



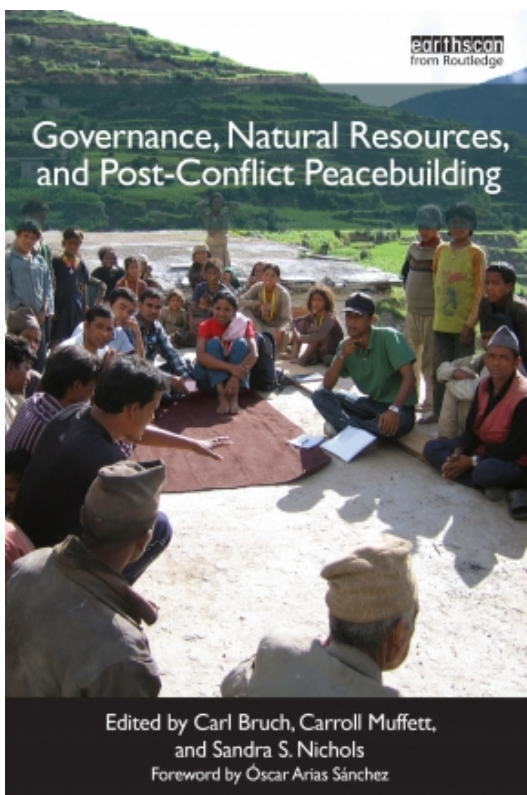
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The Peru and Ecuador Peace Park: One Decade After the Peace Settlement

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The Peru and Ecuador peace park: One decade after the peace settlement

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In the Cordillera del Cóndor region, an eastern extension of the Andes mountain range, cloud forests surround the upper tributaries of the Amazon to create a region of exceptional biodiversity.¹ As a result of its climate, geological structure, and remoteness, the region harbors an abundance of endemic, rare, and threatened species (Alcalde, Ponce, and Curonisy 2005; Ponce and Ghersi 2003); the region also hosts a population of vascular plants whose diversity may rival that of any comparably sized area on the planet (Missouri Botanical Garden 2007).²

The Cordillera del Cóndor region, which straddles the border between Ecuador and Peru, has long been inhabited by indigenous Ashuar, Awajún, Shuar, and Wampís peoples. The region is considered sacred by these groups, which have struggled to maintain their traditional hunting, farming, and forestry practices in the face of centuries of encroachment by outsiders seeking converts, gold, and, more recently, oil (Alcalde, Ponce, and Curonisy 2005; ODECOFROC 2010).

This chapter traces the history of the territorial conflict in the Cordillera del Cóndor region between Ecuador and Peru over the course of several decades. It highlights the compromises made by Ecuador and Peru in the successful resolution of the dispute, including the commitments to establish protected areas on each side of the border. The chapter acknowledges that while peace has been

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¹ Cloud forests are tropical and subtropical mossy forests that are continuously enveloped in fog or low-lying clouds.

² Vascular plants have conducting tissues that transport water, minerals, and photosynthetic materials throughout their roots, stems, and leaves; they differ from nonvascular plants, which do not have conducting tissues and require water for fertilization.

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secured partly through the designation of protected and demilitarized ecological parks, the peacebuilding potential of these areas could be further realized through a binational approach to sustainable development in the region, especially in light of the increased mining activities and industrial development in the area.

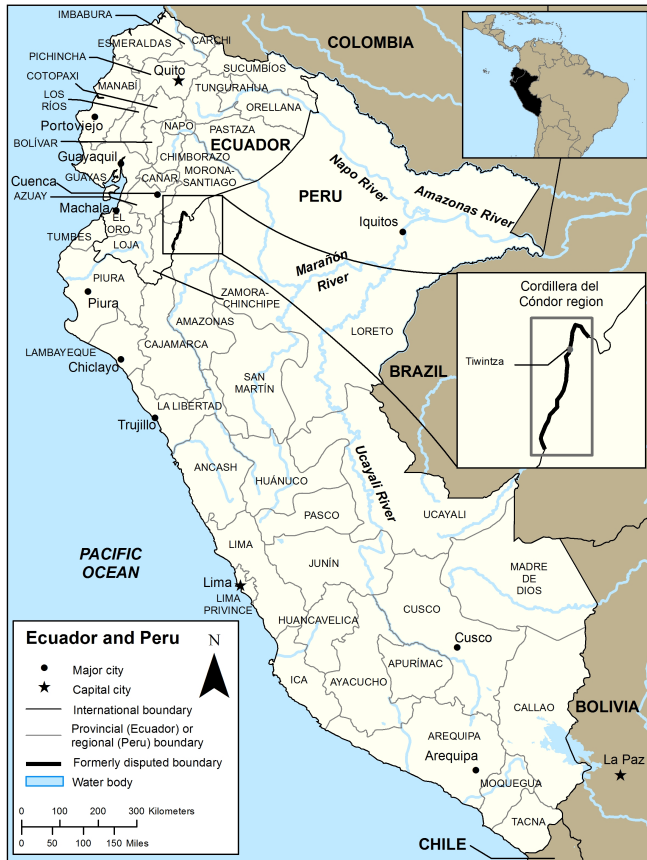
HISTORY OF THE CONFLICT

Until 1998, the Cordillera del C6ndor region lay at the heart of the longest-running international conflict in the Western Hemisphere—a territorial dispute between Ecuador and Peru that spanned 170 years and gave rise to countless military skirmishes and four wars (Simmons 1999).³ In 1941, during the third of these wars, the Peruvian military took control of the region. Subsequently, Ecuador and Peru—encouraged and aided by Argentina, Brazil, Chile, and the United States—entered negotiations to permanently resolve the territorial dispute. In January 1942, the parties signed the Protocol of Peace, Friendship, and Boundaries between Peru and Ecuador (commonly known as the Rio Protocol).⁴ Argentina, Brazil, Chile, and the United States joined as guarantors. The Rio Protocol included a broad description of the boundary line, which the countries agreed to finalize through a definitive demarcation process; the guarantor countries pledged their assistance in the event of an impasse. In 1945, Ecuador and Peru requested assistance from the guarantors to resolve the demarcation dispute, and ultimately accepted a proposed resolution (St. John 1996).

The boundary dispute was renewed the following year, however, when—in response to a request from Ecuador and Peru—the U.S. Air Force undertook an aerial survey of the contested area, which revealed a significant gap between the geography of the region and the assumptions underlying the Rio Protocol. In the protocol, the boundary was based on a single watershed divide that lay between the Zamora and Santiago rivers, but the survey revealed that there were not one but two such divides: one between the Zamora and Cenepa rivers, and the other between the Cenepa and Santiago rivers. Arguing that the second watershed

³ The dispute began when both countries gained their independence from Spain: in an effort to define the boundaries of the new countries, Peru and Ecuador attempted to apply a principle of international law known as *uti possidetis* (the term, which is derived from Roman law, means “as you possessed you should possess henceforth”). Historically, however, this principle had been applied only to the definition of boundaries after a conflict between two established nations; applying it to the decolonization process was novel (see Frontier Dispute (Burkina Faso/Republic of Mali), 1986 I.C.J. 554, 565 (Dec. 22)). One interpretation of the principle emphasized legal documents that proved the legal boundary of each colony, while another emphasized control of territory at the time of independence. These varying interpretations led to several territorial disputes throughout Latin America, including the conflict between Ecuador and Peru (Simmons 1999).

⁴ For the complete text of the Rio Protocol, signed on January 29, 1942, see <http://peacemaker.un.org/sites/peacemaker.un.org/files/Rio%20Protocol%20English%201942.pdf>.



divide created ambiguity in the demarcation of the boundary, the government of Ecuador suggested that Ecuador's border be extended to the Marañón River, which would have given Ecuador a sovereign outlet to the Amazon River. Peru offered two counterarguments: first, that the final demarcation of the boundary had already been plotted out and agreed to by the guarantors and parties in 1945; and second, that the Rio Protocol clearly did not intend to grant Ecuador access to the Marañón River (St. John 1996).

The dispute continued for fifty years and led to several skirmishes in the region. In 1995, intense fighting erupted, sparking the Cenepa War. In the first few days of the conflict, over 5,000 troops were moved into a fifty-five-square-mile area; this rapid escalation was accompanied, on both sides, by mobilization outside the region, presaging broader military engagement. Between them, the opposing sides laid tens of thousands of landmines (Guo 2005). Although the war lasted only nineteen days, there were between 200 and 1,500 casualties (Simmons 1999). Faced with mounting costs, internal opposition, and international

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concern, the governments of Ecuador and Peru quickly pushed for a ceasefire, disarmament, and the establishment of a demilitarized zone.

With war advocates losing credibility, the presidents of Peru and Ecuador, with the support of the guarantor countries, engaged in long and often turbulent negotiations to achieve the much-desired peace. Because both sides trusted the process, they were able to negotiate in good faith and to remain committed to reaching an agreement. By February 17, 1995, when the two countries signed the Itamaraty Declaration of Peace,⁵ both sides were tired of war (Bustamante 1992). Peruvian and Ecuadorian business organizations were eager to capture the substantial increases in trade that peace would bring (Simmons 1999), and environmental organizations were calling the attention of both governments to the value of the disputed area for the conservation of biodiversity (RAP 1997).

In the three years that followed the peace agreement, the two countries continued to negotiate, and made significant progress in developing mutual trust and improving trade relations and border integration. But the fundamental question of where and how to draw the boundary remained unresolved, and one area in particular was a focus of dispute: although the Cenepa War had resulted in little overall change in territorial control, the conflict had ended with the Ecuadorian military still in charge of an outpost it had occupied at Tiwintza, on the Peruvian side of the 1945 boundary (Simmons 1999).

As negotiations dragged on, tensions flared again, raising concern about a resurgence of conflict. In early October 1998, the presidents of Ecuador and Peru conceded that bilateral talks had reached a dead end. But before the end of the month, the two countries had signed the Acta Presidencial de Brasilia, bringing an end to 170 years of conflict.

RESOLUTION OF THE CONFLICT

The key to this remarkable turnaround lay in a willingness to compromise—and in a novel solution put forward by the guarantors (St. John 1999). Ecuador agreed to recognize the final boundary established by the Rio Protocol and the subsequent 1945 demarcation agreement (Simmons 1999). In return, Peru agreed to grant Ecuador private property rights (ownership rights), but not sovereign rights (governing rights), to a square kilometer of land at Tiwintza.

Without granting Ecuador sovereign rights to Amazon River access, Peru did agree to allow Ecuador to establish two trading centers that would give Ecuador access to the river (Simmons 1999; BBC News 1998). Significantly, and as an integral part of the peace agreement, Ecuador and Peru committed to establishing protected and demilitarized ecological parks on both sides of the border, each of which would be managed by its respective country (Simmons 1999); the new parks faced each other along the newly demarcated border

⁵ For the text of the declaration, see www.congreso.gob.pe/biblio/libros/libro1/1volum/1.01.htm.

(St. John 1999).⁶ Finally, the two countries launched efforts to demine the Cordillera del Cóndor region.⁷

Ten years after the peace settlement, a collaborative relationship between Ecuador and Peru was flourishing, most notably with respect to trade. In 1998, trade between Ecuador and Peru amounted to only US\$297 million; by 2008, trade between the two countries had reached US\$2.2 billion (IDB n.d.). The belief that peace is invaluable is widespread in both countries, and not even the most pessimistic political analyst would forecast a resurgence of hostilities.

To coordinate conservation and sustainable management initiatives in the area, the Acta Presidencial de Brasilia called for the creation of the Binational Plan for the Development of the Border Region. Under this plan, and through the use of both national and international resources, a series of infrastructural, environmental, economic, and social projects are being implemented in the border zone (Ponce and Ghersi 2003). In fact, both countries have decided to extend the plan until 2014, renewing their commitment to completing ongoing and pending projects. One such project, a joint effort undertaken between 2002 and 2007, involved the development of a land use plan for sustainable development in the Catamayo-Chira River Basin. Subsequently, with the help of the Spanish government, Peru and Ecuador undertook a second initiative, based on the original land use plan, to move toward joint management of the river basin. Though it is too early to assess the impact of this initiative, it holds promise for effective and long-lasting cooperation between the two countries (MIP n.d.).

After some delay, both countries fulfilled their commitments to create protected areas in the border zone. After establishing the El Condor Park in 1999, Ecuador subsequently created other protected areas (El Quimi, Cordillera del Cóndor, El Zarza, Kutukú, and Alto Nangaritza) and formally recognized the Shuar indigenous territories (Ponce and Ghersi 2003). Peru established the Santiago-Comaina Reserva in 2000; in 2007, a small area within the original reserve was redesignated as the Ichigkat Muja–Corridor del Cóndor National Park (as a national park, the area has a higher level of conservation protection than a reserve). Even a binational conservation corridor, which some environmental

⁶ For analyses of the peacebuilding potential of peace parks, see Westrik (2014), Walters (2014), and Ali (2007).

⁷ In 1998, Peru signed the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, known as the Ottawa Treaty. Ecuador signed the convention in 1999, the year that it came into force. Also in 1999, Ecuador created the Demining Center of Ecuador (Leal 2004). In 2001, both countries signed onto the Comprehensive Action against Antipersonnel Mines program, developed by the Organization of American States, which allocated US\$1 million to each country to implement the initial phases of the program (Perales and Case 2001). Canada, Japan, Russia, Spain, and the United States have also contributed training, equipment, and financial support to demining in Peru and Ecuador (Landmine and Cluster Munition Monitor n.d.). In 2002, Peru established the Peruvian Mine Action Center (*Journal of ERW and Mine Action* 2004).

organizations have been pushing for, has gained traction at the ministerial level (Ponce and Ghersi 2003). In 2009, a scientific expedition in the Bosque Protector Alto Nangaritza discovered what are believed to be four new species, a finding that may not have been possible had there not been peace in the region (Torres-Carvajal, de Queiroz, and Etheridge 2009; BBC News 2009).

CONCLUSION

The creation of the protected zones and Peru's agreement to grant Ecuador private property rights to land at Tiwintza were instrumental to achieving peace, but the benefits for biodiversity and for indigenous peoples have been less clear. Under pressure from mining interests keen to exploit the region, the size of Peru's Ichigkat Muja–Corridor del Cóndor National Park was scaled back substantially during development—a reflection of Peru's desire to facilitate investment in areas where the state has limited presence. Indigenous groups on both sides of the border, meanwhile, claim that the continued expansion of logging, mining, and oil operations is intruding on the reserves, threatening biodiversity, and undermining indigenous territories and rights (Mining Watch Canada 2010; Amazonas Indígena 2009; ODECOFROC 2009). Civil society groups have attempted to protect the border region from industrial development by seeking official land title for indigenous communities (Alcalde, Ponce, and Curonisy 2005; Indigenous Peoples Issues and Resources 2010; MACH-SEPA 2009).

Furthermore, Ecuador and Peru have not fully captured the value of the highly symbolic area of Tiwintza.⁸ Despite the small size of the site, both countries could have nurtured its significance—by establishing monuments or museums, for example, to serve as reminders of the difficult history leading up to peace.

The slow pace of efforts to clear landmines is a major obstacle to continued cooperation in Tiwintza and nearby areas. Despite the support of Canada, Japan, Russia, Spain, the United States, and the Organization of American States, this essential task is far from complete, jeopardizing the lives of local inhabitants and hampering efforts to develop infrastructure. As of 2007, approximately 50,000 landmines still remained in the Cordillera del Cóndor region; they are not expected to be entirely cleared until 2017, at the earliest (Andean Air Mail and Peruvian Times 2010).

The designation of the parks provided an unorthodox but ultimately effective solution to a problem that had stymied peace efforts throughout the history of Ecuador and Peru. The experience of Ecuador and Peru offers a potentially intriguing model for dealing with other long-disputed borders in remote regions, and may have contributed to growing interest, since the early 2000s, in the use of transboundary protected areas (Ali 2007; Peace Parks Foundation n.d.).

Although granting Ecuador property rights to Tiwintza and the subsequent creation of protected areas on both sides of the border were instrumental to the resolution of the Peru-Ecuador conflict and the demilitarization of the border zone, the resolution of the conflict over the border areas does not seem to have

⁸ Nor has the area been granted any specific category of protection.

strengthened the political relationship between the two countries. Once the conflict was resolved, the emphasis on conservation that had led to the creation of the protected areas gave way to other areas of collaboration, most notably through trade. A solution that gave Peru and Ecuador shared sovereignty over the disputed area would have supported more substantial cooperation, but shared sovereignty was not a politically feasible resolution to this long-standing dispute.

Both Peru and Ecuador and their border populations are aware of the value of peace and are learning to work together to foster sustainable development in the border areas, especially with respect to shared river basins. But to fully realize the peacebuilding potential of the border areas, the two nations must strengthen the planning process, establish a shared information network, and adopt a consolidated vision for the future of the areas.

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