

1997-12-17

**Guarantor Presidents' Letter providing the binding formula for a comprehensive  
and definitive solution to the Peru-Ecuador border conflict**

Dear Mr. President (Identical letters to Fujimori and Mahuad)

Our governments have accepted, through Article VII of the Rio Protocol of Peace, Friendship and Boundaries of 1942, the role as guarantors of the implementation of that treaty. That commits us to facilitating, when necessary, understandings among the parties. This responsibility includes presenting ideas to clarify points on which the parties may differ.

As guarantors, we recognize that the parties, acting on the basis of the Rio Protocol and its implementing documents, have attempted to achieve the high purposes of peace, friendship and understanding that would enable them to develop a mutually beneficial and cooperative relationship in accord with the purposes set forth in Article I of the Protocol.

We thus record with satisfaction that this process has to date produced drafts for a "Treaty of Commerce and Navigation," for "Navigation in Sectors Cut by Geodesic Lines and the Napo River," for a "Broad Agreement of Border Integration," and for the creation of a "Binational Commission on Confidence-Building Measures and Security," as well as an "Agreement for the Establishment of Measures to Assure the Efficient Functioning of the Zarumilla Canal."

Your government, together with that of (Peru/Ecuador), has informed us of your concern that your efforts, in the course of this long process, have not obtained results that meet the expectations of both countries that would enable you to complete all the aspects described in the Declaration of Brasilia of November 26, 1997 and the Work Plan of Rio de Janeiro of January 19 of this year. As Your Excellency points out in the joint letter that you sent with the President of (Peru/Ecuador) to the President of Brazil on October 8, the difficulties concern the completion of the fixing on the ground of your common land boundary.

In that letter, the parties ask for our support to formulate a comprehensive and definitive proposal that will contribute to the attainment of the objectives of peace, friendship, understanding and good will that motivate them. Our governments, by means of the letter of the President of Brazil of October 10, informed Your Excellency that obtaining this proposal would require prior acceptance by both of your governments that our point of view would be mandatory, and the approval of this commitment by the Congresses of Ecuador and Peru.

These requirements having been met, we the Chiefs of State of the guarantor countries, in accordance with the provisions of the Santiago Accord and the Work Plan of Rio de

Janeiro, express our point of view, which the parties have agreed to accept as binding, in the following points that conclude the fixing of the common land boundary and complete the comprehensive and definitive settlement:

1. With regard to the disagreement between the parties on the content of the findings made by the experts designated by the guarantor countries in accordance with the Work Plan implementing the Declaration of Brasilia on the specific points submitted to their consideration, we the guarantors of the Protocol of Rio de Janeiro believe that these findings constitute the implementation of the Protocol of Rio de Janeiro and of the arbitral decision of Braz Diaz de Aguiar, and that the parties must therefore proceed to conclude the demarcation in the manner established in those findings. To that end, the annexed map specifies the geographic coordinates locating the boundary markers to be put in place.

2. In accordance with the attached map, the Government of Peru will grant as private property to the Government of Ecuador an area of one square kilometer, at the center of which will be the point Ecuador identified to MOMEPA as being Tiwinza, within the sector referred to in Ecuador as Tiwinza.

3. The transfer will take place free of charge by means of a government contract between the corresponding entities of Peru and Ecuador, which contract will be executed at the same time that the comprehensive and definitive agreement enters into force. This transfer will not affect sovereignty. Said property will not be subject to expropriation by the Government of Peru.

4. The Government of Ecuador, as owner, will enjoy all rights conferred under the laws of Peru for private property, except the right to transfer the property. The use Ecuador will make of this land will be compatible with the standards for conservation applicable to the area in which it is located.

5. The Government of Ecuador will have no police or military forces on its property nor undertake therein any such activities except for memorial ceremonies previously coordinated with the Government of Peru.

6. Citizens of Ecuador will be able to transit freely by means of a single public road up to five meters wide and usable by vehicles that will connect the area transferred as property to the territory of Ecuador, said road to be inaugurated thirty months after the entry into force of the comprehensive final agreement and maintained by Peru to that end following the most direct and accessible route to the territory of Ecuador. The Technical Committee referred to in paragraph nine will determine the route of this road. To these ends, the respective frontier control posts will be established on both sides of the border. Because of the ecological nature of the area, transiting from one country to the other with any type of weapon will not be allowed.

7. Each party will constitute within its territory and in accordance with its own national legislation, a protected ecological zone, under the sovereignty and jurisdiction of the

respective state, in the areas and with the boundaries identified in the attached map. Both ecological zones will bear the same name and will abut each other along the sector of the common border they will include.

8. Members of native communities of the region will be able to transit freely between the two ecological zones.

9. The administration of each of the zones will be in the hands of the appropriate specialized authorities of each respective country, which will coordinate by means of a Peruvian-Ecuadoran Technical Committee to have private non-profit organizations, national and/or international, which specialize in the conservation and management of natural resources, undertake the necessary studies and cooperate in the management of the environmental resources in such a way as to ensure their appropriate conservation.

10. The respective national police and park ranger authorities will be responsible for the security of each of the ecological zones. The frontier posts of each Party within each of these zones will be the responsibility of police units and, in light of their nature as ecologically protected areas, no new military posts will be created within their boundaries. The military posts that currently exist inside each park, which are Coangos in Ecuador and PVI in Peru, will be allowed to remain at the current manning levels, with neither exceeding a maximum of fifty soldiers.

11. In addition, the parties will put into final form the drafts of the Treaties and Agreements, whose texts form part of the comprehensive and definitive settlement that ends the differences between the two countries.

We are pleased, furthermore, to inform your excellency that, as we communicated to you in our communication of October 10, this settlement formula has been brought to the attention of His Holiness Pope John Paul II, who has given it his approval and moral support and is so informing the peoples of Peru and of Ecuador, as well as their Chiefs of State.

In this manner, we, the guarantors, believe that the process that began with the Declaration of Itamaraty concludes in a manner that respects the interests and sentiments of both nations and ensuring the full and proper implementation of the Protocol of Rio de Janeiro. As a result, this will make possible the development of the aspirations of peace, friendship, and confidence in a common future desired by the peoples of Peru and Ecuador.

Complimentary closing.

William Jefferson Clinton   Carlos Menem   Eduardo Frei   Fernando Henrique  
Cardoso