

PEACE, FRIENDSHIP, AND BOUNDARIES BETWEEN PERU AND ECUADOR

*Protocol signed at Rio de Janeiro January 29, 1942*¹

Approved by the Congress of Ecuador February 26, 1942

Approved by the Congress of Peru February 26, 1942

Entered into force February 26, 1942

56 Stat. 1818; Executive Agreement Series 288

[TRANSLATION]

The Governments of Peru and Ecuador, desiring to settle the boundary dispute which, over a long period of time, has separated them, and taking into consideration the offer which was made to them by the Governments of the United States of America, of the Argentine Republic, of the United States of Brazil, and of Chile, of their friendly services to seek a prompt and honorable solution to the problem, and moved by the American spirit which prevails in the Third Consultative Meeting of the Ministers of Foreign Affairs of the American Republics, have resolved to conclude a protocol of peace, friendship, and boundaries in the presence of the representatives of those four friendly Governments. To this end, the following plenipotentiaries take part:

For the Republic of Peru, Doctor Alfredo Solf y Muro, Minister of Foreign Affairs; and

For the Republic of Ecuador, Doctor Julio Tobar Donoso, Minister of Foreign Affairs;

Who, after having exhibited the respective full powers of the parties, and having found them in good and due form, agree to the signing of the following protocol:

ARTICLE ONE

The Governments of Peru and Ecuador solemnly affirm their resolute intention of maintaining between the two peoples relations of peace and friendship, of understanding and good faith and of abstaining, the one with respect to the other, from any action capable of disturbing such relations.

¹ Signed for the United States as one of the four guarantor countries.

ARTICLE II

The Government of Peru shall, within a period of 15 days from this date, withdraw its military forces to the line described in article VIII of this protocol.

ARTICLE III

The United States of America, Argentina, Brazil, and Chile shall cooperate, by means of military observers, in order to adjust to circumstances this evacuation and retirement of troops, according to the terms of the preceding article.

ARTICLE IV

The military forces of the two countries shall remain in their new positions until the definitive demarcation of the frontier line. Until then, Ecuador shall have only civil jurisdiction in the zones evacuated by Peru, which remain in the same status as the demilitarized zone of the Talara Act.

ARTICLE V

The activity of the United States, Argentina, Brazil, and Chile shall continue until the definitive demarcation of frontiers between Peru and Ecuador has been completed, this protocol and the execution thereof being under the guaranty of the four countries mentioned at the beginning of this article.

ARTICLE VI

Ecuador shall enjoy, for purposes of navigation on the Amazon and its northern tributaries, the same concessions which Brazil and Colombia enjoy, in addition to those which may be agreed upon in a Treaty of Commerce and Navigation designed to facilitate free and untaxed navigation on the aforesaid rivers.

ARTICLE VII

Any doubt or disagreement which may arise in the execution of this protocol shall be settled by the parties concerned, with the assistance of the representatives of the United States, Argentina, Brazil, and Chile, in the shortest possible time.

ARTICLE VIII

The boundary line shall follow the points named below:

A)—In the west:

- 1)—The mouth of the Capones in the ocean;
- 2)—The Zarumilla River and the Balsamal or Lajas Quebrada;
- 3)—The Puyango or Tumbes River to the Quebrada de Cazaderos;
- 4)—Cazaderos;
- 5)—The Quebrada de Pilares y del Alamor to the Chira River;

- 6) —The Chira River, upstream;
- 7) —The Maracá, Calvas, and Espíndola Rivers, upstream, to the sources of the last mentioned in the Nudo de Sabanillas;
- 8) —From the Nudo de Sabanillas to the Canchis River;
- 9) —Along the whole course of the Canchis River, downstream;
- 10) —The Chinchipe River, downstream, to the point at which it receives the San Francisco River.

B) —In the east:

- 1) —From the Quebrada de San Francisco, the watershed between the Zamora and Santiago Rivers, to the confluence of the Santiago River with the Yaupi;
- 2) —A line to the outlet of the Bobonaza into the Pastaza. The confluence of the Cunambo River with the Pintoyacu in the Tigre River;
- 3) —Outlet of the Cononaco into the Curaray, downstream, to Bellavista;
- 4) —A line to the outlet of the Yasumi into the Napo River. Along the Napo, downstream, to the mouth of the Aguarico;
- 5) —Along the latter, upstream, to the confluence of the Lagartococha or Zancudo River with the Aguarico;
- 6) —The Lagartococha or Zancudo River, upstream, to its sources and from there a straight line meeting the Güepí River and along this river to its outlet into the Putumayo, and along the Putumayo upstream to the boundary of Ecuador and Colombia.

ARTICLE IX

It is understood that the line above described shall be accepted by Peru and Ecuador for the demarcation of the boundary between the two countries, by technical experts, on the grounds. The parties may, however, when the line is being laid out on the ground, grant such reciprocal concessions as they may consider advisable in order to adjust the aforesaid line to geographical realities. These rectifications shall be made with the collaboration of the representatives of the United States of America, the Argentine Republic, Brazil, and Chile.

The Governments of Peru and Ecuador shall submit this protocol to their respective Congresses and the corresponding approval is to be obtained within a period of not more than 30 days.

In witness whereof, the plenipotentiaries mentioned above sign and seal the present protocol, in two copies, in Spanish, in the city of Rio de Janeiro, at one o'clock, the twenty-ninth day of January, of the year nineteen hundred and forty-two, under the auspices of His Excellency the President of Brazil and in the presence of the Ministers of Foreign Affairs of the Argentine Re-

public, Brazil, and Chile and of the Under Secretary of State of the United States of America.

[For Peru:]

ALFREDO SOLF Y MURO [SEAL]

[For Ecuador:]

J. TOBAR DONOSO [SEAL]

[For the United States:]

SUMNER WELLES

[For Argentina:]

E. RUIZ GUIÑAZÚ

[For Chile:]

JUAN B. ROSSETTI

[For Brazil:]

OSWALDO ARANHA