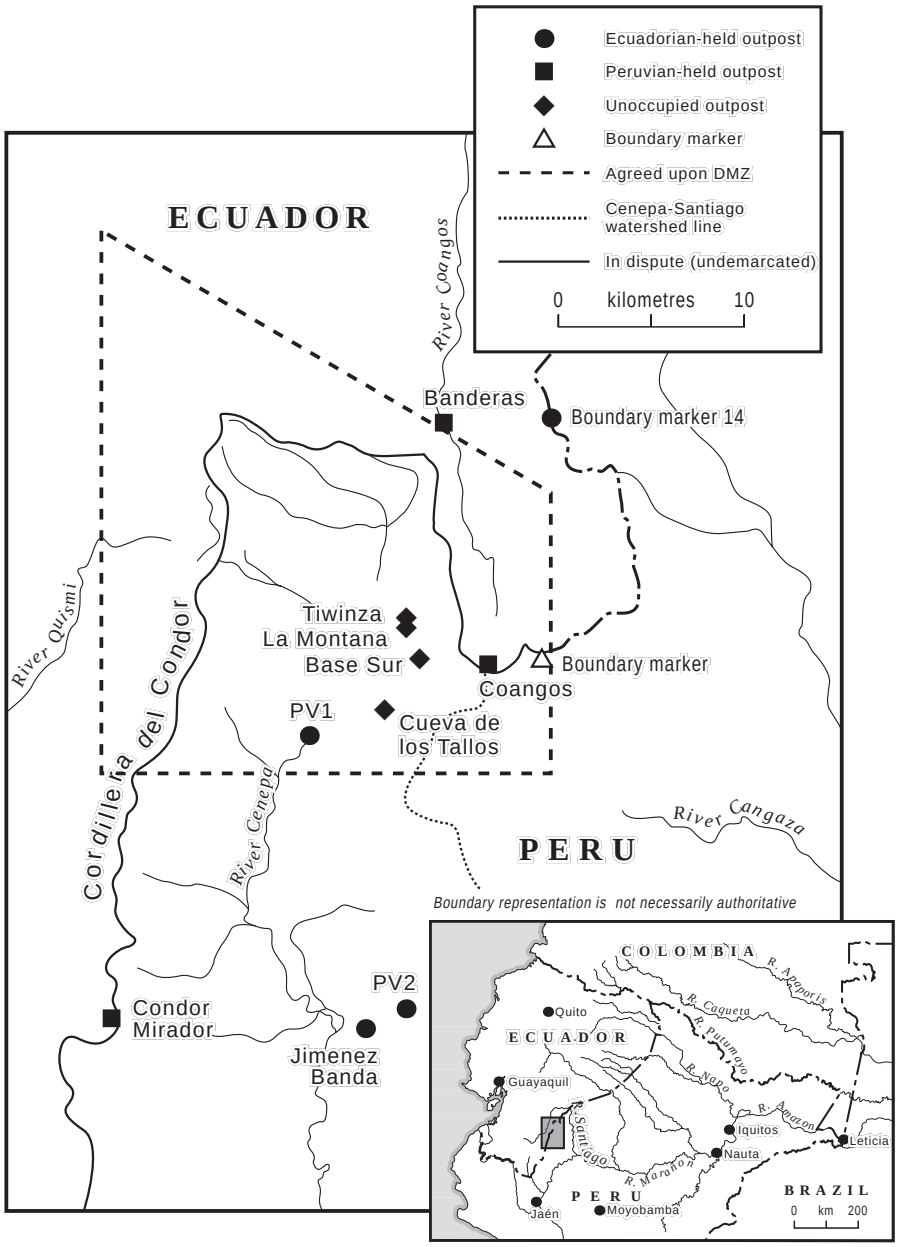
process which eventually led to a final settlement can be divided into three broad stages. In the first stage, which was largely military in scope, Ecuador and Peru, with the assistance of the guarantors ended the fighting in the Cordillera del Cóndor and stabilised the military situation along the border. In the second stage, which has been characterised as largely procedural, Ecuador and Peru, assisted by the guarantors, conducted substantive discussions at the ministerial level aimed at identifying and articulating outstanding points of disagreement. Stage two was very important because, without agreement on key procedural questions like the validity of the *Rio Protocol* and the role of the guarantors, Ecuador and Peru could not advance to the negotiation of specific issues. In the final stage, the two parties, again supported by the guarantors, conducted detailed, substantive discussions aimed at resolving the dispute. Throughout all three stages, five central principles guided the activities of the guarantors:

1. maintain unity of purpose;
2. ensure military support for diplomacy;
3. remember Ecuador and Peru must lead;
4. use the law; and,
5. keep sights high (Palmer, 1997: 122; Peru, 1995: 6; Bonilla, 1998: 15).

The renewed fighting in the Cordillera del Cóndor led to the conclusion on 17 February 1995 of the *Itamaraty Peace Declaration (Declaración de Paz de Itamaraty entre Ecuador y Perú)* signed by J. Eduardo Ponce-Vivanco and Marcelo Fernández de Córdoba, representing Peru and Ecuador respectively, together with representatives of the four guarantors (see Ecuador, 1997: 54-57 for a copy of the *Declaración del Paz de Itamaraty*). The Itamaraty accords, which provided a framework for the pursuit of the five central principles outlined by the guarantors, focused on the need to end the fighting and stabilise the frontier. Five of the six provisions in the agreement related to military aspects of the conflict, including creation of a guarantor military observer mission to oversee implementation of the peace declaration (Lecaro Bustamante, 1997: 113-116; Fernández de Córdoba P., 1998). The six-point framework of the Itamaraty accords, in addition to cease-fire and demobilisation provisions, also provided in the final section for bilateral talks between Ecuador and Peru aimed at resolving any remaining disagreements (*impases subsistentes*) within the framework of the *Rio Protocol*.[24] At the same time, the four guarantors of the *Rio Protocol* issued a declaration of intent to continue efforts to achieve a rapprochement in compliance with their responsibilities under the terms of the protocol and in line with the final point of the *Itamaraty Peace Declaration* which called for Ecuador and Peru to lead through bilateral talks (Peru, 1995a).

[24] David Scott Palmer rightly characterised the phrase *"impasses subsistentes"* as a linguistic innovation on the part of the guarantors in the Itamaraty Peace Declaration to assist Ecuador and Peru to go beyond the legalisms of individual interpretations (Palmer, 1997: 126).

Figure 20: The 1995 Ecuador-Peru Demilitarised Zone



Less than two weeks later, the foreign ministers of Ecuador and Peru met in Montevideo, Uruguay with representatives of the four guarantor states. In the ensuing *Declaration of Montevideo* (*Declaración de Montevideo*), the parties reiterated their commitment to an immediate and effective cease-fire, expressing their gratitude to the guarantors for providing the observers necessary to supervise the cease-fire. In turn, the guarantors reiterated their commitment to comply with the obligations they incurred in the *Rio Protocol* to assist Ecuador and Peru to consolidate the peace. Actual fulfilment of the military provisions of the *Itamaraty Peace Declaration*, i.e. agreement to a cease-fire, separation of forces, and establishment of a demilitarised zone, took almost a year. The Military Observer Mission Ecuador/Peru (MOMEP) did not verify the withdrawal of military units from the disputed areas until mid-May, and a demilitarised zone of 206 square miles (528km^2) did not enter into effect until the beginning of August (Weidner, 1996: 8-18) (Figure 20). Consequently, it was only in October 1995 that representatives of Ecuador, Peru, and the guarantors, meeting in Brasilia, could express their satisfaction with the progress made toward implementation of the terms of the *Itamaraty Peace Declaration* (Marcella, 1995: 1-2; Lecaro Bustamante, 1977: 119-122).

The procedural stage of the peace process opened in early 1996 with talks in Lima and Quito aimed at identifying remaining disagreements and establishing negotiating procedures. On 17-18 January 1996, Ecuadorian Foreign Minister Galo Leoro Franco met in Lima with his Peruvian counterpart, Francisco Tudela, together with representatives of the guarantors, to discuss procedural matters central to a continuation of the peace process, such as the site of discussions, the structure of the delegations, extension of MOMEP operations, and the role of the guarantors. The parties met again in Quito on 22-23 February 1996, to continue their discussion of procedural matters. At this meeting, Ecuador and Peru agreed to list what each regarded as the remaining disagreements and to deliver their respective lists to the guarantors. In the interim, representatives of Ecuador and Peru, meeting in Brasilia with the guarantors on the first anniversary of the cease-fire, agreed to create a bilateral commission to oversee arms purchases as well as a joint military group charged with promoting security and stability in support of diplomatic negotiations (Palmer, 1997: 124; Lecaro Bustamante, 1997: 144-148).

12. Substantive Talks

The most significant outcome of this initial round of talks was the agreement to put down in writing for the first time since 1948 the remaining disagreements (*impases subsistentes*) of both Ecuador and Peru concerning their respective boundary.

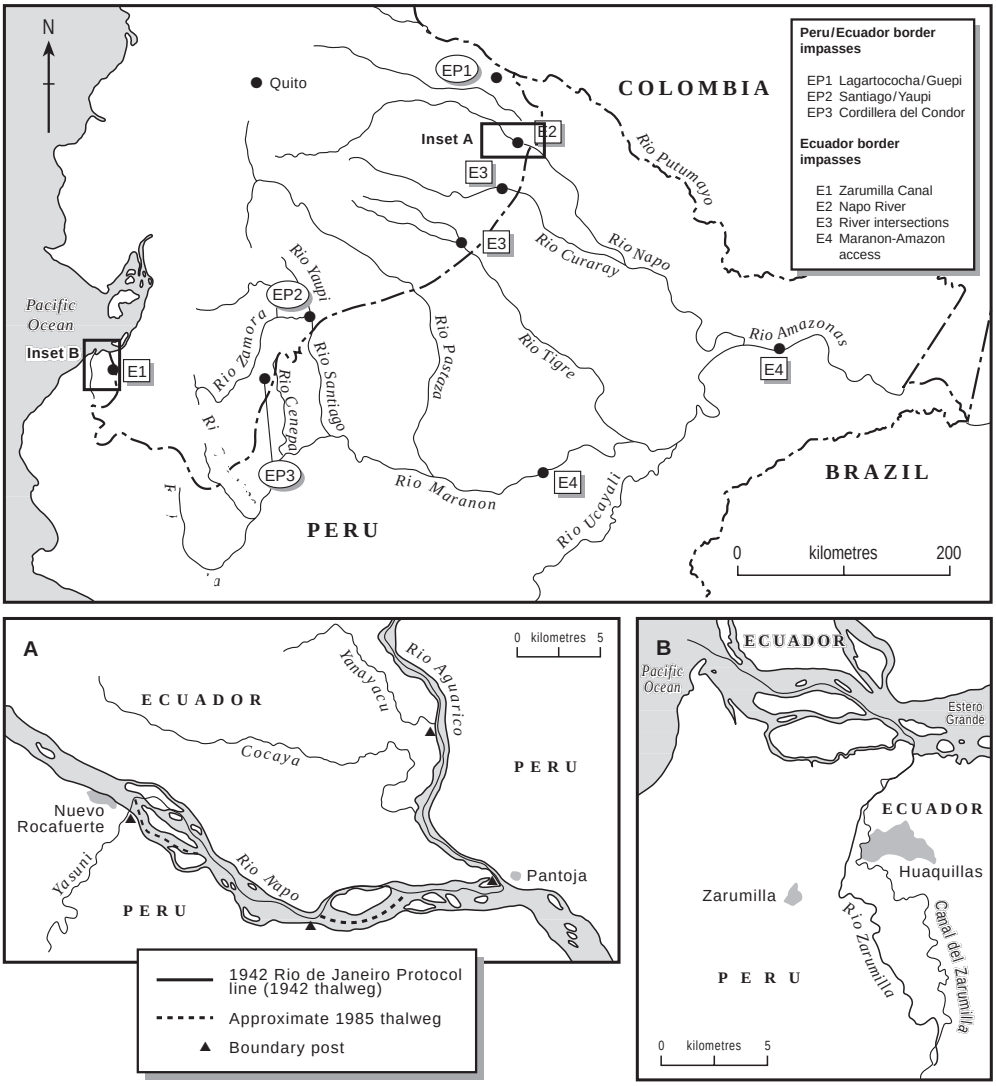
The Ecuadorian government tabled in March 1996 four remaining disagreements. First, it referred to the partial inexecutability of the *Rio Protocol* due to the absence of a watershed between the Zamora and Santiago Rivers. In so doing, Quito reinforced its claim to free and sovereign access to the Amazon River via the Marañón (Figure 21, E4). Second, it highlighted border demarcation problems between the 'Cusumaza-Bumbuiza' boundary marker and the Yaupi River (Figure 21, EP2), an area it had claimed was not a part of the Cordillera del Cóndor, as well as in the Lagartococha-Güepi sector (Figure 21, EP1).

Third, it alluded to the navigation problems produced by the intersection of rivers by survey lines (Figure 21, E3), as well as a problem on the Napo River in the Yasuní-Aguarico sector (Figure 21, E2). Finally, Ecuador listed the Zarumilla Canal, dividing Ecuador and Peru on the Pacific coast, where silt blockage of the water flow had contributed to persistent water management problems (Figure 21, E1) (Ecuador, 1996; Thomas, 1997: 69-71; Palmer, 1997: 124-125).

The Peruvian government prefaced its remarks on remaining disagreements with a forceful statement reiterating its position that any long-term resolution of its dispute with Ecuador meant completing the demarcation of the boundary line as established in Article 8 of the *Rio Protocol* in conformity with its complementary provisions and the award of Captain Braz Dias de Aguiar. It then listed two sectors of the border where it felt disagreements remained. First, in the Lagartococha sector, it noted the source of the Lagartococha River-Güepi River (Figure 21, EP1).[25] Second, in the Cordillera del Cóndor, Peru highlighted the sectors between boundary marker 'Cunhuime Sur' and boundary marker '20 de noviembre' (Figure 21, EP3)

[25] A difference of interpretation over the boundary in the Lagartococha sector had existed since the 1940s; however, this was the first time in almost four decades that Peru had officially raised the issue. After Ecuador declared the *Rio Protocol* null and void in 1960, Peruvian diplomacy concentrated almost exclusively on the unmarked sector in the Cordillera del Cóndor.

Figure 21: Remaining Disagreements

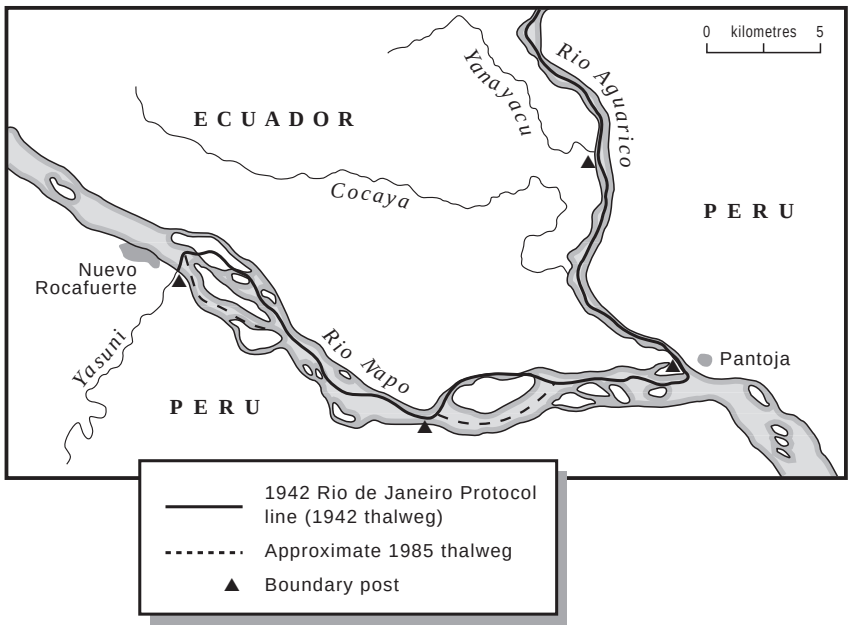


as well as between boundary marker 'Cusumaza-Bumbuiza' and the confluence of the Yaupi and Santiago Rivers (Figure 21, EP2) (Peru, 1996c; Thomas, 1997: 69-71; Palmer, 1997: 124).

In the Napo River sector, the problem in part was the shifting of the main channel from its location in the 1940s (Figure 22). At the disputed point, the river was braided into several channels, and the *Rio Protocol* was silent as to which channel the boundary should follow. In such cases, the normal practice was for the boundary to follow the *thalweg* (the line of the deepest channel) so that both sides would have access to shipping. If the boundary was so placed in the 1940s and the channel had subsequently moved, the question then became one of the extent to which the boundary in the 1990s should follow natural changes in the river channel. If the boundary was adjusted to reflect modern hydrology, a few small islands which were Peruvian would become Ecuadorian (Thomas, 1997: 70).

In the Lagartacocha-Güepi zone, the dispute concerned the location of the source of the Lagartacocha River from which the boundary line was to proceed north to the Güepi River (Figure 21, EP1). In the case of the Santiago-Yaupi dispute, the controversy centred on the point from which a straight line segment would be drawn to the confluence of the two rivers (Figure 21, EP2). In theory, the point was to be the end of the dividing ridge specified as the boundary by Captain Bras Diaz de Aguiar in his 1945 decision (McBride, 1949, Chapter IV: 63-66). The problem here was that Ecuador and Peru disagreed on the point at which the ridge

Figure 22: Remaining Disagreements in the Napo-Yasuní-Aguarico Zone



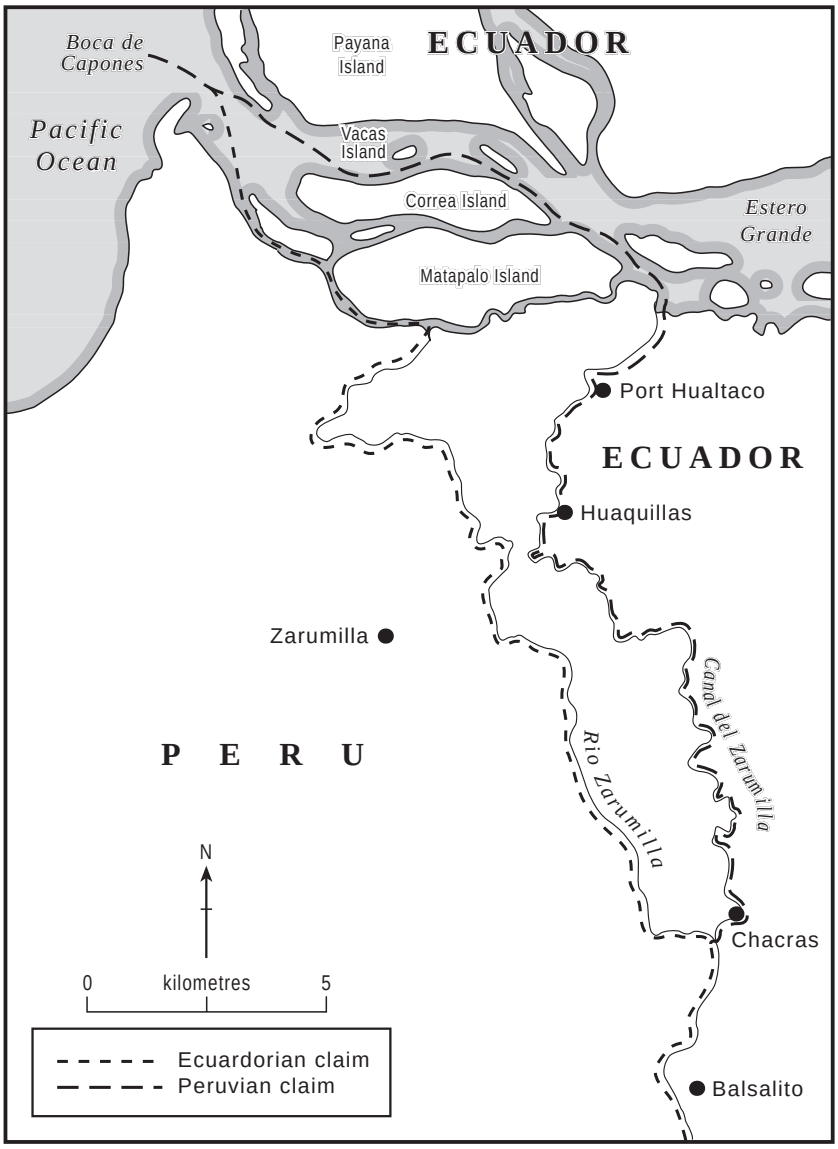
ended with the Peruvian government claiming continuation along a lesser ridge that arcs to the north of the straight line claimed by Ecuador (Thomas, 1997: 70).

The issues raised by Ecuador as impasse three concerned the boundary intersections with the Curaray and Pastaza Rivers (Figure 21, E3). Each of these locations, which served as turning points for straight-line boundary segments, were situated at the junction of two rivers. Near each intersection, some upstream river channels wound back and forth across straight boundary lines causing Ecuadorian vessels navigating these sectors to pass through Peruvian territory. This was a particular problem on the Curaray River as well as on the Bobonaza River, whose confluence with the Pastaza was a boundary turning point. It was also a problem on the Conambo (Cunambo) and Pintoyacu Rivers, the confluence of which formed the Tigre River and was also a boundary turning point. In all of these areas, the problem was aggravated by the unstable character of the streams which often meandered during flood stage, occasionally changing course (Thomas, 1997: 70; McBride, 1949, Chapter I: 15-19).

Ecuadorian impasse four concerned the Zarumilla River located on the Pacific Coast (Figure 23). Brazilian Foreign Minister Oswaldo Aranha, in an arbitral decision announced by Bras Diaz de Aguiar in 1945 and accepted by both countries, placed part of the boundary here in an old bed of the river known as the Zarumilla Canal. As part of this agreement, the Peruvian government had agreed to supply water into the canal for use by the Ecuadorian towns located along it (McBride, 1949, Chapter IV: 57). Ecuador later claimed that Peru had failed to live up to its water supply responsibilities (Thomas, 1997: 71).

As the peace process continued, tensions in the border region ebbed and flowed over claims and counterclaims of overflights, troop movements, and incursions into the demilitarised zone. As a result, it proved impossible to meet the original guarantor target of a comprehensive peace settlement before Ecuador's national elections, scheduled for 7 May 1996. Nevertheless, the parties met in Buenos Aires on 18-19 June 1996 and in Santiago on 28-29 October 1996 in an effort to work out a procedural framework acceptable to both Ecuador and Peru which would allow them to resolve key issues once they advanced to the substantive discussions envisioned to be held in Brasilia (Lecaro Bustamante, 1997: 151-160; Palmer, 1997: 126).

Figure 23: Remaining Disagreements in the Zarumilla Canal Zone



In this endeavour, Ecuador, Peru, and the guarantors eventually were successful. In the course of the June 1996 Buenos Aires talks, the parties agreed to procedures to be followed in Brasilia with the significant difference that, in the event they could not reach agreement, Peru advocated a definitive arbitration by the guarantors while Ecuador would only accept arbitration by an outside *"eminent personage."* On the other hand, both parties did agree in Article 6 of the Buenos Aires communiqué that, in accordance with Article 7 of the *Rio Protocol*, they could resort to the guarantors when they could not reach accord on a specific point (Comunicado de Prensa, Buenos Aires, 19 June 1996). This procedural basis later proved decisive as it allowed Ecuador and Peru to resort to the guarantors in October 1998 for a definitive solution to the dispute. While the October 1996 negotiations in Santiago proved difficult, the parties did agree to begin in Brasilia on 20 December 1996 continuous discussions on all remaining disagreements with partial understandings to be final only after agreement on all points. In addition, Ecuador and Peru agreed that the guarantors would propose procedures for definitive resolution of any issues which the parties themselves could not directly resolve (Acuerdo de Santiago, 29 October 1996).

At this point, unexpected domestic turmoil in both Ecuador and Peru intervened to hamper the peace process and to delay by several months the timetable for entering into substantive

discussions. In Peru, the Tupac Amaru Revolutionary Movement occupied the Lima residence of the Japanese ambassador to Peru on 17 December 1996, only three days before substantive talks were to begin in Brasilia. Francisco Tudela, the Foreign Minister of Peru and a key figure in the peacemaking process, was among the hostages taken. Less than two months later, Ecuadorian President Abdalá Bucaram was removed from office on 14 February 1997, on grounds of *"mental incapacity"*, one month after he completed the first official visit to Peru by an Ecuadorian head of state. During his six months in office, Bucaram had firmly committed Ecuador to a peaceful resolution of the dispute and established a good working relationship with his Peruvian counterpart, Alberto Fujimori. The ousting of Ecuador's president resulted in the resignation of the country's foreign minister together with a member of the Ecuadorian negotiating team.

The Peruvian government was later successful in rescuing the hostages at the Japanese ambassador's residence in a daring raid which greatly enhanced President Fujimori's public approval ratings. However, his perceived attempt to take advantage of the success of his anti-terrorism policy to manoeuvre for a third term, coupled with other controversial policies, soon resulted in a sharp drop in his popularity in Peru. At the same time, Foreign Minister Tudela resigned suddenly in July 1997, reportedly due to a policy difference with President Fujimori, which absented Peru's most credible spokesperson from the peace process (*Financial Times*, 28 July 1997). Fujimori later replaced Tudela with Eduardo Ferrero Costa, a distinguished academic with little practical experience in foreign affairs (Palmer, 1998: 21-22).

Substantive talks between representatives of Ecuador and Peru finally opened in Brasilia on 15 April 1997. The initial meeting focused on the question of river intersections as well as the Napo River in the belief these issues would be among the easiest to resolve. A meeting in May, which discussed the Zarumilla Canal and the impasse in the Lagartococha-Güepi zone, was followed in June by a third session which discussed demarcation of the frontier between the 'Cusumaza-Bumbuiza' boundary marker and the confluence of the Yaupi and Santiago Rivers. A fourth session held in September 1997 focused on demarcation of the border between the 'Cunhuime Sur' and '20 de noviembre' boundary markers while a fifth and final session, held later in the month, discussed the issues of partial non-execution and access to the Amazon. The negotiations between Ecuador and Peru continued into the fall of 1997 but achieved only limited results (Thomas, 1997: 69-70).[26]

In the wake of prolonged substantive discussions, Ecuador and Peru agreed in the *Declaration of Brasilia*, concluded on 26 November 1997, to address four issue areas in an effort to reach a comprehensive agreement:

1. Treaty of Trade and Navigation;
2. Comprehensive Agreement on Border Integration;
3. Fixing the Common Land Border; and,
4. Binational Commission on Measures of Mutual Confidence and Security.

The Brasilia accord marked a diplomatic turning point in the settlement process as it allowed the parties to move from increasingly confrontational talks to the discussion of four areas of mutual benefit and potential compromise. A January 1998 meeting in Rio de Janeiro later

[26] Due to their sensitive nature, the content of the April to September 1997 talks between Ecuador and Peru remained confidential. At the time, it was unclear to the general public as to what issues were being discussed in which sessions. The synopsis here is taken from an involved Peruvian diplomat who wishes to remain anonymous.

produced a work plan to implement the Declaration of Brasilia in which Ecuador and Peru agreed that four separate commissions, one meeting in each guarantor capital (Brasilia, Buenos Aires, Santiago, and Washington) would work simultaneously to resolve the above four issue areas. In addition, the parties created a special commission to address the water management issues associated with the Zarumilla Canal (*Financial Times*, 21 January 1998).

Concurrent with the bilateral negotiations, Ecuador and Peru agreed to the appointment of two groups of technical and legal experts to address outstanding boundary demarcation issues. From February to May 1998, both parties concentrated on proving their cases to these experts in three sectors, Lagartococha to Güepi, 'Cusumaza-Bumbuiza' to Yaupi-Santiago, and 'Cunhuime Sur' to '20 de noviembre'. The non-binding opinions issued by the experts in early May 1998 supported the Peruvian case in the Lagartococha-Güepi and 'Cunhuime Sur'-'20 de noviembre' sectors and took a position between the Ecuadorian and Peruvian interpretations in the 'Cusumaza-Bumbuiza' to Yaupi-Santiago sector. These expert opinions eventually formed the basis for a final resolution of the dispute (*Pareceres técnico-jurídicos emitidos por los garantes que fijan frontera en el terreno*, 8 May 1998).

While Ecuador and Peru quickly reached agreement on peripheral issues like the administration and utilisation of the waters of the Zarumilla Canal, collective progress in the four commissions established to address core issues was painfully slow. A number of informal settlement deadlines passed as progress in the commissions on the Treaty of Trade and Navigation and the Fixing the Common Land Border proved especially difficult (*El Comercio*, Lima, 25 May 1998; *El Universo*, Guayaquil, 9 June 1998). At the same time, the secrecy surrounding the talks understandably contributed to increasingly strident and volatile public and private dialogue as to their content and direction (*El Universo*, Guayaquil, 12 June 1998; *La República*, Lima, 12 June 1998). Equally important, as the negotiations dragged on, tensions on the border increased to the point that armed conflict again became a real possibility (*Financial Times*, 15-16 August 1998).

Three days after the inauguration of Ecuadorian President-elect Jamil Mahuad Witt on 10 August 1998, tensions on the border eased as Ecuador and Peru agreed to separate their troops in the frontier area.[27] Shortly thereafter, Presidents Fujimori and Mahuad had their first face-to-face encounter in Asunción, Paraguay where they were attending the swearing-in ceremony of the new Paraguayan president (*El Universo*, Guayaquil, 16 August 1998). The two chief executives apparently developed a good working relationship in this first encounter as it was followed by a series of bilateral sessions in succeeding weeks. President Mahuad seemed to capture the spirit of the times when he was quoted after the Asunción meeting as saying that the objective was to negotiate a peaceful settlement *"without rushing but without wasting time"* (*El Comercio*, Quito, 16 August 1998). Presidents Mahuad and Fujimori were able to announce, on 28 September 1998, the conclusion of a *Treaty of Trade and Navigation*; however, bilateral talks were suspended in early October 1998 after the parties appeared to have reached what one Peruvian newspaper described as a *callejón sin salida* or a dead-end (*El Comercio*, Lima, 5 October 1998).

[27] One informed observer, who participated in the work of the technical and legal experts, termed the election of Jamil Mahuad Witt to the presidency of Ecuador as *"probably the single most important event in the resolution of this age-old dispute."* Unlike most of his predecessors, Mahuad recognised the need to achieve a peaceful settlement and get on with the real needs of the country, most especially economic reform and development (Anonymous interview, private correspondence, 3 March 1999).

13. The Brasilia Accords

Unable to reach a final settlement, Ecuador and Peru resorted to the procedures agreed to in June 1996 which allowed them to turn to the guarantors when they could not reach agreement on a specific point. On 9 October 1998, Presidents Fujimori and Mahuad met in the White House with US President Bill Clinton. Out of this meeting came a suggestion that the guarantors, acting under the provisions in Article 7 of the *Rio Protocol*, propose a final solution to the boundary dispute. Following the White House announcement, the governments of Argentina, Brazil, Chile, and the United States, in their role as guarantors of the *Rio Protocol*, agreed formally to propose a final solution provided its acceptance was obligatory and approved in advance by the congresses of Ecuador and Peru. Once both congresses had approved the settlement procedure, the guarantors announced a global and definitive settlement to the Ecuador-Peru dispute on 26 October 1998. The settlement announced mirrored the legal and technical opinions articulated in May by the experts appointed (*El Comercio*, Quito, 11 October 1998; *El Comercio*, Lima, 11 October 1998).

The *Global and Definitive Peace Agreement* announced by the guarantors placed the boundary line in the unmarked sector on the summit (*cumbre*) of the Cordillera del Cóndor and provided for its demarcation by 23 *hitos* or boundary markers (Article 1) (Figure 24). In support of this decision, the guarantors cited the *Rio Protocol* and the award of Captain Braz Dias de Aguiar. The agreement also provided for the creation of two *"environmental protection"* areas or national parks in the frontier zone, under the sovereignty and jurisdiction of the respective states (Article 7). These contiguous ecological zones were to bear the same name and coincide with the newly-demarcated sector of the common border. In the course of the substantive negotiations, a binational park in the frontier zone had been a highly controversial issue since at least one proposal called for joint sovereignty over any such park or parks which was totally unacceptable to Peru (*El Comercio*, Lima, 1 June 1998). The agreement also accorded members of the native communities in the region free passage from one ecological zone to the other.

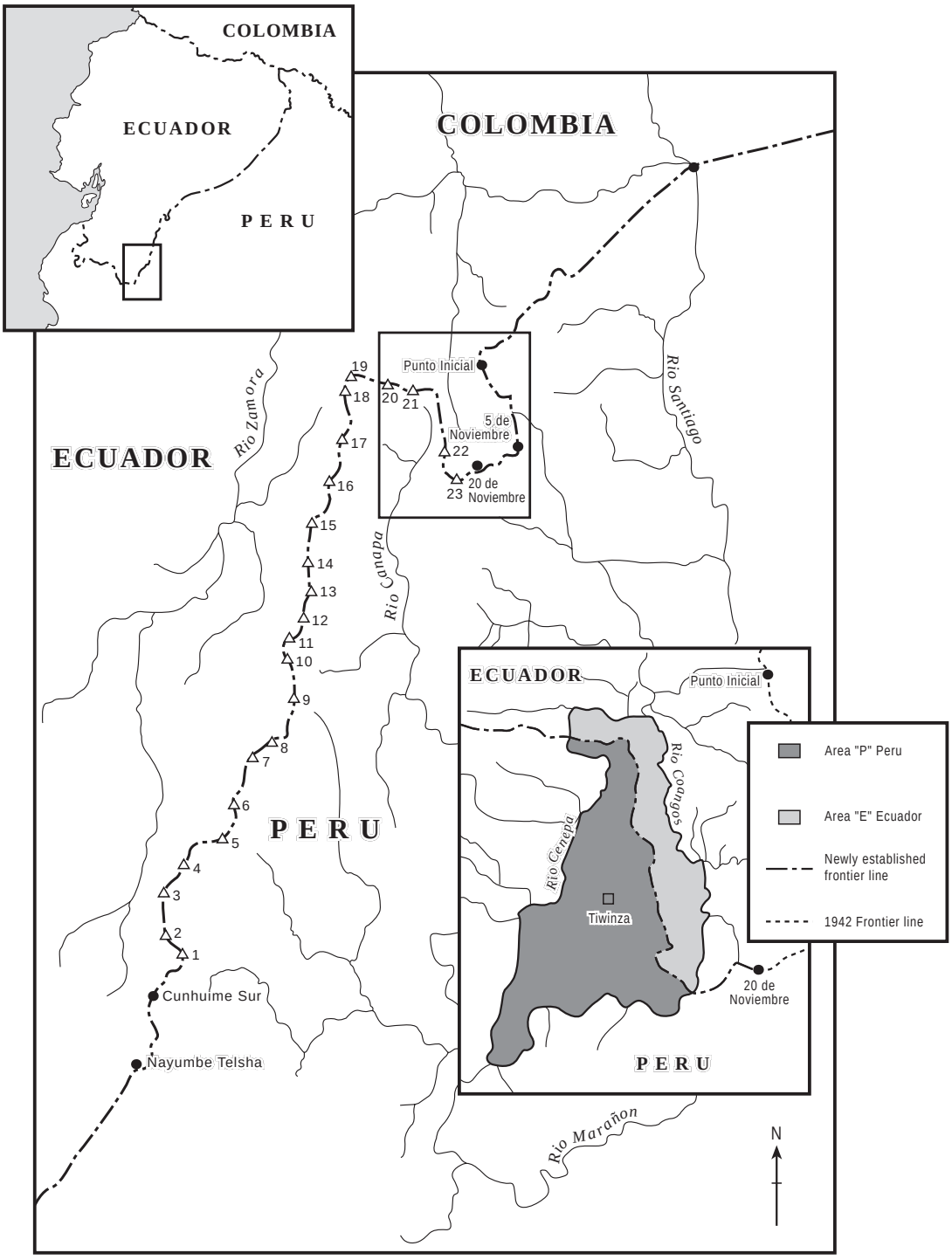
Finally, the guarantors awarded Ecuador one square kilometre of ground in Peruvian territory on the point designated as Tiwinza (Tiwintza), the site of heavy fighting in 1995 (Figure 24). This transfer of land was not to entail any *"consequences as to sovereignty"* with Ecuador enjoying real title conferred under national Peruvian private legislation, except the right to transfer the property. Ecuadorian nationals were to enjoy free right of passage along a single, public road, up to five meters wide, connecting the transferred property with the territory of Ecuador (*Acta Presidencial de Brasilia*, 26 October 1998; *Respuesta de los Países Garantes y Croquis*, 26 October 1998).[28]

The *Global and Definitive Peace Agreement* concluded in Brasilia, in addition to delimiting the land boundary in the Cordillera del Cóndor, called on Ecuador and Peru to formalise the following draft agreements:

- *Treaty of Trade and Navigation* (*Tratado de Comercio y Navegación entre los Gobiernos de la República del Perú y la República del Ecuador*, 26 October 1998);

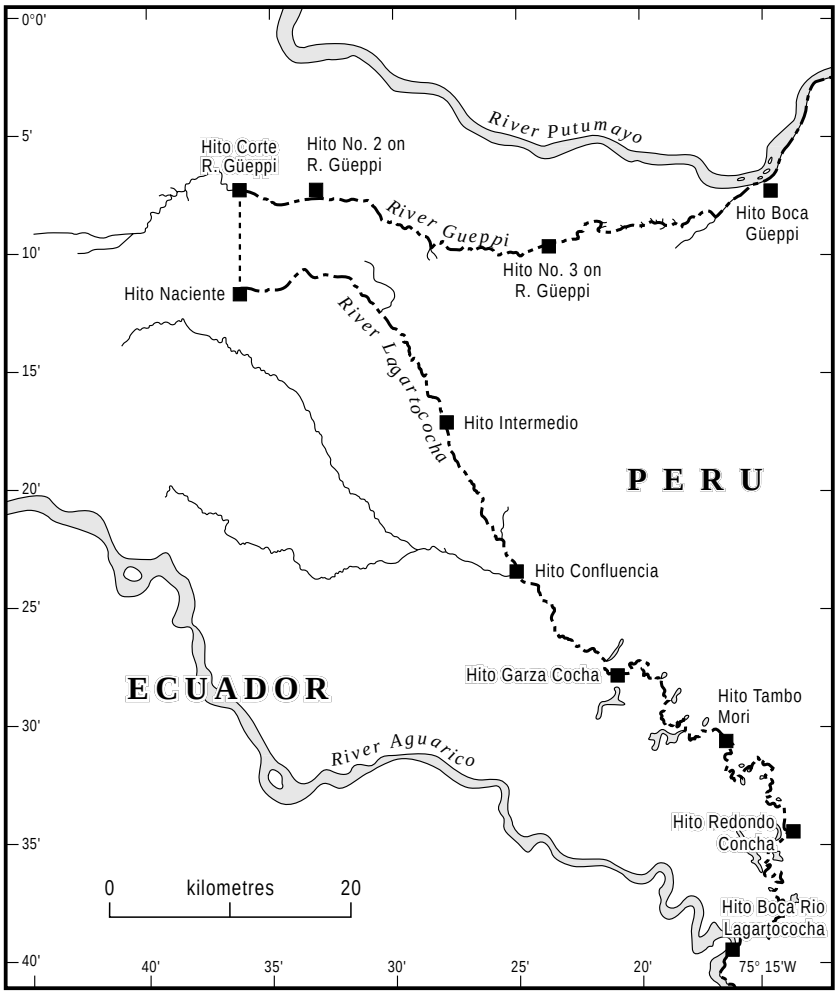
[28] For an English language translation of the operative part of the global and definitive agreement presented by the guarantors, see Embassy of Peru, 'Text of the Operative Part of the Global and Definitive Agreement Presented by the Guarantor Countries', *Peru Newsletter* (Washington, D.C., October 1998): 1-2.

Figure 24: The Boundary in the Cordillera del Cóndor Zone, Tiwinza and the Ecological Parks



- *Comprehensive Agreement on Border Integration, Development, and Neighbourly Relations* (*Acuerdo Amplio Peruano-Ecuatoriano de Integración Fronteriza, Desarrollo y Vecindad*, 26 October 1998); and,
- *Convention to Hasten and Deepen Free Trade between Ecuador and Peru* (*Convenio de Aceleración y Profundización del Libre Comercio entre el Perú y el Ecuador*, 26 October 1998).

Figure 25: The Boundary in the Lagartococha-Güepi Zone

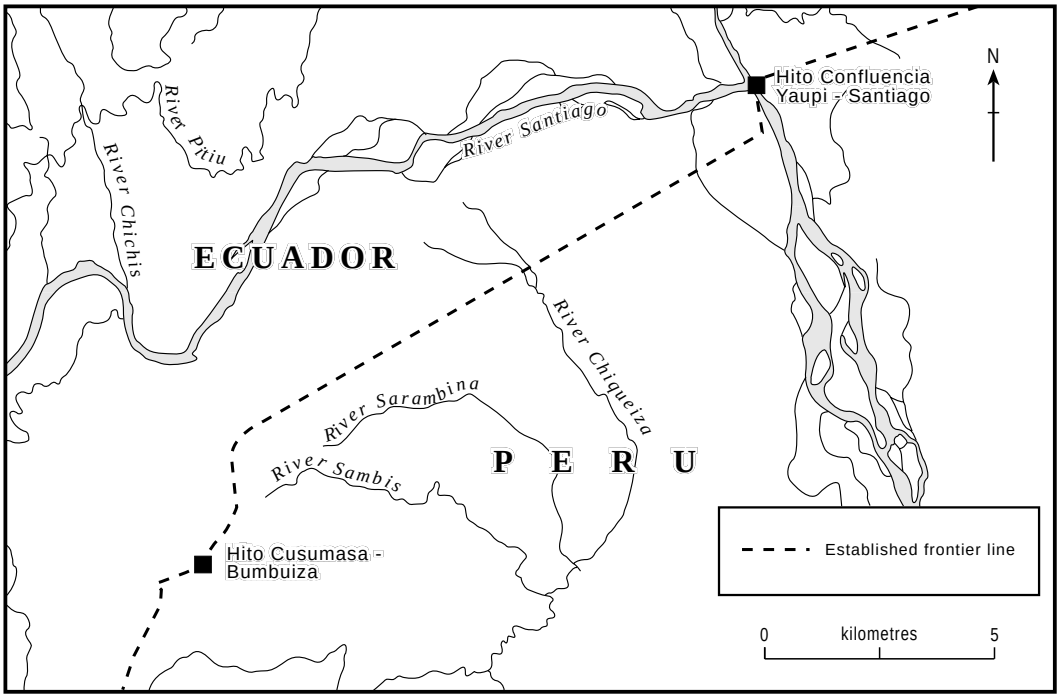


The peace agreement also provided for an interchange of diplomatic notes on the Zarumilla Canal, the Napo River, and the Binational Commission on Mutual Confidence and Security (*Intercambio de Notas Río Napo*, 26 October 1998; *Intercambio de Notas Canal de Zarumilla*, 26 October 1998; *Intercambio de Notas del Acuerdo de Constitución de la Comisión Binacional Peruano-Ecuatoriana sobre Medidas de Confianza Mutua y de Seguridad*, 26 October 1998).

The terms of the *Treaty of Trade and Navigation* addressed the provisions in Article 6 of the *Rio Protocol* which called for Ecuador to enjoy free and untrammelled navigation on the Amazon River and its northern tributaries. In the pact, Peru granted Ecuador free, continuous, and perpetual access to the Amazon (Articles 1 and 2); and in addition, the agreement provided for the establishment of two Ecuadorian centres for trade and navigation capable of processing goods and re-exporting products (Article 22). Under a 50 year lease, each of these 150 hectare centres would to be managed by private companies designated by Ecuador but registered in Peru (Article 25).

The proposal for a *Comprehensive Agreement on Border Integration, Development, and Neighbourly Relations*, designed to increase significantly public and private investment in the border regions of Ecuador and Peru, was the product of the Binational Commission for Border Integration, one of the four commissions established in January 1998 (Binational Commission for Border Integration, 1998). The comprehensive agreement comprised four components:

Figure 26: The Boundary in the Cusumaza-Bumbuiza/Yaupi-Santiago Zone



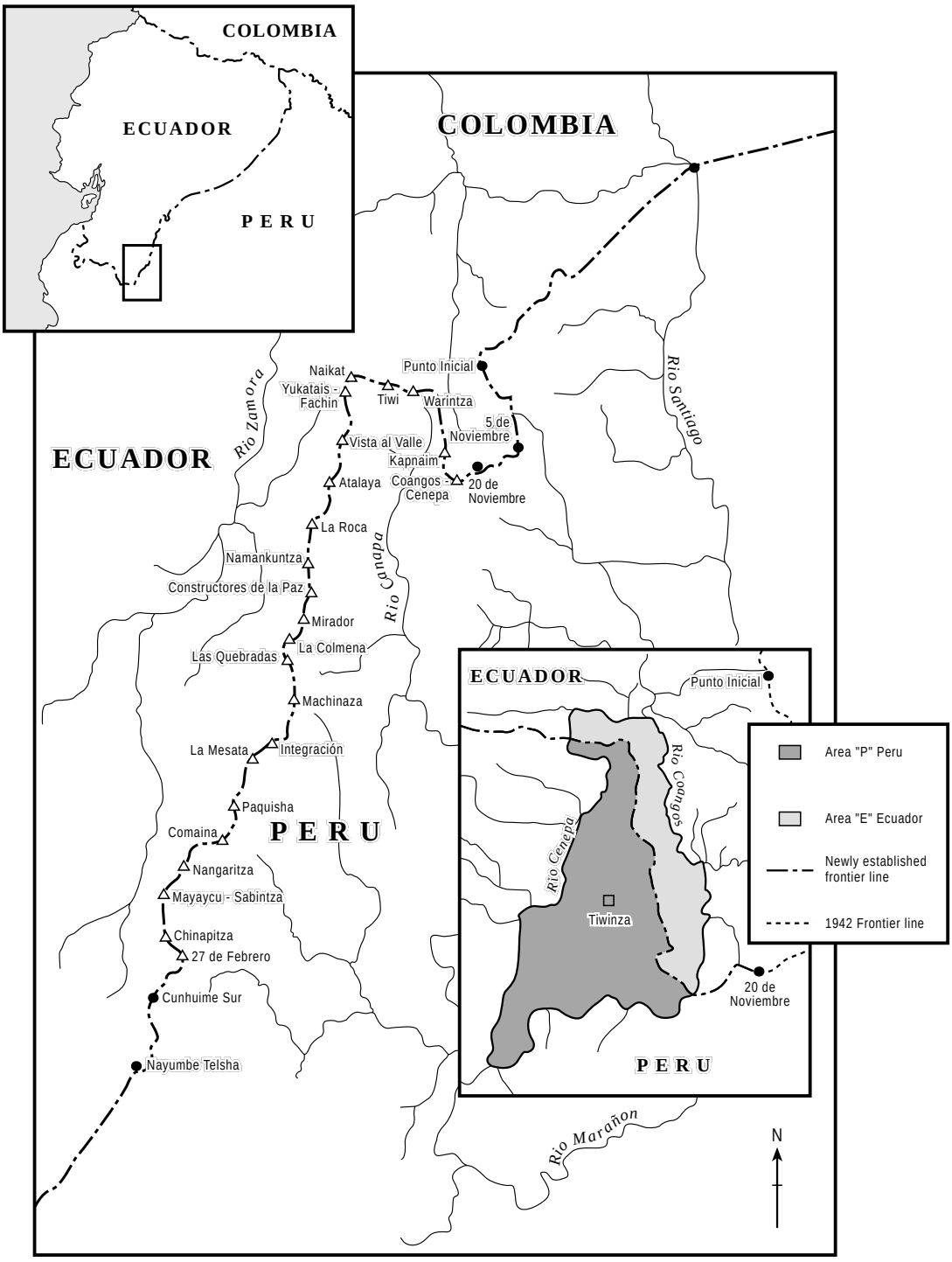
1. The Neighbourly Relations Commission;
2. Strengthening of Bilateral Cooperation;
3. The Border Regime; and,
4. The Binational Plan for the Border Region Development.

In the agreement, Ecuador and Peru gave priority to those lines of action through bilateral cooperation which would help strengthen their relationship. In this context, the Border Regime proposed new guidelines for improving border relations, such as simplified procedures at the border, new mechanisms for binational coordination, and upgraded administrative facilities. In the binational plan, Ecuador and Peru agreed to design and execute a scheme to raise the standard of living of the residents of northern and northeastern Peru and southern and southeastern Ecuador as well as to encourage broader integration and cooperation between the two states. The commission also drafted a proposed agreement to hasten and deepen free trade between the two neighbours which focused on the need for a liberalised trade regime.

The agreement on the Zarumilla Canal, which had been concluded on 8 April 1998, provided for the administration of the canal and the future utilisation of its water resources. The Binational Commission on Measures of Mutual Confidence and Security, provided for in a 20 May 1998 accord, was the product of one of the four special commissions established in mid-January 1998. Finally, the exchange of notes on the Napo River addressed the ongoing problems created by shifting river channels in the Napo sector.

In October 1998, the Interamerican Development Bank announced a US$500 million loan for economic and social development in the frontier zone. This was the first instalment in a US$3 billion international commitment to develop the Ecuador-Peru borderlands. By early February 1999, the total international commitment to the frontier zone had increased to over US$1.5 billion. In addition, the October peace agreements were expected to double, or even triple, trade between Ecuador and Peru within three years. The Peruvian congress approved the *Treaty of Frontier Integration* and the *Treaty of Commerce and Navigation*, the only two of the agreements requiring congressional approval in Peru, by a wide margin on 13 November.

Figure 27: Boundary Markers in the Cordillera del Cóndor



The Ecuadorian congress approved the *Treaty of Frontier Integration* on 19 November, deferring approval of the *Treaty of Trade and Navigation*, in accordance with the Ecuadorian constitution, to the executive branch.

The four boundary markers in the Lagartococha-Güepi sector, the first frontier zone to be addressed, were established on 18 January 1999 in the presence of Presidents Fujimori and Mahuad (Figure 25). The Cusumaza-Bumbuiza to Yaupi-Santiago sector was then scheduled for demarcation followed by the Cordillera del Cóndor (Figure 26). The final boundary marker was put in place in the Cordillera del Cóndor sector at 5:45pm on 11 May 1999, closing the Ecuador-Peru boundary for the first time since independence (Figure 27). Two days later,

Presidents Fujimori and Mahuad gathered at Cahuide, near the confluence of the Yaupi and Santiago Rivers, to commemorate the demarcation of the frontier, transfer the square kilometre of Peruvian territory at Tiwinza to Ecuador, and bring into full force the bilateral agreements concluded at Brasilia on 26 October 1998.

14. Conclusions

The boundary dispute between Ecuador and Peru persisted for almost two centuries. Over this period, the Peruvian government generally possessed the stronger *de facto* case as it occupied and developed Tumbes and Jaén after 1822 as well as much of Maynas. In addition, Peru also appeared to develop over time the superior *de jure* case to the contested territories. This was confirmed by the projected award of the Spanish arbitration in 1910. Recognising its tenuous position, the Ecuadorian government thereafter insisted on an equitable solution to the dispute through arbitration or direct negotiations.

Thought to have been resolved in 1942, the question remained a major issue on the foreign policy agenda of both Ecuador and Peru until 1998. At the same time, the character of the dispute changed completely over the last half century. With the conclusion of the *Rio Protocol*, the case from a legal standpoint was closed. In seeking to void unilaterally a recognised treaty of limits, the Ecuadorian government challenged a rule of international law whose overthrow signalled chaos for a region where dozens of such treaties had been negotiated since independence. As a result, it was mainly as a political issue, as opposed to a legal one, that the dispute lived on after 1942.

The Ecuadorian government remained determined to satisfy what it considered to be its moral rights in the Amazon Basin. After the results of the aerial survey were released in 1947, Ecuador's leaders viewed the dispute in the unmarked zone as a possible vehicle to gain, at a minimum, direct and sovereign access to the Amazon via the Marañón. In pursuit of this objective, successive Ecuadorian governments exploited the conflict to gain popularity at home and to divert public attention from domestic problems. Of course, manipulation of the dispute for domestic political purposes was not an exclusive Ecuadorian preserve as a number of Peruvian politicians over the decades proved adept at the same exercise.

The bilateral boundary dispute between Ecuador and Peru quickly assumed international dimensions which often hampered instead of facilitating attempts at settlement. From proposed nineteenth century land transfers in the Amazon to the War of the Pacific to the 1922 *Salomón-Lozano Treaty*, neighbouring states involved themselves in the Ecuador-Peru dispute in an effort to advance their own foreign policy interests. States outside the hemisphere were also drawn into the dispute, generally at the invitation of one or both disputants. In terms of arbitration or mediation, the United States government was generally the preferred outsider. The Peruvian government requested mediation by Washington as early as 1827; and throughout the twentieth century, the United States was a regular participant in attempts to resolve the issue. However, the policies of the United States government, over most of the period, contributed little towards a permanent solution. In the twentieth century, sensitivity in the Department of State to Ecuadorian demands for a sovereign outlet to the Amazon, in evidence before the negotiation of the *Rio Protocol*, rekindled long-standing Peruvian concerns about the potential detrimental impact of United States intervention in the dispute. While the policy of the United States in the 1970s and 1980s encouraged Ecuador in its pursuit

of a solution outside the *Rio Protocol*, it also strengthened Peruvian resolve to thwart any such result.

With the initiation of the Itamaraty round of talks, the four guarantors, and especially the United States government, played a much more active and positive role in Ecuador-Peru relations than at any time since 1942. Institutionalised in the role of outsiders by the *Rio Protocol*, the guarantors clearly made an important contribution to the creation of a comprehensive peace settlement after 1995. Without the extensive involvement of representatives from Argentina, Brazil, Chile, and the United States in all stages of the diplomatic process, together with MOMEP on the military side, it is improbable that Ecuador and Peru would have found a satisfactory solution to their long-standing dispute in 1998. That said, the positive contribution of the guarantors should not in any way detract from the central role played by Ecuadorians and Peruvians in reaching a settlement. The Itamaraty Peace Declaration, together with the five central principles guiding the guarantors, explicitly recognised what was obvious to everyone involved in the peacemaking process – Ecuador and Peru must lead – and they did.

Both the process leading to the *Brasilia Accords* and the innovative nature of the settlement itself offer exciting potentialities for other disputes around the globe. The process encouraged the prolonged, active participation of third parties, in this case the guarantors of the *Rio Protocol*, who acted to stop a bloody war and then persevered until the parties reached a diplomatic solution. It also fostered construction of an agreement emphasising contemporary areas of mutual interest, like trade, security, and regional integration, as opposed to traditional points of disagreement. In the settlement itself, the distinction drawn between ownership and sovereignty in the Tiwinza area could well provide a model for conflict resolution elsewhere as could the creation of contiguous ecological zones. The multilateral funding of binational development plans is yet another creative aspect of the settlement. Also exemplary is the multinational process employed to remove land mines along the border.

The *Brasilia Agreements* should be seen as a victory for the rule of law in the Americas and the world. The *Rio Protocol* was a unique document in that four friendly powers first assisted Ecuador and Peru in concluding the settlement and then agreed to guarantee both its terms and execution. Over five decades later, it was the compliance of Ecuador as well as Peru with the provisions of the *Rio Protocol*, as recognised in the *Itamaraty Peace Declaration*, which formally initiated the peace-making process. And it was the *Global and Definitive Peace Agreement* proposed by the guarantors, which was firmly grounded in the *Rio Protocol* together with the award of Braz Dias de Aguiar, which brought the process to a successful conclusion.

The Ecuador-Peru Dispute: Historical Time Line

1542 Expedition to the mouth of the Amazon from Cuzco and Muti via the Napo River.

1717 Spanish Crown separates the Viceroyalty of Nueva Granada, including the *Audiencia* of Quito, from the Viceroyalty of Peru.

1802 (*15 July*) King of Spain, in a royal *cédula*, separates most of the trans-Andean territory from the Viceroyalty of Nueva Grananda, transferring it to the Viceroyalty of Peru.

1822 (*22 May*) Battle of Pichincha confirms the independence of Ecuador as part of Gran Colombia.

(*6 July*) Peruvian Minister of War and Colombian Ambassador to Peru call for a precise demarcation of limits at an unspecified later date.

1824 (*9 December*) Battle of Ayacucho confirms the independence of Peru.

1829 (*28 February*) Preliminary convention of peace concluded between Gran Colombia and Peru after the battle of Tarqui. Agreement provides for the appointment of a commission to settle the limits of the two states based on the limits of the Viceroyalties of Nueva Granada and Peru.

(*22 September*) *Larrea-Gual Treaty of Peace* between Gran Colombia and Peru recognises as the boundary between the signatories the limits of the Viceroyalties of Nueva Granada and Peru prior to independence.

1830 (*13 May*) Ecuador separates from Gran Colombia.

(*11 August*) Controversial *Pedemonte-Mosquera Protocol* allegedly establishes the Marañón River as the boundary between Ecuador and Peru.

1832 (*12 July*) *Pando-Noboa Treaty of Friendship, Alliance, and Commerce* between Ecuador and Peru recognises the *"present boundaries"* between them until a pact fixing the boundaries is concluded. Both parties ratify the agreement.

1859 Peru occupies Guayaquil during a war with Ecuador.

1860 (*25 January*) *Morales-Estrada Treaty of Peace, Friendship, and Alliance* between Ecuador and Peru, also known as the Treaty of Mapasingue, in which Ecuador recognises the territorial claims of Peru under the *cédula* of 1802. Congresses of Ecuador and Peru cancel the agreement in 1861.

1887 (*1 August*) *Bonifaz-Espinosa Convention* provides for Ecuador and Peru to submit to arbitration by the King of Spain the question of the boundary between them.

1890 (*2 May*) *García-Herrera Treaty* fixes the boundary between Ecuador and Peru, granting Ecuador access to the Marañón from the Chinchipe River to the Pastaza River. Ecuador ratifies the agreement but not Peru.

1894 (*15 December*) Tripartite additional arbitration convention provides for Colombian adherence to the provisions of the 1887 *Bonifaz-Espinosa Convention*.

1904 (*March*) *Valverde-Cornejo Protocol* revives Spanish arbitration.

1910 (*November*) King of Spain resolves not to pronounce an arbitral award after the projected award provokes violent demonstrations in Ecuador and Peru.

1916 (*15 July*) *Muñoz-Vernaza Treaty* between Colombia and Ecuador resolves Ecuador's border dispute with its northern neighbour.

1922 (*22 March*) Treaty of frontiers and free inland navigation, known as the *Salomón-Lozano Treaty*, between Colombia and Peru in which Peru grants Colombia frontage on the Amazon River in return for Colombia ceding to Peru territory south of the Putumayo which Colombia received from Ecuador in 1916.

1924 (*21 June*) *Ponce-Castro Oyanguren Protocol* between Ecuador and Peru implements a mixed formula, consisting of both direct settlement and limited arbitration, once the Tacna and Arica dispute between Chile and Peru is resolved.

1925 Ecuador learns of the terms of the 1922 treaty of frontiers and free inland navigation between Colombia and Peru and breaks diplomatic relations with Colombia in protest.

1933 Peru invites Ecuador to open bilateral negotiations in Lima in accordance with the terms of the 1924 *Ponce-Castro Oyanguren Protocol*. Talks break down in August 1935.

1936 (*6 July*) Act of Lima between Ecuador and Peru in which parties agree to take dispute to Washington, D.C. for a *de jure* arbitration during which both sides will maintain the status quo of their present territorial positions.

1938 Washington Conference ends without substantive progress after Ecuador proposes a total juridical arbitration of the dispute, an initiative Peru maintains is outside the spirit and letter of the 1924 *Ponce-Castro Oyanguren Protocol*.

1941 (*July*) Hostilities open in the Zarumilla sector of the Ecuador-Peru border with both sides claiming the other fired the first shot.

(*2 October*) Ecuador and Peru sign an armistice at Talara.

1942 (*29 January*) Protocol of peace, friendship, and boundaries, known as the *Rio Protocol*, between Ecuador and Peru. Terms include a continuing role for the four guarantor states (Argentina, Brazil, Chile, and the United States) until the Ecuador-Peru boundary is demarcated.

(*26 February*) Congresses of Ecuador and Peru approve the *Rio Protocol*.

(*June*) Ecuador-Peru Mixed Boundary Demarcation Commission initiates efforts to demarcate the border.

1947 (*February*) US Army Air Force, having completed an aerial survey of the Cordillera del Cóndor sector, submits new maps to Ecuador and Peru which reveal the Cenepa River to be a 120 mile (190km) fluvial system lying between the Zamora and Santiago Rivers. In result, Article 7 of the *Rio Protocol* is shown to incorporate a geographic flaw in that it speaks of a single *divortium aquarum* between the Zamora and Santiago Rivers.

1948 (*September*) Ecuadorian Foreign Minister Neftali Ponce Miranda directs Ecuadorian representatives on the Mixed Boundary Demarcation Commission to stop work north of the Cunhuime Sur boundary marker in the Cordillera del Cóndor zone. Ecuadorians begin to suggest that the inability to apply the Rio Protocol literally in this zone threatens the permanency of the entire agreement.

1951 Ecuadorian President Galo Plaza Lasso states that his country will never accept a boundary line in the disputed zone which does not recognise Ecuador's inalienable right to a sovereign outlet to the Amazon River.

Peruvian President Manuel Odría responds almost immediately that Peru will never consent to an Ecuadorian outlet on the Marñón River.

1956 The guarantors of the *Rio Protocol*, suggest a new aerial survey of the disputed zone in the hope this might contribute to a definitive solution to the border question. Peru rejects this approach.

1960 (*August*) Ecuadorian President José María Velasco Ibarra declares the *Rio Protocol* null and void.

(*November*) Ecuadorian supreme court sustains the nullity thesis.

(*December*) Four guarantors issue separate but identical statements to Ecuador and Peru supporting the principle of sanctity of treaties.

1976 (*October*) Ecuadorian ambassador to the United Nations demands a renegotiation of the *Rio Protocol* on the grounds that Peruvian occupation of the *Oriente* blocks Ecuadorian access to the Amazon River network and thus limits its participation in multilateral economic development plans.

1981 (*January*) Ecuador and Peru clash in and around Paquisha in the Cordillera del Cóndor zone. The guarantors, in the role of *"four friendly countries"*, arrange a cease-fire and restore the peace.

1991 (*August*) New border incidents result in a 'gentleman's agreement' in which the foreign ministers of Ecuador and Peru agree to establish a common security zone in the disputed area. Peru reiterates its long-standing commitment to the terms of the *Rio Protocol* while Ecuador again challenges the very essence of the Rio agreement as a peace treaty and as a process to demarcate the border.

(*September*) Ecuadorian President Rodrigo Borja proposes arbitration by Pope John Paul II. Peru rejects proposal on grounds there is no need for papal arbitration of a dispute resolved five decades earlier by the Rio Protocol.

1992 (*January*) Peruvian President Alberto Fujimori concludes the first visit of a Peruvian head of state to Quito followed by two more trips in the course of the year.

1995 (*January*) Ecuador and Peru again clash in the Cordillera del Cóndor zone in the worst outbreak of fighting since the outset of the dispute.

(*24 January*) Ecuador, abandoning the nullity thesis voiced since 1960, recognises the Rio Protocol, asking guarantors for assistance in resolving the dispute.

(*17 February*) Ecuador and Peru, together with the four guarantors, sign Itamaraty Peace Declaration which includes cease-fire and demobilisation provisions together with a framework for bilateral talks aimed at resolving the remaining disagreements.

(*28 February*) *Declaration of Montevideo* in which the parties reiterate their commitment to a cease-fire and express their gratitude to the guarantors for providing observers necessary to supervise a cease-fire.

(*25 July*) Establishment of a demilitarised zone by Military Observer Mission Ecuador/Peru (MOMEP).

(*5-6 October*) Meeting in Brasilia, the parties and guarantors express satisfaction with the progress made.

(*17 November*) MOMEP notes satisfaction with progress made in adopting security accord for direct coordination between armed forces of Ecuador and Peru.

1996 (*17-18 January*) Foreign Ministers of Ecuador and Peru, with the guarantors, meet in Lima to discuss procedures necessary to reach a peaceful solution.

(*22-23 February*) Foreign Ministers of Ecuador and Peru, with the guarantors, meet in Quito, continuing dialogue over procedures necessary to reach a peaceful solution. Parties agree to submit to the guarantors a list of remaining disagreements.

(*6 March*) Public release of the remaining disagreements submitted by Ecuador and Peru to the guarantors.

(*18-19 June*) Parties meet in Buenos Aires to discuss a mutually acceptable procedural framework to resolve key issues.

(*28-29 October*) Ecuador and Peru complete procedural discussions in Santiago, Chile in the presence of the guarantors. Substantive talks are scheduled to begin in Brasilia on 20 December.

(*17 December*) Members of the Tupac Amaru Revolutionary Movement occupy Lima residence of the Japanese ambassador to Peru forcing postponement of substantive discussions.

1997 (*15 April*) Parties meet in Brasilia to implement the Santiago Agreement of 29 October 1996 initiating substantive discussions of remaining disagreements.

(*May*) Substantive discussions begin between Ecuador and Peru and continue throughout the summer and fall of 1997.

(*26 November*) Ecuador and Peru agree in the *Declaration of Brasilia* to address four issue areas: 1) Treaty of Trade and Navigation, 2) Comprehensive Agreement on Border Integration, 3) Fixing the Common Land Border, and 4) Mutual Confidence and Security.

1998 (*19 January*) Parties adopt a workplan to implement the *Declaration of Brasilia* agreeing to install four commissions, one in each guarantor capital, to address the four issue areas.

(*17 February*) Four commissions begin work simultaneously, planning to reach a definitive agreement by 30 May.

(*8 April*) Ecuador and Peru reach agreement on the administration of the Zarumilla Canal and the utilisation of its waters.

(*30 May*) Target date for definitive agreement passes with unconfirmed reports suggesting the commission dealing with trade and navigation and the commission for fixing the common land border are having difficulty reaching agreement.

(*15 August*) Tensions on the border, which have been growing, ease as Ecuador and Peru establish an *"exceptional and temporary"* strip of territory under MOMEP control.

(*16 August*) Presidents Fujimori and Mahuad meet in Asunción, Paraguay with the presidents of Argentina, Brazil, and Chile and agree to find a peaceful settlement. Operative concept is *"peace without hurry but without losing time."*

(*5 October*) Talks between Fujimori and Mahuad are suspended.

(*10 October*) President Bill Clinton suggests to Ecuador and Peru that the four guarantors propose a boundary line whose acceptance by both parties would be obligatory.

(*15 October*) The congresses of Ecuador and Peru approve the peace process proposed by the guarantors.

(*24 October*) Guarantors announce a global and definitive settlement to the Ecuador-Peru boundary dispute, placing the boundary in the unmarked zone on the summit of the Cordillera del Cóndor, awarding Ecuador one square kilometre on Tiwinza and creating two contiguous national parks in the frontier zone.

1999 (*18 January*) Demarcation of Lagartococha-Güepi sector completed.

(*3-6 February*) Presidents Fujimori and Mahuad visit Washington, D.C. to launch binational border development plan.

(*13 May*) Presidents Fujimori and Mahuad commemorate emplacement of the final boundary marker demarcating the Ecuador-Peru border, transfer to Ecuador one square kilometre of Peruvian territory in the Tiwinza zone, and enter into full force the bilateral agreements concluded in Brasilia on October 26, 1998.

Sources: Palmer, 1997; St John, 1992 and 1994a; Krieg, 1986; Zook, 1964; Newspaper Accounts.

Bibliography

Government and Other Documents

Binational Commission for Border Integration (1998) *Ecuador and Peru: Building a Better Future*, Washington, D.C.

Colombia, Ministerio de Relaciones Exteriores (1934) *Documentos sobre el protocolo de Rio de Janeiro,* Bogotá: Imprenta Nacional.

Colombia, Senado de la República (1912) *La soberanía de Colombia en el Putumayo*, Bogotá: Imprenta Nacional.

Ecuador, Ministerio de Relaciones Exteriores (1997) *Paz con dignidad: Documentos del problema territorial Ecuatoriano-Peruano,* Quito: Imprenta del Ministerio de Relaciones Exteriores.

Ecuador, Ministerio de Relaciones Exteriores (1996) *Ecuador: Impases Subsistentes*, Quito: Ministerio de Relaciones Exteriores, 23 February.

Ecuador, Ministerio de Relaciones Exteriores (1992) *Hacia la Solución del Problema Territorial con el Perú: Libro Blanco*, Quito: Imprenta del Ministerio de Relaciones Exteriores.

Ecuador, Ministerio de Relaciones Exteriores (1941) *Exposición del Ministerio de Relaciones Exteriores del Ecuador a las cancillerías de América*, 2d ed. Quito: Imprenta del Ministerio de Gobierno.

Ecuador, Ministerio de Relaciones Exteriores (1938) *Las negociaciones ecuatoriano-peruanas en Washington agosto 1937 – octubre 1938*, Quito: Imprenta del Ministerio de Gobierno.

Ecuador, Ministerio de Relaciones Exteriores (1937) *Las negociaciones ecuatoriano-peruanas en Washington setiembre 1936 – julio 1937*, Quito: Imprenta del Ministerio de Gobierno.

Ecuador, Ministerio de Relaciones Exteriores (1910) *Cuestión de límites con el Perú,* Quito: Imprenta y Encuadernación Nacionales.

Krieg, W.L. (1986) *Ecuadorean-Peruvian Rivalry in the Upper Amazon (Enlarged to Include the Paquisha Incident, 1981)*, 2d. ed. Washington, D.C.: U.S. Department of State.

Krieg, W.L. (1980) *Peru-Ecuador Boundary*, International Boundary Study 172, Washington, D.C.: U.S. Department of State.

McBride, G.M. (1949) *Ecuador-Peru Boundary Settlement*, Typescript copy of unpublished report to the U.S. Secretary of State, Washington, D.C.

Pareceres técnico-jurídicos emitidos por los garantes que fijan frontera en el terreno, Typescript copy, 8 May 1998.

Perú, Ministerio de Relaciones Exteriores. *Memoria del Relaciones Exteriores del Perú*. Lima: various publishers, various years.

Perú, Ministerio de Relaciones Exteriores and Academia Diplomática del Perú (1996a) *Frontera Peruano-Ecuatoriana: El Laudo Arbitral de Braz Dias de Aguiar Repertorio Documental,* Lima: Metrocolor S.A.

Perú, Ministerio de Relaciones Exteriores and Academia Diplomática del Perú (1996b) *Frontera Peruano-Ecuatoriana: Selección de Memoranda e Informe Final de George McBride, Asesor Técnico Norteamericano para la Comisión Mixta Demarcadora de Límites Repertorio Documental,* Lima Industrial Gráfica, S.A.

Perú, Ministerio de Relaciones Exteriores (1996c) *Ayuda Memoria: Desacuerdos sobre demarcación de la frontera,* Lima: Ministerio de Relaciones Exteriores, nd.

Perú, Ministerio de Relaciones Exteriores (1995a) *Declaration of the Guarantor countries of the Rio de Janeiro Protocol of 1942,* Typescript copy, Unofficial translation, Brasilia, 17 February 1995.

Perú, Ministerio de Relaciones Exteriores (1995b) *Statement before the Diplomatic Corps*, Typescript copy, Lima, 30 March.

Perú, Ministerio de Relaciones Exteriores (1992) "Propuesta integral presentada por el Presidente del la República del Perú, ingeniero Alberto Fujimori, al Presidente de la República del Ecuador, doctor Rodrigo Borja, para proceder a culminar el proceso demarcatorio en los tramos pendientes de la frontera, asegurar el libre acceso a la navegación en el rio amazonas y sus afluentes septentrionales, y obtener acuerdos permanentes de integración fronteriza y fomentar las medidas de confianza mutual y seguridad" *Política Internacional* 42 (enero/marzo): 47-97.

Perú, Ministerio de Relaciones Exteriores (1967) *Protocolo Peruano-Ecuatoriano de Paz, Amistad y Límites*, Lima: Tipografía Peruana.

Perú, Ministerio de Relaciones Exteriores (1961) *Biblioteca militar del oficial no. 31: estudio de la cuestión de límites entre el Perú y el Ecuador*, Lima: Imprenta del Ministerio de Guerra.

Perú, Ministerio de Relaciones Exteriores (1938) *Documentos relativos a la conferencia perú-ecuatoriana de Washington*, Lima Talleres Gráficos de la Editorial "Lumen."

Perú, Ministerio de Relaciones Exteriores (1937) *Résumé of the Historical-Juridical Proceedings of the Boundary Question Between Peru and Ecuador*, Washington, D.C.: n.p.

Perú, Ministerio de Relaciones Exteriores (1936a) *The Question of the Boundaries Between Peru and Ecuador: a historical outline covering the period since 1910*, Baltimore: Reese Press.

Perú, Ministerio de Relaciones Exteriores (1936b) *Tratados, Convenciones, y Acuerdos vigentes entre el Perú y otros Estados*, vols. I-II, Lima: Imprenta Torres Aguirre.

Perú, Ministerio de Relaciones Exteriores (1905) *Alegato del Perú en el arbitraje sobre sus límites con el Ecuador presentado a S. M. el árbitro la reina regente de España por D. José Pardo y Barreda*, Madrid: Imprenta de los hijos de M. G. Hernández.

United States of America, Department of Commerce. Foreign Broadcast Information Service (1978-1998) Daily Report: Latin America (FBIS-LAT).

Unpublished Materials

Bonilla, A. (1995) "Ecuador-Peru: National Interests and Political Process of the 1995 Armed Conflict," Paper presented to the XIX International Congress of the Latin American Studies Association, Washington, D.C., September.

Ciccarelli, O.A. (1969) "The Sánchez Cerro Regimes in Peru, 1930-1933," Ph.D. diss., University of Florida.

Flores, P. (1921) "History of the Boundary Dispute Between Ecuador and Peru," Ph.D. diss., Columbia University.

Gerlach, A. (1973) "Civil-Military Relations in Peru: 1914-1945," Ph.D. diss., University of New Mexico.

Gleason, D.M. (1974) "Ideological Cleavages in Early Republican Peru, 1821-1872," Ph.D. diss., University of Notre Dame.

Gorman, S.M.(1982) "Geopolitics and Peruvian Foreign Policy," Paper delivered at the Annual Meeting of the Latin American Studies Association, Washington, D.C., March.

Karno, H.L. (1970) "Augusto B. Leguía: The Oligarchy and the Modernization of Peru, 1870-1930," Ph.D. diss., University of California, Los Angeles.

Kuo, D.W. (1969) "Peru's Foreign Policy: Ends and Means, 1945-1968," Ph.D. diss., Tulane University.

Maier, G. (1966) "The Impact of Velasquismo on the Ecuadorean Political System," Ph.D. diss., Southern Illinois University.

Mares, D.R. (1998) "The Ecuador-Peru Conflict Seen From Afar: A Content Analysis of Major Newspaper Coverage in the U.S. and Great Britain, 1994-1998," Paper presented to the *Ecuador y Perú bajo un mismo sol* conference, Quito, Ecuador, October.

McNicoll, R.E. (1937) "Peruvian-American Relations in the Era of the Civilist Party," Ph.D.diss., Duke University.

Mendoza, R.G. (1979) "Peru and the Policy of Hemispheric Defense Under Ramón Castilla, 1845-1875," Ph.D. diss., Temple University.

Nolan, L.C. (1935) "The Diplomatic and Commercial Relations of the United States and Peru, 1826-1875," Ph.D. diss., Duke University.

Page, A. N. (1958) "United States Diplomacy in the Tacna-Arica Dispute, 1884-1929," Ph.D. diss., University of Oklahoma.

Palmer, D.S. (1998) "The Search for Conflict Resolution: The Guarantors and the Peace Process in the Ecuador-Peru Dispute," Paper presented to the *Ecuador y Perú bajo un mismo sol* conference , Quito, Ecuador, October.

Palmer, D.S. (1996) "Missed Opportunities and Misplaced Nationalism: Continuing Challenges to Multilateral Peacekeeping Efforts in the Peru-Ecuador Border Conflict," Revised version of paper presented to Multilateral Approaches to Peacemaking and Democratization in the Hemisphere conference, North-South Center, University of Miami.

Parkerson, P.T. (1979) "Sub-Regional Integration in Nineteenth Century South America: Andres Santa Cruz and the Peru-Bolivia Confederation, 1835-1839," Ph.D. diss., University of Florida.

Peterson, D.W. (1969) "The Diplomatic and Commercial Relations Between the United States and Peru from 1883 to 1918," Ph.D. diss., University of Minnesota.

Phillips, R.S., Jr. (1973) "Bolivia in the War of the Pacific, 1879-1884," Ph.D. diss., University of Virginia.

St John, R.B. (1970) "Peruvian Foreign Policy, 1919-1939: The Delimitation of Frontiers," Ph.D. diss., University of Denver.

Soder, J.P., Jr. (1970) "The Impact of the Tacna-Arica Dispute on the Pan-American Movement," Ph.D. diss., Georgetown University.

Weidner, G.R. (1996) "Peacekeeping in the Upper Cenepa Valley: A Regional Response to Crisis," Paper delivered at the North-South Center, University of Miami, Miami, Florida, April.

Wilson, J.F. (1965) "An Evaluation of the Failure of the Tacna-Arica Plebiscitary Commission, 1925-1926," Ph.D. diss., University of Georgia, Athens.

Books and Monographs

Altamirano Escobar, H.A. (1997) *Nueva Concepción del Derecho Territorial Ecuatoriano*, Quito: Imprenta Instituto Geográfico Militar.

Altamirano Escobar, H.A. (1991) *El POR QUE del ávido expansionismo del PERU*, Quito: Instituto Geográfico Militar.

Arroyo Delgado, E. (1939) *Las negociaciones limítrofes Ecuatoriano-Peruana en Washington*, Quito: Editorial de "El Comercio."

Ayala Mora, E., ed. (various dates) *Nueva historia del Ecuador*, 11 vols, Quito: Corporación Editora Nacional.

Bákula Patiño, J.M. (1992) *Perú y Ecuador: Tiempos y testimonios de una vecindad*, 3 vols, Lima: CEPEI.

Bákula Patiño, J.M. (1988) *La política internacional entre el Perú y Colombia*, Bogotá: Editorial TEMIS, S.A.

Bákula Patiño, J.M., Arrieta Álvarez, A. and Pereyra Plasencia, H. (1996) *Real Cédula: Reintegración de Maynas al Perú*, Lima: Instituto Riva-Agüero de la Pontificia Universidad Católica del Perú.

Barra, F. de la. (1961) *Jaén y Maynas*, Lima: Los Talleres Gráficos del Diet.

Basadre, J. (1968) *Historia de la República del Perú*, 6th ed, vols I-XVI, Lima: Editorial Universitaria.

Biger, G., ed. (1995) "Ecuador-Peru," *The Encyclopedia of International Boundaries*, 197-199, New York: Facts on File.

Burr, R.N. (1965) *By Reason or Force: Chile and the Balancing of Power in South America, 1830-1905*, Berkeley and Los Angeles: University of California Press.

Cabeza de Vaca, M. (1934) *Aspectos históricos y jurídicos de la cuestión limítrofe: las negociaciones de Washington y los desenvolvimientos posteriores*, Quito: Talleres Gráficos Nacionales.

Cabeza de Vaca, M. (1934) *La posición del Ecuador en el conflicto colombo-peruano*, Quito: Talleres Gráficos Nacionales.

Cano, W. (1925) *Historia de los límites del Perú*, Arequipa: Tipografía Quiróz Perea.

Carrera de la Torre, L. (1990) *El Proyecto Binacional Puyango Tumbes*, Quito: AFESE.

Carrión Mena, F. (1989) *Política exterior del Ecuador: evolución, teoría, práctica*, 2nd ed, Quito: Editorial Universitaria.

Checa Drouet, B. (1936) *La Doctrina Americana del Uti Possidetis de 1810*, Lima: Librería e Imprenta Gil, S.A.

Chirinos Soto, E. (1968) *Perú y Ecuador*, Lima: Talleres Gráficos P. L. Villanueva S.A.

Cornejo, M.H. and Felipe de Osma, F. (1909) *Memorandum final presentado por los plenipotenciarios del Perú en el litigio de límites con el Ecuador,* Madrid: M.G. Hernandez.

Deler, J.P. (1987) *Ecuador: del espacio al estado nacional*, Quito: Banco Central del Ecuador-IFEA.

Denegri Luna, F. (1996) *Notes for the History of a Frontier*, Lima: Bolsa de Valores de Lima.

Efrén Reyes, O. (n.d.) *Breve historia general del Ecuador*, vols II & III, Quito: Imprenta del Colegio Técnico "Don Bosco."

Eguiguren, L.A. (1941) *Notes on the International Question between Peru and Ecuador. Part I. Maynas*, Lima: n.p.

Fernández de Córdoba P., M. (1998) *Itamaraty: Seiscientos veintisiete días por la paz*, Quito: V & O Gráficas.

Gallardo, J. et al. (1995) *Tiwintza*. Quito: Editorial El Conejo.

García Salazar, A. (1928) *Resumen de historia diplomática del Perú, 1820-1884,* Lima: Talleres Gráfica Sanmartí y Cía.

García Sayán, D. (1988) "Relaciones del Perú con Ecuador," in *Relaciones del Perú con los Paises Vecinos,* edited by Eduardo Ferrero Costa, 35-51, Lima: CEPEI.

García Sayán, D. (1986) "Relaciones del Perú con Colombia y Ecuador," in *Relaciones Internacionales del Perú,* edited by Eduardo Ferrero Costa, 15-37, Lima: CEPEI.

Hey, J.A.K. (1995) *Theories of Dependent Foreign Policy and the Case of Ecuador in the 1980s*, Ohio University Center for International Affairs, Monographs in International Studies, Latin American Series Number 23.

Hurtado, O. (1990) *Política Democrática: los ultimos veinte y cinco años,* vol I, Quito: Corporación Editora Nacional.

Hurtado, O. (1990) *Política Democrática: testimonios, 1964-1989*, vol II, Quito: Corporación Editora Nacional.

Hurtado, O. (1985) *Political Power in Ecuador*, Boulder: Westview Press.

Lecaro Bustamante, A. (1997) *El Problema Territorial con el Perú desde la Perspectiva Diplomática*, Quito: Artes Gráficas Señal Impreseñal Cía Ltda.

Luna Vegas, E. (1986) *Perú y Ecuador en cinco siglos*, Lima: OKURA Editores S.A.

Marcella, G. (1995) *War and Peace in the Amazon: Strategic Implications for the United States and Latin America of the 1995 Ecuador-Peru War,* Strategic Studies Institute & U.S. Army War College.

Martz, J. D. (1972) *Ecuador: Conflicting Political Culture and the Quest for Progress*, Boston: Allyn and Bacon, Inc.

Mercado Jarrín, E. (1981) *El conflicto con Ecuador*, Lima: Ediciones Rikchay Peru.

Muñoz Vernaza, A. (1928) *Exposición sobre el tratado de límites de 1916 entre el Ecuador y Colombia y análysis jurídico del tratado de límites de 1922 entre Colombia y el Perú*, Quito: Talleres Tipográficos de El Comercio.

Palmer, D.S. (forthcoming) "The Search for Conflict Resolution: The Guarantors and the Peace Process in the Ecuador-Peru Dispute," in *Security Cooperation in the Americas: Lessons from the 1995 Ecuador-Peru Conflict*, edited by Richard Downes and Gabriel Marcella, Miami: North-South Center Press.

Palmer, D.S. (1999) "The Ecuador-Peru Conflict as Viewed from the Outside: The Role of the Guarantors," in *Ecuador-Peru bajo un mismo sol*, edited by Adrián Bonilla and Carlos Reyna, Lima-Quito: DESCO-FLACSO.

Pérez Concha, J. (1961) *Ensayo histórico-crítico de las relaciones diplomáticas del Ecuador con los estados limítrofes*, 2nd ed, vols I-III, Quito: Editorial Casa de la Cultura Ecuatoriana.

Pons Muzzo, G. (1994) *Estudio histórico sobre el protocolo de Río de Janeiro*, Lima: n.p.

Porras Barrenechea, R. (1942) *El litigio perú-ecuatoriano ante los principios jurídicos americanos*, Lima: n.p.

St John, R.B. (1999) *La Política Exterior del Perú*, Lima: Asociación de Funcionarios del Servicio Diplomático del Perú.

St John, R.B. (1999) "Las relaciones Ecuador-Perú vistas desde afuera: Una perspectiva histórica," in *Ecuador-Peru bajo un mismo sol*, edited by Adrián Bonilla and Carlos Reyna, Lima-Quito: DESCO-FLACSO.

St John, R.B. (1996) "Peru: Atypical External Behavior," in *Foreign Policy and Regionalism in the Americas*, edited by Gordon Mace and Jean-Philippe Thérien, 121-136, Boulder: Lynne Rienner Publishers.

St John, R.B. (1994a) *The Boundary between Ecuador and Peru*, International Boundaries Research Unit, University of Durham, Boundary and Territory Briefing 1, 4.

St John, R.B. (1994b) "The Ecuador-Peru Dispute: A Reconsideration," in *The Americas*, vol 4, *World Boundaries*, edited by P.O. Girot, 113-132, London and New York: Routledge.

St John, R.B. (1992) *The Foreign Policy of Peru*, Boulder: Lynne Rienner Publishers.

St John, R.B. (1982) "Challenges to Peruvian Foreign Policy," in *Post-Revolutionary Peru: The Politics of Transformation*, edited by Stephen M. Gorman, 179-196, Boulder: Westview Press.

San Cristóval, E. (1932) *Páginas internacionales*, 2d ed, Lima: Librería e Imprenta Gil, S.A.

Santamaría de Paredes, V. (1910) *A Study of the Question of Boundaries Between the Republics of Peru and Ecuador*, Washington, D.C.: Byron S. Adams.

Tobar Donoso, J. (1945) *La invasión peruana y el Protocolo de Rio*, Quito: Editorial Ecuatoriana.

Tobar Donoso, J. and Luna Tobar, A. (1994) *Derecho Territorial Ecuatoriano*, 4th ed, Quito: Imprenta del Ministerio de Relaciones Exteriores.

Tudela, F. (1952) *La posición jurídica internacional del Perú en el proceso de la determinación de su frontera con el Ecuador*, Lima: Imprenta Torres Aguirre.

Tudela, F. (1941) *The Controversy between Peru and Ecuador*, Lima: Imprenta Torres Aguirre.

Ulloa Cisneros, L. (1911) *Algo de Historia. Las cuestiones territoriales con Ecuador y Colombia y la falsedad del protocolo Pedemonte-Mosquera*, Lima: Imprenta la Industria.

Ulloa Sotomayor, A. (1942) *Perú y Ecuador: Ultima etapa del problema de límites (1941-1942)*, Lima: Imprenta Torres Aguirre.

Ulloa Sotomayor, A. (1941) *Posicíon internacional del Perú*, Lima: Imprenta Torres Aguirre.

Vargas Pazzos, F. (1995) *Tiwintza: Toda La Verdad*, Quito: Color Gráfica.

Wagner de Reyna, A. (1964) *Historia diplomática del Perú, 1900-1945*, vols. I-II, Lima: Ediciones Peruanas.

Wagner de Reyna, A. (1962) *Los límites del Perú*, 2nd ed, Lima: Ediciones del Sol.

Wood, B. (1966) *The United States and Latin American Wars, 1932-1942*, New York: Columbia University Press.

Wood, B. (1978) *Aggression and History: The Case of Ecuador and Peru*, Ann Arbor: University Microfilms International.

Yepes del Castillo, E. (1996) *Mito Y Realidad de una Frontera (Perú-Ecuador, 1942-1949).* Lima: Ediciones Análysis

Zarate Lescano, J. (1960) *Reseña a histórica del problema limítrofe peruano-ecuatoriano*, Lima: Ministerio de Guerra.

Zook, D.H., Jr. (1964) *Zarumilla-Marañón: The Ecuador-Peru Dispute*, New York: Bookman Associates, Inc.

Articles

Adrianzén, A. (1969) 'Estados Unidos frente al Proceso Peruano', *Cuadernos de Marcha*, 1, 4 (November-December): 67-76.

Avery, W.P. (1984) 'Origins and Consequences of the Border Dispute between Ecuador and Peru', *Inter-American Economic Affairs*, 38, 1 (Summer): 65-77.

Bonilla, A. (1998) 'Entre el aburrimiento y la rutina: relaciones Ecuador y Estados Unidos', *Fuerzas Armadas y Sociedad*, 13, 2 (abril-junio): 3-21.

Bunker, R. (1969) 'Linkages and the Foreign Policy of Peru, 1958-1966', *The Western Political Quarterly*, XXII, 2 (June): 280-297.

Bustamante, F. (1992-93) 'Ecuador: Putting an End to the Ghosts of the Past?', *Journal of Interamerican Studies and World Affairs*, 34, 4 (Winter): 195-224.

Diario El Sol (newspaper) (1998) 'Llego la paz', Lima, Peru.

Ferrero Costa, E. (1987) 'Peruvian Foreign Policy: Current Trends, Constraints and Opportunities', *Journal of Interamerican Studies and World Affairs*, 29, 2 (Summer): 55-78.

Gorman, S.M. (1979) 'Present Threats to Peace in South America: The Territorial Dimensions of Conflict', *Inter-American Economic Affairs* (Spring): 51-71.

Hey, J.A.K. (1995) 'Ecuadoran Foreign Policy Since 1979: Ideological Cycles or a Trend towards Neoliberalism?', *Journal of Interamerican Studies and World Affairs*, 37, 4 (Winter): 57-88.

Korzetz, E. (1995) 'Transboundary Dimensions of Petroleum Development in Ecuador and Peru', *IBRU Boundary and Security Bulletin*, 3, 1 (April): 81-88.

Maier, G. (1971) 'Presidential Succession in Ecuador, 1830-1970', *Journal of Inter-American Studies and World Affairs*, 13, 3-4 (July-October): 475-509.

Maier, G. (1969) 'The Boundary Dispute between Ecuador and Peru', *The American Journal of International Law*, 63 (January): 28-46.

Mares, D.R. (1996/97) 'Deterrence Bargaining in the Ecuador-Peru Enduring Rivalry: Designing Strategies Around Military Weakness', *Security Studies*, 6, 2 (Winter): 91-123.

Palmer, D.S. (1998) 'Relaciones entre Estados Unidos y el Perú durante el decenio de 1990: dinámicas, antecedentes y proyecciones', *Política Internacional* 53 (Julio-Setiembre): 23-45.

Palmer, D.S. (1998) 'Relaciones bilaterales Estados Unidos – Perú en la era Clinton', *Fuerzas Armadas y Sociedad*, 13, 2 (Abril-Junio): 22-36.

Palmer, D.S. (1997) 'Peru-Ecuador Border Conflict: Missed Opportunities, Misplaced Nationalism, and Multilateral Peacekeeping', *Journal of Interamerican Studies and World Affairs,* 39, 3 (Fall): 109-148.

Ratner, S.R. (1996) 'Drawing a Better Line: *Uti Possidetis* and the Borders of New States', *The American Journal of International Law,* 90, 4 (October): 590-624.

Ruiz, J. (1981) 'Las relaciones con el Ecuador: Historia y Perspectivas', *Debate,* 9: 27-37.

Rushworth, D. (1997) 'Mapping in Support of Frontier Arbitrtion: Delimitation and Demarcation', *IBRU Boundary and Security Bulletin,* 5, 1 (Spring): 61-64.

St John, R.B. (1999) 'Ecuador-Peru Endgame', *IBRU Boundary and Security Bulletin,* 7, 1 (Spring).

St John, R.B. (1996) 'Conflict in the Cordillera del Cóndor: The Ecuador-Peru Dispute', *IBRU Boundary and Security Bulletin,* 4, 1 (Spring): 78-85.

St John, R.B. (1984) 'Democracy under Siege', *The World Today,* 40 (July): 299-306.

St John, R.B. (1977) 'The Boundary Dispute Between Peru and Ecuador', *The American Journal of International Law,* 71, 2 (April): 322-330.

St John, R.B. (1976) 'The End of Innocence: Peruvian Foreign Policy and the United States, 1919-1942', *Journal of Latin American Studies,* 8, 2 (November): 324-344.

Scholes, W.V. and M.V. Scholes (1963) 'The United States and Ecuador, 1909-1913', *The Americas,* 19: 276-290.

Slaght, D.V. (1973) 'The New Realities of Ecuadorian-Peruvian Relations: A Search for Causes', *Inter-American Economic Affairs,* 27, 2 (Autumn): 3-14.

Small, G. (1997) 'Los 'parques para la paz' estratagema para cruentas guerras fronterizas', *Resumen Ejecutive de EIR,* 14, 16-17 (September): 71-77.

Thomas, B.L. (1997) 'Ecuador and Peru Discuss Border Impasses', *IBRU Boundary and Security Bulletin, 5, 2* (Summer): 69-71.

Wright, L.A. (1941) 'A Study of the Conflict between the Republics of Peru and Ecuador', *Geographical Journal,* 98 (December): 253-272.