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# D I A INTELLIGENCE SUPPLEMENT

THE  
PERUVIAN - ECUADORAN  
BOUNDARY DISPUTE

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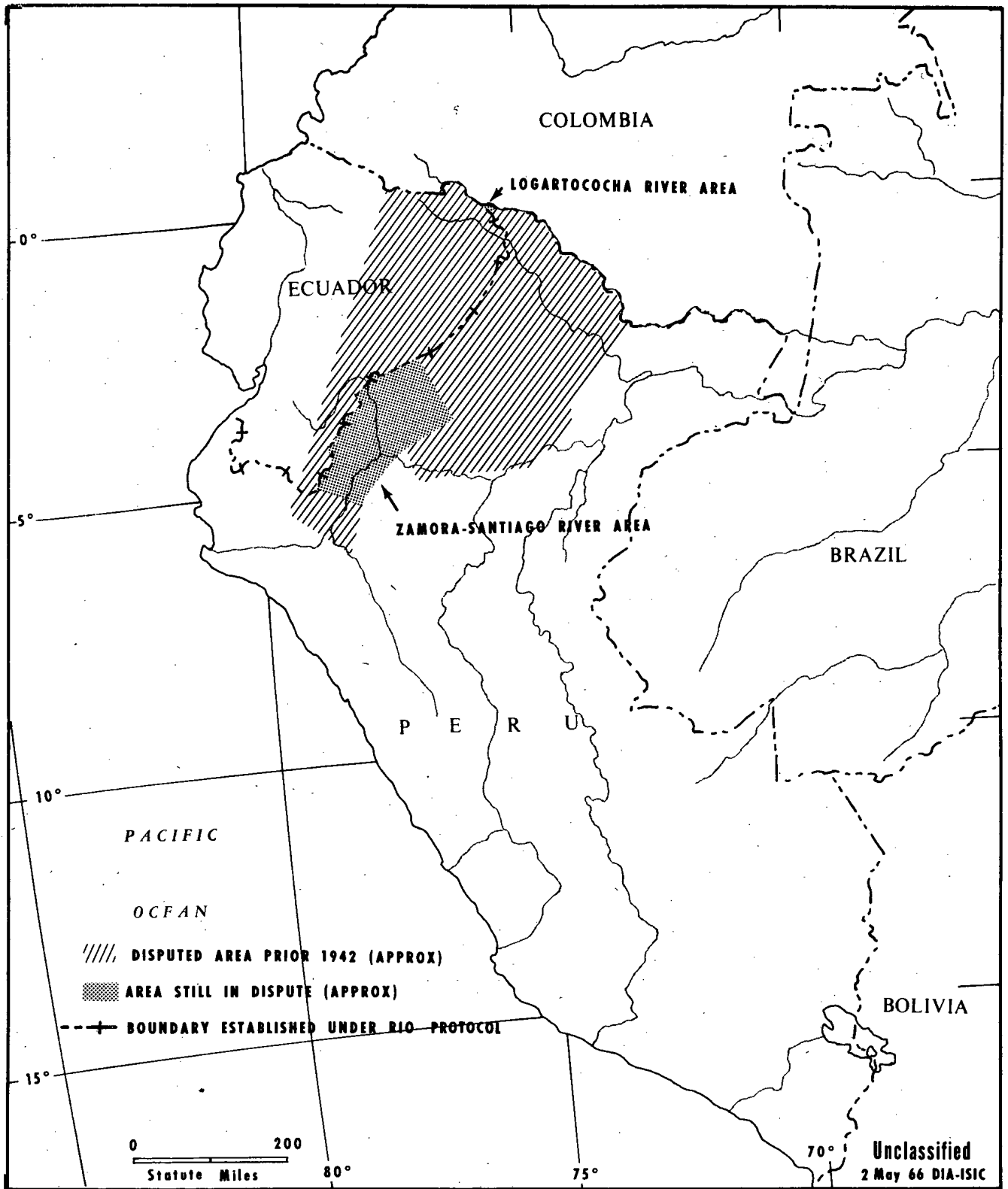
THE PERUVIAN-ECUADORAN BOUNDARY DISPUTE

DIA Intelligence Supplement

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## THE PERUVIAN-ECUADORAN BOUNDARY DISPUTE

The border dispute between Peru and Ecuador, which has touched off repeated clashes and incidents, began with Ecuadoran independence in 1830 and stemmed chiefly from vague or inexact descriptions of the common boundary in Spanish colonial documents. Ecuadoran political motives, national pride, and desire for access to the Amazon via a major navigable river have been recent aggravating factors. There are two areas in dispute; one is at Peru's extreme northern boundary and the other along the southern border of Ecuador. These are parts of a much larger region which was disputed in its entirety until 1942 -- the so-called "Oriente," consisting of about 100,000 square miles of Amazon lowlands east of the Andes Mountains down to and including the Amazon River port of Iquitos.

Two major prolonged attempts have been made to settle the boundary question. The first came in 1887 when the disputants agreed to submit the entire problem to the King of Spain. For various reasons the king delayed a decision until 1908. Before it could be officially transmitted to the contenders, however, it became public knowledge through indiscretions of Spanish officials. The award established a dividing line similar to that which was later fixed by the Rio Protocol of 1942 -- the second major arbitration attempt -- and largely favored Peru's claims. Public opinion in Ecuador became inflamed, there were hostile demonstrations in Quito, and a situation verging on war developed. Because of this reaction, the King never officially transmitted his decision, and he renounced the role of arbitrator.

The dispute has led to threatening situations and even an undeclared war. A clash between Peruvian and Ecuadoran troops in 1910 resulted in mobilization of troops by Peru and offers by diplomatic representatives of the US, Brazil, Argentina, and Chile to mediate to prevent war.

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In early 1941, frontier clashes occurred which by July had reached serious proportions. Hostilities ended on 31 July, largely through the efforts of the same mediators as in 1910. Several additional incidents occurred, however, before a truce was finally agreed to in October 1941. Peace was formally restored on 29 January 1942 when the disputants signed the Protocol of Peace, Friendship, and Boundaries in Rio de Janeiro. The Rio Protocol was ratified by Peru on 6 February 1942 and by Ecuador on 28 February 1942.

The quick agreement to settle the dispute at that time stemmed largely from the cooperative atmosphere in Rio where the American Foreign Ministers were meeting to map the hemisphere's fight against the Axis Powers. Ecuador later developed the attitude that it had been forced "with a knife at its throat" to sign. The circumstances surrounding the signing of the treaty and Ecuador's claim that it contained a "geographic error" have been cited since 1947 by Ecuadorans in protesting variously that the protocol's provisions as written are impossible to carry out, that the entire document is null and void, or that the dispute should be reconsidered in international arbitration.

The Rio Protocol

The Rio Protocol, a short document containing nine articles, named the US, Brazil, Argentina, and Chile as guarantor powers. It described a mutually agreed boundary line, but left the precise demarcation to technical experts. Both countries agreed to the principle of mutually acceptable concessions during the demarcation process in order to adjust the boundary to geographic realities. Difficulties which arose were to be resolved with the aid of the guarantor powers whose jurisdiction is to continue until the boundary is definitely demarcated.

Under the Protocol, the disputed territory was divided between the two countries but Peru, which as a result of the hostilities occupied considerable

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territory long governed by Ecuador, received the greater part. Ecuador obtained large areas on the eastern slopes of the Andes and rights of free navigation on Amazon River tributaries. The treaty described the boundary line for two major areas. The West Sector ranged from Boca de Capones on the Pacific coast to the convergence of the Chinchipe and San Francisco Rivers. This section has been ratified by both countries and is not in dispute; however, that part of the protocol dealing with the "Oriente" boundary was so lacking in detail that it led to the present controversy. The dispute technically involves inadequacies in those sections dealing with the Lagartococha River boundary and the boundary between the Zamora and Santiago Rivers -- the San Francisco-Yaupi segment. The latter is by far the more important.

After demarcation of the boundary line had begun, several differences arose within the demarcation commissions. Some were resolved through the intervention of the Brazilian Ministry of Foreign Relations (Itamaraty). Itamaraty proposed in May 1944 that others be submitted to the arbitration of Brazilian Commander Dias de Aguiar, in the following terms: "Sector of the Cordilheira do Condor: this difference shall be settled in accordance with the solution that may be proposed by Commander Dias de Aguiar, after inspection 'in loco'."

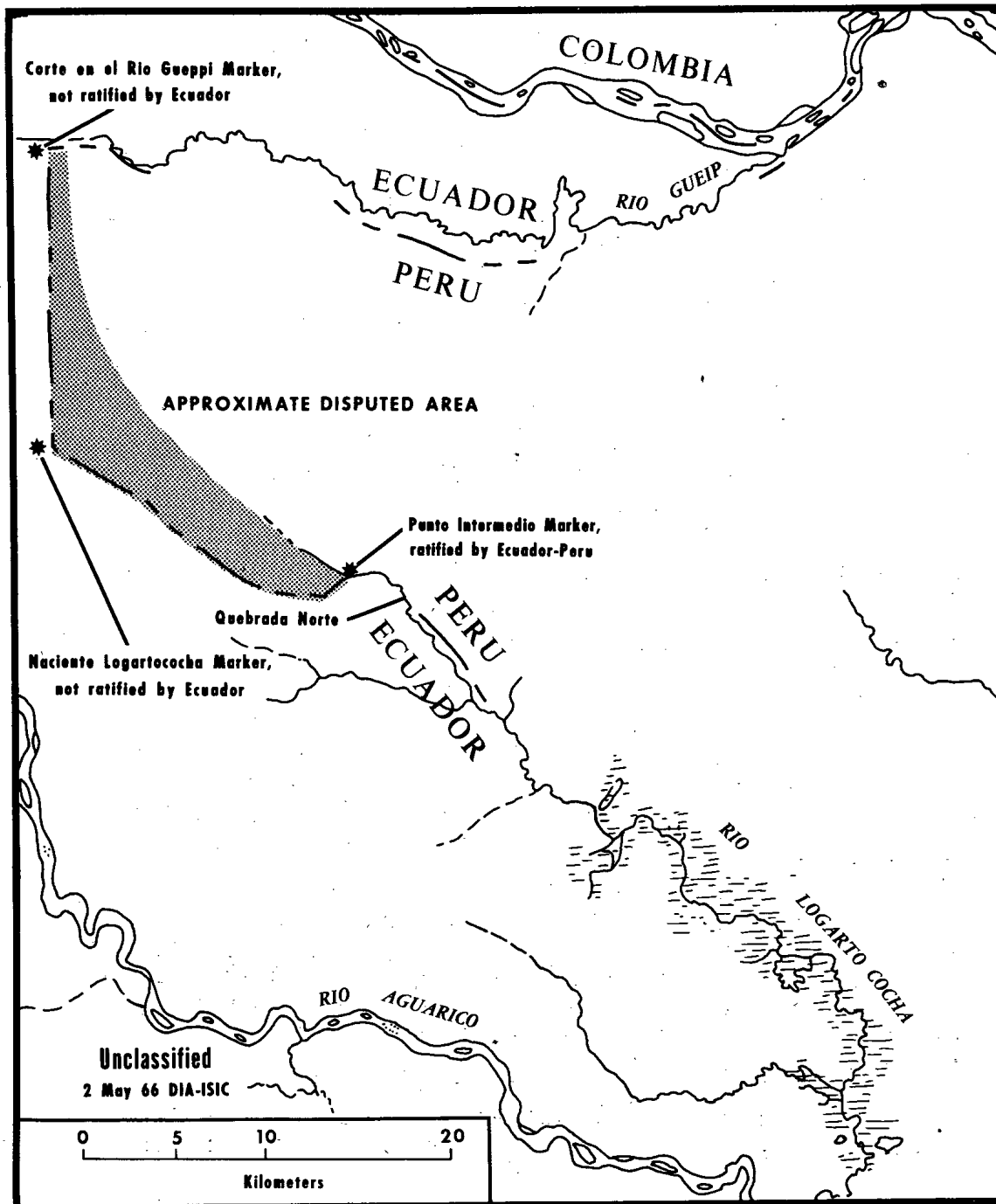
The two governments accepted the proposal and Commander Dias de Aguiar made an arbitral award on 14 July 1945 which was accepted by both. After the US Army Air Forces completed an aerial survey in 1947, however, Ecuador alleged that the Braz de Aguiar award referred not to the entire San Francisco-Yaupi area, but only to the northern part of the area, in the region near the Yaupi, and that the rest of the area is still not defined. Peru, however, maintained that the award referred to this whole stretch of the border.

The 631-kilometer Western Sector demarcation was completed by the end of 1946 and concrete markers

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**THE LOGARTOCOCHA RIVER DISPUTE AREA**



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were placed. Most of the Eastern sector was also marked in accordance with the Protocol as arbitrated by Braz de Aguiar. The only portion remaining unmarked is a 78-kilometer gap from the Cunhuime-Sur marker in the south to the 20 de Noviembre marker further north. Ecuador has not ratified placement of all markers in the Lagartococha headwaters area of the extreme north, and claims that demarcation in the southern part of the Eastern Sector is invalid. The undemarcated section is in very rough and heavily forested mountain country. The boundary commission has placed no markers since 1947 when a US Army Air Force aerial survey was completed.

The Lagartococha Problem

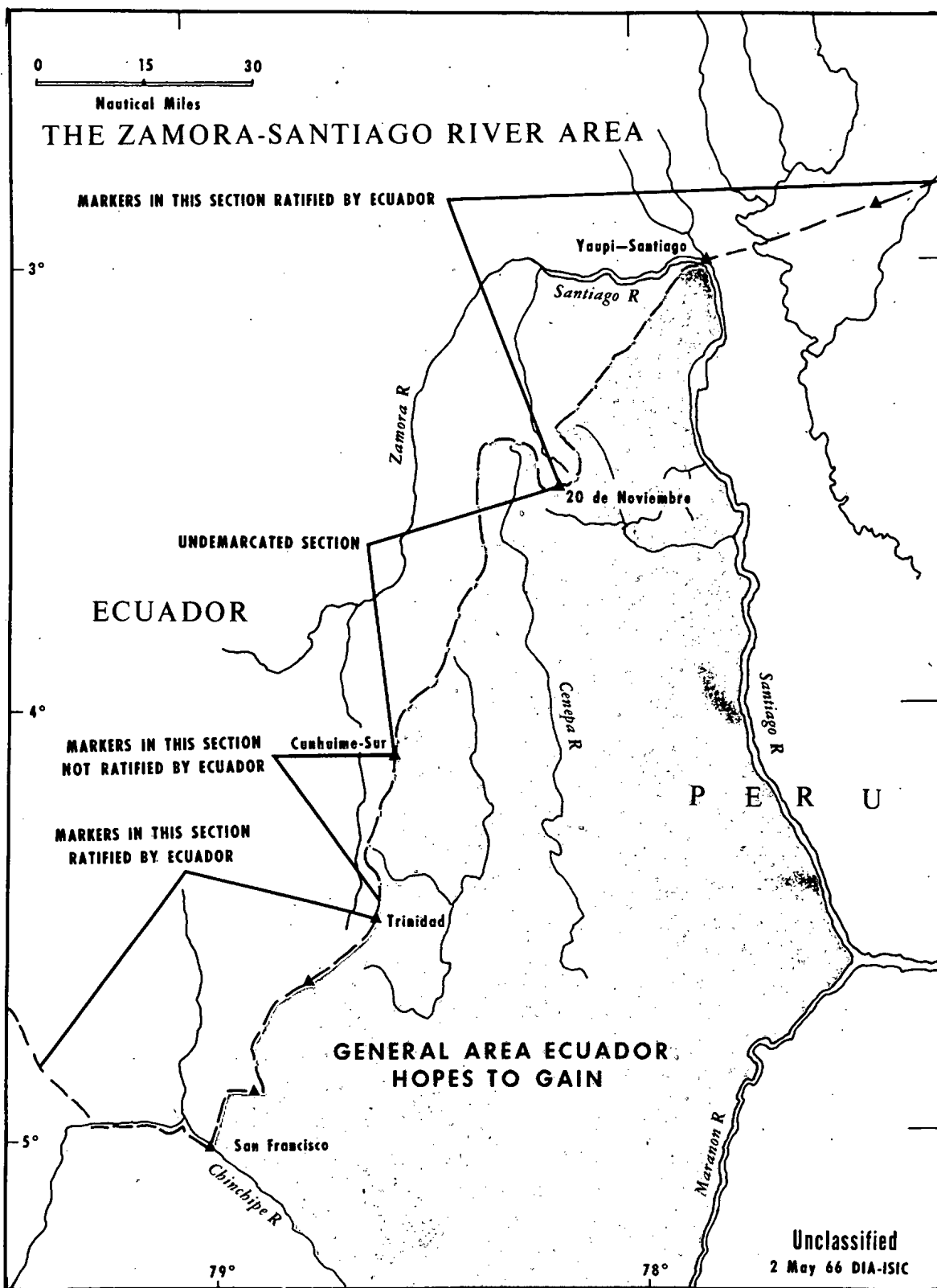
The Rio Protocol defined the Lagartococha portion of the boundary as follows: "The Lagartococha River, upstream to its source and from there a straight line which will meet the Gueppi River and along this river to its mouth on the Putumayo, and along the Putumayo upstream to the boundary of Ecuador and Colombia."

The demarcation commission found that the Lagartococha had two forks, either of which might be regarded as the stream's source, and the matter was submitted to Cdr Dias de Aguiar for arbitration. He awarded the boundary along the "Quebrada Norte" (north Branch) and both countries agreed. Unfortunately, the Quebrada Norte was also formed by the confluence of two smaller streams.

The award declared that the boundary should follow the Quebrada Norte to its source, but on the accompanying map the Arbitrator traced it along the easternmost of the two converging streams forming the Quebrada Norte. Subsequently, in December 1945-January 1946, a Peruvian-Ecuadoran field party, serving under the Boundary Demarcation Commission, surveyed the sector and set up appropriate cement markers -- at variance with the Arbitrator's map -- along the westernmost of the two converging streams which they apparently regarded unequivocally as the

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principal course of the Quebrada Norte. The boundary thus demarcated granted Peru the approximately 80 square kilometers of the territory in dispute.

In December 1946, the Peruvian government submitted to Dias de Aguiar a detailed account of the field party's survey and demarcation. Based on the new information, he issued a modified opinion in January 1947 that the "principal source of the Lagartococha River is that which was determined by the mixed Peruvian-Ecuadoran Commission during the work performed in 1945-1946."

Ecuador refused to accept the new finding and appealed to the guarantor nations. Guarantor nation representatives met and decided that they should study the documents and ask instructions from their governments. The consensus was that Ecuador's case was very weak and that the boundary as marked was correct. It was felt, however, that in the interest of inter-American friendship, and as a matter of equity, it would be highly desirable for Peru to waive its claim to the small area. When the Peruvian government was informed of this suggestion, it rejected it emphatically and informed the guarantor governments that their task was to guarantee "the execution of the treaty without regard to considerations that may detract from it or produce anti-juridical effects." Dias de Aguiar, died in December 1947, and subsequent meetings of guarantor nation representatives never solved the Lagartococha question.

#### The Zamora-Santiago Problem

According to the Rio Protocol, one segment of the Eastern Sector boundary would be demarcated, "from the Quebrada de San Francisco, the 'divertium aquarum' between the Zamora and Santiago Rivers, to the confluence of the Santiago with the Yaupi."

Demarcation in the southern portion of the sector was completed from the San Francisco marker to the last one placed -- the Cunhuime-Sur marker. Both countries ratified the demarcation through the

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Trinidad marker in 1944. Others placed along the de Aguiar arbitration line in the south have not been ratified by Ecuador.

Demarcation along the northern part of the sector was completed as far south as the 20 de Noviembre marker and, except for the small Lagartococha section, all markers are regarded valid by both countries. During the early stages of the demarcation, Ecuador contended that there could be no divertium aquarum between the Zamora and Santiago Rivers because they were actually the same -- beginning with the Zamora which flows north and becomes the Santiago when it courses to the east. The problem appeared to be solved with the de Aguiar arbitration until the US aerial survey became available in 1947. Photographs showed that the headwaters of the Cenepa River were further north than Ecuador had formerly recognized and were into the inverted "U" formed by the Zamora-Santiago Rivers.

Ecuador maintains that the aerial survey showed that the "divertium aquarum" referred to in the Rio Protocol does not exist and therefore demarcation cannot be carried out on the ground. Peru is equally emphatic in claiming that the de Aguiar award resolved the matter.

A number of suggestions for overcoming the impasse have been considered by both the guarantor powers and the disputants. Those made by neutrals aim for some early "reasonable" complete settlement, but have been rejected by one or both disputants. Suggestions by Peru -- usually that the demarcation process be completed -- have been unacceptable to Ecuador. Ecuador has asked for renegotiation of the treaty, but this is apparently unalterably opposed by Peru.

There is no provision in the treaty for nullification but Ecuadoran officials have frequently raised tensions by publicly stating that the pact is void. One instance occurred at the inaugural address of

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President Jose Maria Velasco Ibarra in Quito in September 1960 when he announced before an audience that included 42 foreign missions that Ecuador no longer recognized the 1942 treaty establishing the border with Peru. The most recent statement to this effect came from the Minister of Foreign Relations of the present interim government early this month. Despite the numerous public utterances, however, Ecuador has not addressed any diplomatic note renouncing the treaty.

Peru also occasionally raises tensions but not as frequently. One instance occurred in August 1963 when the Chamber of Deputies voted to request that the Foreign Ministry complete the placing of border markers along the 78 undemarcated kilometers of the Ecuadoran-Peruvian frontier. From time to time, rumors emerge in Ecuador that Peru is unilaterally placing boundary markers, but the reports have not been proven true. Whenever an Ecuadoran official denounces the Protocol, a Peruvian official issues a statement upholding its validity. The most recent example was on 7 April when Peruvian Foreign Minister Jorge Vasquez Salas declared: "In the face of these statements (by the Ecuadoran foreign minister), I must declare in the most categoric manner, as I did before the meeting of the American Foreign Ministers in Rio de Janeiro, that Peru does not and will never accept an attempt to revive this dead issue, either directly or indirectly, nor will Peru accept any variation in the status fixed by a valid international commitment in full force."

Prospects for Settlement of the Dispute

In 1959 a knowledgeable US official issued a pragmatic summary of the dispute, efforts made for its settlement, and suggestions for ending it. The report, by Ellis O. Briggs, stated in part: "Looking back on the four years I have participated in futile efforts to settle this dispute -- one year as Ambassador in Lima and three in Brazil -- I have been

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struck at the timidity of the four Guarantors, who seem to have operated on the theory that wishful thinking, plus polite attention to the interminable conflicting statements of the two disputants, would eventually produce a settlement. Both Peru and Ecuador have shown intransigence and have behaved truculently in their public postures. Peru, favored by the Protocol, has incessantly demanded her pound of flesh when a conciliatory gesture would have been in order; Ecuador has foolishly harped on the Maranon, which is many miles away from any boundary envisaged in the Protocol. . . . What is now needed is for the Guarantors to restate their responsibilities under the Protocol and their determination to discharge them. . . . should the Guarantors continue along the indecisive line followed for the past decade, I should anticipate that a decade hence we would probably be dancing around the same maypole."

More than half of the decade mentioned by Mr. Briggs has passed without an essential change in the situation. Ecuador is still determined that it must have direct access to the navigable Maranon River before the issue is settled and Peru is adamant concerning the Protocol's validity. Under these circumstances, Mr. Briggs' prediction of the situation that will prevail in 1969 is probably accurate. (SECRET/NO FOREIGN DISSEM)

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