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The current Peruvian-Ecuadoran border dispute and its background

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BOSTON UNIVERSITY

GRADUATE SCHOOL

Thesis

THE CURRENT PERUVIAN-ECUADORAN BORDER DISPUTE
AND ITS BACKGROUND

by

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Introduction.

The age-old boundary dispute between Ecuador and Peru was, and to a large extent still is, a serious and complicated controversy that has flared into armed clashes and has disturbed the solidarity of the inter-American system. This boundary controversy has often been referred to as the Oriente Dispute as it covers the Mainas region, the eastern slope of the Andes, and several tributaries of the Amazon. Yet it also relates to the more southerly district known as Jaén and a small but important district on the Pacific coast around Tumbes.

The issue arose when independence came and the territories now known as Peru and Ecuador were separated. It was difficult to define the exact boundaries because of the confused and wordy decrees of the Spanish colonial administrations and because of the absence of exact geographic exploration. In addition, many of the important Spanish documents were unavailable or had disappeared. As the dispute developed it involved national ambitions and feelings of the two republics and more concretely the problem of access to the navigable rivers and streams leading into the Amazon. The most recent complication has been the scientifically accurate geographic

survey made by the United States Air Force in 1946 which revealed new features, hitherto unknown, to the territory. The latest conflict in August, 1951 and the controversy related to it, involve the new geographic discoveries.

Thus, because of the continuing friction and the current complexities, the issue has assumed new significance which requires some clarification. It is the purpose of this study to provide this clarification to the extent that is possible with the available material. Since the current problem cannot be understood without a comprehensive historical background, it has been necessary to review the events of the past in considerable detail. As a result the work has been organized largely on a chronological basis. As each of the new phases is dealt with, the views of the respective countries are presented along with historical, geographic, and ethnic materials indispensable to an understanding of the problem.

In general, the available source materials, although adequate, have not been plentiful. With respect to the period from 1945 to the present it has been necessary to rely almost exclusively on newspaper and periodical sources. For the period prior to 1945 a considerable number of published works exist. Most of these appeared in Ecuador and in Peru and have not found their way to the libraries in the United States. However, it was possible to obtain three volumes on loan from Ecuador. The remainder of the books consulted were published in the United States. In both the accessible books and in the

newspapers and periodicals, there was considerable duplication of materials and sources.

In the preparation of this thesis the author is greatly indebted to Professor Maurice Halperin, Chairman of the Latin American Regional Studies Department at Boston University, for his guidance, patience, and constructive criticism of this thesis chapter by chapter. Grateful acknowledgement is made to Professor William B. Norton of the History Department of Boston University for his valuable advice as second reader.

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Finally, my greatest indebtedness is to my parents for undergoing considerable sacrifice in order to make it possible for me to attend the University and to undertake graduate study.

Chapter I.

Colonial Background.

Very little is known of the "Quitu" Indians who apparently were the first inhabitants of what is now Ecuador. Their civilization reached its peak in the tenth century. Legend says that over one-thousand years ago a tribe known as the Caras invaded the territory. The Caras, supposedly coming south from the Caribbean region, have been regarded as "superior" to the native tribes at the time of their advent, more advanced in the arts of government, war, peace, and of an "intelligent and even noble character."

Rise of the Incas.

From the eleventh through the thirteenth century, the Incas settled in Cuzco, in what is now Peru. The Inca Empire, at the height of her power, covered large sections of the present republics of Peru, Bolivia, Chile, and Ecuador, with a

total estimated population of twenty-five million. The Inca conquest of Quito did not occur until 1487 and even then the Caras were never fully conquered by them.³

Inca Civilization.

The Incas built their great civilization on land that was, to say the least, not ideally suited for economic or political prosperity. They were builders and excellent engineers as well as craftsmen. Under their economic system one-third of the crops went to God, one-third to the state, and one-third to the local clans. Their political hierarchy began with the Inca, or supreme ruler, and then descended to the priests and clans. The family was accorded prime importance over the individual, for the individual existed only as a part of a household, and the household was to be in the service of the state. The Incas could not comprehend the concept of exploitation of natural resources for personal profit nor did they engage in foreign commerce.⁴

Disintegration of the Inca Empire.

Emperor Huaynac Capac, hearing of the white men on the coasts of his Empire, divided his kingdom into two parts. The southern dominion, with its capital at Cuzco, went to the heir apparent, Huascar, while the kingdom of Quito was given to his favorite son, Atahualpa. The two quarreled, however, and by 1531 Atahualpa secured control of the entire Inca Empire.⁵

Spanish Conquest.

The Spanish conquest of "Peru" had been relatively well

planned. Early in 1531 the Spaniards reached the island of Puná, near what is today Guayaquil, Ecuador. While the Spanish, headed by Pizarro, contemplated freeing Atahualpa after receiving ransom for him, they finally decided to kill him. Previously the Spaniards had been progressing southward but now Sebastián de Benalcázar proceeded to the north after hearing of the riches of Quito. Rumiñahui, a local Indian leader who had come to Quito early in 1533 to succeed Atahualpa, almost defeated Benalcázar on the plains of Riobamba but on August 15, 1534, Benalcázar entered the northern capital which he called Santiago de Quito, later named Francisco de Quito.⁶

Benalcázar built up Latacunga, Ambato, Mocha, Chimbo, Cañar, Cayambe, Otavalo, and founded the settlements of Manta and Guayaquil. He then led an expedition in 1536 to Canelos and Quijos in search for riches. Meanwhile Guayaquil had been destroyed by the Indians and Pizarro sent help from Lima to rebuild the town. Again the Indians revolted and for the third time the town was founded, this time by Francisco de Orellana in 1537.⁷

Division of Territory.

In order to rule the Spanish colonies, Emperor Charles V in 1542 created two great vice-royalties, one vice-royalty in Mexico, the other in Peru. The vice-royalties were divided into Royal Audiencias, considered as "major provinces" which in turn embraced the gobernaciones and other subdivisions. Along with the civil division there was also an ecclesiastical

division of the territory into archbishoprics, religious
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provinces, parishes, and curateships.

In 1542 Charles V created the audiencia of Lima and in 1563 the audiencia of Quito. The Audiencia of Quito

"may have for its district the Province of Quito, and along the coast towards the City of the Kings to the port of Paña, exclusive, and, for inland, as far as Piura, Cajamarca, Chachapoyas, Mayamba and Motilonas, exclusive, including in that direction the towns of Jaén, Valladolid, Loja, Zamora, Cuenca, La Zarza, and Guayaquil, with all other towns that shall be within these limits or which may be founded therein, and, in the direction of the towns of Canelo and Quijos, it may have said towns with all others that shall be founded therein, and along the coast towards Panama, as far as the port of Buenaventura, inclusive; and for inland to Pasto, Popayán, Cali, Buja, Chapanchica, and Guarchicona, because the other towns in the Gobernacion of Popayán belong to the Audiencia of Terra Firme, it may share the boundaries on the north, and with the Audiencia of the Kings (Lima) on the south, having for its boundary on the west the Southern sea, and, on the east, provinces not yet pacified or discovered." 9

Thus present day Ecuador was, in 1563, under the Audiencia of Quito; the latter included Pasto, Popayán, Cali, Buja, and Buenaventura on the north. Paña and Jaén on the south, and the towns of Camelos and Quijos as far as the mouth of the Yavarí river on the east.* The political control was subject to the Vice-Royalty of Peru and in ecclesiastical questions, Ecuador was under the jurisdiction of the Arch-
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bishop of Lima.

In 1549 the Audiencia of Lima had

"for its district the coast from that city down to the Kingdom of Chile exclusive, and up to the Port of Paña inclusive, and, for inland, to San Miguel de Piura, Cajamarca, Chachapoyas, Moyabana, and the

* See map A.

Motilonos, inclusive, and as far as Collao, exclusive, along the boundaries outlining the royal Audiencia of La Plata, on the west with the Southern sea, and on the east with the provinces yet undiscovered, accordingly as they may be established."¹¹

King Philip V, who came to the Spanish throne early in the eighteenth century, in April 29, 1717, created the Vice-Royalty of New Granada, carved out of the northern part of the Vice-Royalty of Peru.¹² On May 27th of the same year he abolished the Audiencias of Quito and Panama, placing them under the jurisdiction of ~~Vice~~¹³ Royalty of New Granada. The Royal Audiencia of Quito was reconstituted in 1722, this time within the Vice-Royalty of New Granada but the "uncertainty over the location of its southern boundary laid the foundation for more than two hundred years of frontier disputes."¹⁴

The Vice-Royalty of New Granada was abolished in 1723 because of lack of favorable results and from excess "outlay and administrative disorders." Due to pressures the King again established the Vice-Royalty of New Granada by the royal decree of August 20, 1739.¹⁵

This was the political situation in this section of the New World until 1802 when by the Royal Decree of July 15th the Gobierno and Comandancia general of Maynas, formed out of the Amazonas region, were taken from the Vice-Royalty of New Granada and placed in the Vice-Royalty of Peru. Only July 7, 1803, again by Royal Decree, the Gobierno of Guayaquil, taken from the Vice-Royalty of New Granada, was also added to the Vice-Royalty of Peru.¹⁶

Life in Colonial Times in Ecuador.

During the colonial period life in Ecuador was comparatively peaceful. The Franciscans, Dominicans, Augustinians, and Jesuits extended their influence over the natives. The only trouble came from occasional pirate attacks on the coast and in 1709 when Clipperton, an Englishman, through bribery was able to ransack the port city of Guayaquil. The few native uprisings were quickly put down. Along with Quito and Guayaquil, the towns of Mocoa, Ovila, Archédona, Mendoza, and Sevilla de Oro flourished. Education was left to the religious orders and in 1594 the Jesuits founded the College of Saint Louis, followed by the University of St. Gregory in 1620. In later years competent men from Spain and France were placed in charge of education and in June, 1736, even French and Spanish scientists arrived in Quito for the purpose of measuring an area of the meridian at the equator. An important intellectual was Pedro Vicente Maldonado, born in Robamba in 1709. He explored forests, established towns and made the now famous map of the Kingdom of Quito.

The white population of the New World was placed into two distinct categories; the gachupínes, who were born in Spain and came to the new world as officials, and the criollos, manily of Spanish origin, who were born in Latin America. The criollos were frowned upon by the gachupínes as inferior but even worse was the condition of the mestizo, the mixed Spanish and Indian. Under Spanish domination there was no

freedom of speech or development of public health. The colonies were allowed to trade only with Spain, hence, there was little or no intra-American commerce.

Life in Colonial Times in Peru.

Lima, the headquarters of the Viceroyalty of Peru, was a metropolis in every sense of the word. Peru was one of the colonial regions whose chief wealth lay in the mines, although agriculture was very significant. It has been said that Potosí, the mining center of upper Peru, once spent eight million dollars in celebrating the accession of Philip II to the Spanish throne.
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For a quarter of a century after the death of Francisco Pizzaro in 1541, Peru was torn by continuous civil strife. Upon the arrival of a new Spanish Viceroy, Francisco de Toledo, in 1569, peace and order finally came. His reforms and innovations became the format under which Peru was ruled for the rest of the colonial period. The encomienda system prevailed and the Spaniards became a well-defined ruling caste. The Indians were exploited by the royal Spanish officers. Under the administration of Toledo the Inca royal family was exterminated, the Peruvian Inquisition was introduced and the University of San Marcos was founded in Lima in 1551, the oldest institution of its kind in South America.
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Beginnings of Revolution.

In the early 1800's with the collapse of the economic system came the revolutions led by the creole class under such

leaders as Sucre, San Martín, O'Higgins, and Bolívar.

On August 10, 1809, a revolt occurred in Quito culminating in the organization of a creole junta "in the name of Ferdinando VII." This was quickly suppressed by Spanish troops from New Granada.²⁰ After this revolt the Council of Regency in Spain permitted the election of members from the colonies to the Cortes at Cádiz. A great number of the governing junta who were elected had taken part in the fight for independence and thus declared themselves independent of the Spanish Regency. In the struggle that followed several royalists were killed including the president of the Audiencia of Quito. His successor defeated the rebels and in 1813, with the acceptance of the Spanish constitution, the second attempt for freedom had failed.

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Struggle for Independence.

At the start of the revolution the fate of Quito became linked with that of New Granada. What we now have as Ecuador became part of the triple confederation within Gran Colombia and was then known as "the Department of the South."²² While this triple confederation did not come into existence until July, 1821, a rebel movement arose in the Department of the South in 1820 and requests were sent to Bolívar for aid. He in turn sent Antonio José de Sucre to the rescue with approximately one thousand troops. Sucre reached Guayaquil in May, 1821, but was defeated in the battle of Ambato. San Martín, in answer to a request for reinforcements, responded with from thirteen hundred to fourteen hundred men. When it became known

that Bolívar was going to use them to conquer Colombia, San Martín ordered their return. However, Sucre persuaded them to remain for the struggle. In the meantime Bolívar was moving southward from Bogotá with the intention of reaching Quito. Sucre, with great skill, defeated the Spanish in the battle of Mount Pichincha on May 24, 1822 and upon the surrender of the royalists Bolívar prepared for his trip to Quito.²³

Meeting between Bolívar and San Martín.

Bolívar and San Martín met for the first and only time at Guayaquil in July, 1822. San Martín had arrived at the meeting hoping to find means for bringing the war to a successful conclusion. He also desired Bolívar's assistance in fighting the Peruvian royalists. Because Bolívar would only give him three battalions, Martín offered to serve under Bolívar if he would only send more, but this request was skillfully rejected. San Martín had also wanted Ecuador to revert to Peru but Bolívar felt it was of great importance to retain Ecuador in his plans for a Gran Colombia. As noted earlier, Ecuador was formerly annexed to Gran Colombia before the conference and thus Bolívar welcomed San Martín "to Colombian Soil."²⁴

Further Steps Toward Independence.

Although the Peruvians had declared their independence on July 28, 1821, it was not until the decisive battle of Ayacucho on December 9, 1824, that the royalists were finally defeated.

Ecuador declared itself independent of Greater Colombia

in 1826 but the movement was suppressed by a counter-revolution. Due to many disagreements Colombia declared war on Peru culminating in the temporary occupation of Cuenca and Guayaquil by Peruvian forces until the peace of 1829. In the battle of Tarqui on February 28, 1829, a basis for the boundary with Peru was established.²⁵

While Bolívar was losing his political power in Venezuela and Colombia, General Juan José Flores declared the independence of "the old audiencia" on May, 1830, and at Riobamba on August 14th of that year the "Constitutional Congress" established what is now known as the Republic of Ecuador with General Flores as its first President.²⁶

Chapter II.

Modern Peru and Ecuador.

The Andes divide the territory of Ecuador into three regions. The first region, west of the Sierra, is the coast, bounded on the north by Colombia and dense rain forests, on the east by the western cordillera, on the south by Peru with scrub forest or savanna, and the Pacific Ocean on the west. The second region is the Sierra, between the eastern and western cordilleras of the Andes. The third region is east of the Andes, the disputed territory called the Oriente. Ecuador also controls about sixty Pacific Islands, called the Galapagos²⁷.

Area of Ecuador.

The Audiencia of Quito contains an area of 394,398 sq. miles. In 1830 the independent nation of Ecuador claimed a total area of 268,584 sq. miles. As the estimate at that time also included territory claimed by Brazil, Colombia, and Peru, the treaty of 1904 reduced the area to 242,067 sq. miles and a 1916 treaty with Colombia further reduced the area to 179,588 sq. miles. In 1942, a protocol between Peru and Ecuador left the small nation with an approximate area of 100,600 sq. miles. Thus, as of 1942 Ecuador comprises only 1.48% of the total area of South America.²⁸

Peoples of Ecuador.

The population of this ~~small~~ country has been estimated at three and a half million. Approximately seven per cent of the population are mainly of Spanish origin; thirty-two per cent of mestizo with strong Indian blood, and three per cent are mainly of Negro extraction. The Indians comprise most of the population in the rural areas of the highlands while most of the people on the coast are mestizo with a small mixture of Negroes. The white population are, with few exceptions, descendants of the old Spanish families.²⁹

The two major cities are Guayaquil, with about 200,000 people, and Quito, the capital, with an approximate population of 175,000.

Economy

Ecuador has been very poor economically. The petroleum and gold resources do not measure up to that of her northern neighbors. As of 1950 the average annual per capita income was only \$22 as compared with \$32 in Peru, \$33 in Paraguay, \$49 in Brazil and \$171 in Argentina. The value of her exports in 1947 was less than 1% of all Latin America as compared with 2.6% of Peru.³⁰

In the past the country has suffered from a one crop economy. Ecuador was the chief producer of cacao but competition grew elsewhere and "the witchbroom" disease harmed the crop immensely. Today there is a notable increase in banana and coffee output coupled with the prospect of better poten-

tialities in the timber and wool industries.

The Guayas lowland, with its rice, cacao, coffee, and bananas, is the most productive area in Ecuador. Cacao plantations still comprise one half of the area used for commercial crops in the coastal region of Ecuador.³¹

Political Situation.

Unstable political governments have been the rule, rather than the exception, in Ecuador. From 1830 to 1949 there have been fifteen written constitutions and forty four presidents, with an average term in office of 2.74 years. Thus far, only ten presidents have been able to serve out their full term.³⁵

Ecuador, as the weakest member of Gran Colombia, immediately upon gaining independence was subjected to revolutions, a situation that has continued throughout her history until the presidency of the present incumbent, Galo Plaza. During most of her turbulent history, control of the government was sought by the Conservative party on one hand and the Liberal party on the other. It was not until 1895 that the Liberals succeeded in placing their leader, General Eloy Alfaro into office as President. Within the Liberal party itself then, as now, there were many elements which tried to make their views prevalent even by resorting to revolution. After witnessing serious revolts in 1906, 1913, 1925, 1931, and 1932, on December 14, 1933, in an honest election José María Velasco Ibarra, a Conservative, was elected. When this new president found he could not obtain co-operation from Congress, he resigned; but the resignation

was not accepted. His next step was to break relations with Congress, squashing political opposition, and censoring the press. When he irritated the army he was forced to resign on August 20, 1935.

The next President, Frederico Páez, lasted in office for a little more than two years during which time his administration suffered three revolutions and on October 22, 1937, General Alberto Enríquez with an entire army cabinet took over. He in turn lasted for ten months and his successor even less. Upon the death of Aurelio Mosquero Narváez in November of 1939, the president of the Senate, Carlos Arroyo del Río, became president. He was later nominated by the Liberal party and won the election. Ex-President Ibarra staged a short lived revolt which was quickly crushed and he was forced into exile.

Because of constant press attacks due to the 1942 Protocol with Peru, Arroyo del Río instituted strict censorship; opposition was driven underground and a political coalition called the Democratic Alliance, consisting of rightest and leftest elements, came into being. Former President Ibarra became their candidate for president. The Alliance, with army support, revolted on May 28, 1944, and Velasco Ibarra again became President.

To the dismay of his supporters, Ibarra proved to be a very inept administrator and the Democratic Alliance split up. Ibarra enacted a new constitution giving him undisputed power but by that action he alienated more people, resulting in Colonel Carlos Mancheno, minister of Defense, seizing power in

August, 1947, and once again Velasco Ibarra went into exile. Nine days later Mancheno was forced to retire and a special session of Congress, on September 15, chose Carlos Julio Arosemena as provisional President. In the election of June, 1948, the Liberal-Radical Party chose General Alberto Enríquez while the conservatives selected Manuel Elecio Flor. An Independent Citizens Committee nominated Galo Plaza, former ambassador to the United States. In the free election, Galo Plaza became the new President of Ecuador.³³ A sincere and honest man, President Plaza is still in office today in what has been an executive administration relatively free of corruption^{and} significant armed opposition for one of the very few periods in Ecuadoran history. Under his policies there have been improvements in educational facilities, health measures, political stability and expansion of industry. Plans are now being made for the approaching presidential election by all political parties. It is very possible that a new era has arrived and political stability is now at hand.

-5 Regions and People of Peru.

Peru, with a total population of eight and a half million of whom sixty percent are predominately Indians, two percent largely white, and the rest a mixture of Indian and white blood, is divided into three sections. The Andes, running the full length of the country from the northwest to the southwest have created^{the} three distinct sections, different in climate, crops, and people.

Coastal Plain.

West of the Andes lies the narrow coastal plain. In this region, with little rainfall, is found the "heart of Peruvian civilization." The capital, Lima, located on this coastal strip, is only six miles from the Pacific Ocean. Most of the nation's industry takes place near the capital with two-thirds of the nation's economic trade passing through Callao, the sea-³⁴port of Lima. The major share of the Peruvian export crop comes from the agricultural lands of the coastal strip with sugar and cotton being the main crops. Because of the many mountain streams, the coastal valleys have very fertile soil. Even of more importance to the economic property of the country than the export of sugar and cotton, is the development of the petroleum deposits located in the northern section of the³⁵ coastal strip.

High Plateau.

The second of Peru's geographical divisions is the High Plateau, two hundred miles or more in width that is "a criss-cross of mountain chains, with hundreds of deep valleys." Not very well adapted for modern civilization due to its altitude and poor vegetation, the plateau is inhabited by descendants of the Quechas and Aymarás Indians. Transportation is very poor and what railroads and highways there are, have been built at high cost and with great difficulty. The main city of this region is Cuzco, formerly the capital of the old Inca civilization.

The only economic value to this region is its vast mineral deposits. The copper from the mines near Cerro de Pasco are brought to the railroads by llamas, the indispensable beast of burden. In recent years large deposits of iron have been reported.

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Eastern Lowland.

The third division of Peru is the eastern lowland, comprising more than 50% of the nation's total area. While the coastal plain is noted for little rain, this section sometimes averages one hundred inches of rain a year. The main city on Amazon is Iquitos, with a population of thirty thousand. Here again transportation is very poor as illustrated during the 1941-1942 Peruvian-Ecuador dispute. When the government wanted to reinforce the garrison at Iquitos, a troop transport went from Callao to the Panama Canal, around the north coast of the continent to the Amazon and up the river to Iquitos. Since then air transportation has increased and in 1945 a road was constructed across the lowland and up the eastern slope of the Andes. As most of this Eastern Lowland is steaming jungle, the area has very little economic value.

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Political Situation.

The political picture of Peru is not so favorable as her economic potentialities. From the time of independence until 1945 the government has been anything but democratic. Power was generally placed in the hands of jealous and wealthy families with the army playing a strong role in the naming of a ruler.

Modern Peruvian government has been highlighted by the dictatorship of "President" Augusto Leguía who forcibly assumed office in 1919, holding it for eleven years. He enacted a constitution in 1920 increasing the term of office from four to five years and in 1923 he removed the restriction on immediate re-election.

The world depression left its mark on Peru as elsewhere around the globe and in August of 1930, Leguía was forced to resign and was sent to prison.

He was also ordered to return seven million dollars, later impeached, but he died in February, 1932 before the date of his trial. A revolution forced his successor, Lt. Colonel Luis Sánchez Cerro out of office. This was followed by another revolution replacing the President of the Supreme Court who had served as provisional president. In a fraudulent election held in October, 1931, Sánchez Cerro was declared elected. Under the pretext of combatting Communism, civil liberties were suppressed. After more revolutions Sanchez Cerro was assassinated in April, 1933.

General Oscar Benavides, a true military man with little concern for civil control of government took over, and lasted until 1939. During his term social insurance, public hospitals, low cost restaurants, and public housing programs were initiated. In 1939 Manuel Prado Ugarteche, the government sponsored candidate, became the new president. Working with, not against Congress, he retained the major policies of Benavides including

the press law that forbade criticism of the government.

Rise of Apra.

During the thirties a political movement gaining in momentum with the help of mass support, and recognized as the chief opposition to the conservatives, was the Alianza Popular Revolucionaria Americana, or Apra, headed by the famous Haya de la Torre. Although outlawed by the government, Apra soon became the most important political movement in all Peru. Much of its success was due to the inspiring leadership of Haya de la Torre, who, although in exile for many years, still retained an enormous following. He desired a closer unity between "Indo" American nations and believed in the internationalization of the Panama Canal. His early policy favored the nationalization of Peruvian lands and industry. Running for president in 1931 he "lost" in a very close election to Sánchez Terro. During the term of Benavides the party was terrorized and Haya de la Torre was forced to remain in hiding.

National Democratic Front.

With the approaching end of Prado's term in 1945, Dr. José Bustamente Rivero, jurist and diplomat, under the banner of the National Democratic Front, comprised of many mixed elements including the Apra, was nominated for the presidency. Shortly before the election Prado suspended the censorship of the newspapers and even legalized the Apra Party.

In an honest election Bustamente was elected over General Eloy Ureta, the conservative candidate. Bustamente

took office on July 8, 1945 and set out to fulfill the campaign promises starting with the release of all political prisoners. It was not until January of the following year that the Apristas were directly represented in the cabinet. Due to local issues and political reasons, Apra left the cabinet resulting in a complete break with the government. A brief revolution was staged by Apra in October of 1948 but this was crushed and Bustamante assumed full control. A few weeks later another revolt, headed by conservative elements did not fail. Bustamante fled the country and Haya de la Torre had to take refuge in the Colombian embassy where he is today.

At present a conservative military junta, led by General Manuel Odría, controls the government.³⁹

The Oriente Before the 1942 Protocol.

The upper portion of the Amazon basin, reaching from the Cordilleras to the eastern boundary of Ecuador, is part of the disputed area known as the Oriente. It contains the extensive fluvial systems of the Guayas River and its tributaries. The Oriente is a region of untamed birds, animals, and primitive Indians. Yet as Ecuador increases in population, she will have to depend on the products of the Oriente for her development. As of 1920, Peru occupied:

- a. About 3,242 sq. miles in Jaén between the right bank of the Marañón.
- b. About 513 sq. miles in the Tumbes region between the River Tumbes and the Zarumilla River.
- c. In Mainas, all 41,380 sq. miles of the Amazon bank.

The streams that cross the Oriente from North West to South East are the Chinchipe, Santiago, Pastaza, Tigre, Napo, and Putumayo. In great measure these rivers are navigable by either steamers, boats, or canoes.⁴⁰ The settlements that exist are small and unimportant in commercial output. Commerce converges at Iquitos, a city with forty thousand population and the center of activity for the region. Flowing northward to the Marañón and Amazon rivers are the Peruvian rivers Yavari, Hualalaga, and the Ucayali. Of economic importance to Ecuador is the fact that an oil concession east of the Ecuadoran Cordillera has been granted with considerable investments already made. It is imperative to Ecuador that she have access to the navigable rivers of the Marañón and the Amazon.

In the valley of the Zarumilla River the tropical forest that clothes the western slopes of the Andean Cordillera merges into an open and low thorny woodland. Here the livestock industry is important and charcoal, fruits, vegetables, and gold are exported. There are known quantities of petroleum at Talara, Peru and there are possibilities of it in the Zarumilla⁴¹ region.

Chapter III.

Border Dispute in the Nineteenth Century.

Gran Colombia, upon gaining independence from Spain, claimed for her territory all land within the boundaries of the old captaincies-general of Granada and Venezuela in the viceroyalty of the New Kingdom of Granada. Peru, in 1821, proclaimed the independence of all the territory which had formed the Viceroyalty of Peru.

A treaty of "perpetual union, league, and confederation" between Gran Colombia and Peru, signed by Joaquin Mosquera, representing Gran Colombia, and Bernado Monteaguado, representing Peru, at Lima in July 1822, provided in Article IX that the demarcation of exact boundaries would be arranged by a special convention after "the next constituent Congress of Peru should have authorized the executive of that state to settle the point, and differences which might arise in the matter should be ended by conciliatory and peaceful means, appropriate to the two sister allied nations."⁴²

In the election of deputies to Congress, Peru included the towns of the Quijos and Mainas provinces north of the Marañón river. Gran Colombia protested this action claiming that these locations had formed part of New Granada since 1718.

Mosquero and José María Galdiano, the Peruvian minister, signed an agreement on December 18, 1823, whereby both nations would include within their respective territories the lands formerly held by the old Viceroyalties of Peru and New Granada in 1809. The Colombian Congress refused to ratify this treaty.⁴³

In a law of territorial division enacted in June, 1824, Gran Colombia claimed all the disputed territory, expressly mentioning Mainas, Quijos, and Jaén by name. Article XI of the law stated that the Department of the South, meaning Ecuador, comprised the provinces:

"of Pinchincha, its capital, Quito: of Imbabura; its capital, Ibarra; of Chimborazo, its capital, Riobamba The cantons of the province of Pichincha and other important parishes are: Quito, Machachi, Latacunga, Quijos, Esmeraldas The cantons of the province of Chimborazo and their principal parishes are Riolamba, Ambato, Guano, Guarando, Alausi, Mainas."

Article XII of the same law stated:

"The Department of Azuay comprises the provinces of Cuenca, its capital, Cuenca; Loja, its capital, Loja; of Jaén de Bracamoros and Mainas, its capital Jaén The cantons of the province of Jaén and Mainas and their principal parishes are: Jaén, Borja and Jéveros."⁴⁴

Thus Gran Colombia upheld the claims of the former presidency of Quito.

War Between Gran Colombia and Peru.

Gran Colombia again tried to sign a treaty with Peru based on the return of Mainas, Jaén, and Tumbes to Gran Colombia. The refusal of Peru to meet this demand resulted in war. Peru blockaded the port of Guayaquil and invaded Colombian

territory. The war ended after the Peruvian defeat at the battle of Tarqui in February, 1829.⁴⁵

Peace Negotiations.

An armistice signed at Piura on July 10, 1829, provided for a diplomatic commission to assemble and conclude within sixty days the negotiations for peace. The peace treaty signed at Guayaquil, September 22, 1829, provided that

"the parties acknowledge as boundaries of their respective territory those which the old vice-royalties of New Granada and Peru held before their independence, with only the variations which they should find it suitable to agree upon, to which end they then promised to make reciprocally such cessions of small pieces of territory as should contribute to fix the dividing line in a more natural and exact manner to avoid strife and incidents between the frontier authorities and inhabitants. To obtain this result as soon as possible a commission of four, two named by each republic, should survey, rectify, and fix the dividing line thus agreed on, and should put each party in possession of the area which belonged to it, as fast as they traced the line beginning at Tumbes on the Pacific Ocean."

The treaty further provided for the boundary commission to begin its work within forty days from ratification of the treaty and to finish six months thereafter. Any disagreement was to be reported to the respective governments who then should settle the problem in a friendly manner. Any further differences of opinion "as to the meaning of any article or failure to settle any disagreement between the commissioners" was to be submitted to a friendly government whose solution would be binding in both countries.⁴⁶

Immediately upon ratification two boundary commissioners

were named by Gran Colombia and Peru and a protocol "as basis for their work" was signed by Carlos Pedemonte of Peru and Tomás C. de Mosquera of Colombia at Lima, in August, 1830.⁴⁷

The protocol left open the question whether the boundary line was to follow the Chincipe or Huancabamba River.*

Independent Ecuador and Renewed Demands.

The revolt and subsequent independence of Ecuador from Colombia opened up the dispute again. As an independent nation Ecuador insisted that Peru carry out the 1829 treaty and the Pedemonte-Mosquera protocol.

A treaty of friendship and alliance signed by Peru and Ecuador in 1832 stated that "until an agreement on the boundary question should be made between the two countries, the present boundaries are to be respected and recognized."⁴⁸ Peru claims that this treaty proved that Ecuador did not agree to the validity of the 1829 treaty "through the absence of an exchange of ratifications,⁴⁹ at least provisionally, the possessory basis." Peru further claims that this was the "first" agreement between the two countries regarding boundaries and that it nullified the 1829 treaty.⁵⁰

Developments from 1840 to 1853.

While no negotiations regarding the border dispute were carried on from 1832-1840, Ecuador established a maritime department with a naval station at Guayaquil including the disputed area of the city and river of Tumbes. Peru, during the interval, created the department of "Amazonas" including in it

* See Map B

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part of the disputed area.

In July, 1840, Ecuador sent a note to the Peruvian government stating that Ecuadoran public opinion demanded "the peremptory fixing of the northern and southern boundaries."⁵²

After rejecting a Peruvian proposal in 1842, Ecuador submitted an agreement based on the 1829 treaty;

"the two contracting parties recognize as boundaries of their respective territories those held before their independence under the old viceroyalties of New Granada and Peru including within Ecuadorian bounds the provinces of Maimas and Jaen. By special agreement the two states shall make the necessary concessions leading to a natural boundary that will avert further complications."⁵³

Peru insisted that the 1829 treaty "had lapsed with the dissolution of Colombia, before the commissioners had concluded, or even commenced, the operations for the adjustment of the boundaries."⁵⁴

Peru wanted the boundary line to conform to the existing line before independence of the two nations and the towns that Ecuador agreed were in "Peruvian hands" should not be returned.* It was during this exchange of notes that Peru first mentioned the Royal Cédula of 1802 as justification for her demands.⁵⁵

The July 15, 1802 Cédula.

Since 1842 Peru has continually relied on the 1802 Cédula. The King of Spain issued this Cédula, or Royal Decree, from Madrid:

"I am resolved to segregate, from the Viceroyalty of Santa Fe and the Province of Quito, and add to that Viceroyalty, the Government and Commandancia General of Maimas with the towns of the Government of Quijos, except

they being all on the shores of the Napo River or in its immediate vicinity; thereby extending that Comandancia General, not only along the lower Marañón River to the frontiers of the Portuguese Colonies, but also on all the other rivers which empty into the Marañón from the north and south, such as the Morona, Guallaga, Pastaza, Ucayale, Napo, Yavarí, Putumayo, Yapura and other smaller streams, as far as the point where these same rivers cease to be navigable on account of their waterfalls and inaccessible rapids; also the towns of Lamas and Moyobamba should remain in the possession of the same Comandancia General, in order to uphold, as far as possible, the ecclesiastic and military jurisdiction of these territories.

"To which end, I command that as the Governments of Mainas and Quijos are added to that Viceroyalty, you will assist them by such measures as your judgment may deem necessary or as the said Comandancia General may request of you; and which may serve not only to further the advancement and protection of the towns and altars of the Missionaries, but which will also safeguard my dominions, preventing the vassals of the Portuguese crown from encroaching thereon, for which latter purpose, you will appoint such subordinates and Government officials as you may deem necessary for the defense of these frontiers and for the administration of justice.

"Likewise I am resolved to place all the towns and reunited missions under the charge of the Apostolic College of Santa Rosa of Ocopa of that Archbishopric.

"And I am furthermore resolved to form a Bishopric in said missions ... the new Bishopric to be composed of all the converts who are at present under the Missionaries of Ocopa on the Guallaga and Ucayale Rivers, and along the mountain roads that serve as an entrance to the same and which are in the jurisdiction of the Archbishopric of Lima; the Parishes of Lamas, Moyobamba and Santiago de las Montañas, belonging to the Bishopric of Trujillo; all the Mainas Missions; the Parishes of the Province of Quijos, except Papallacta, the Curacy of Canelos on the Bobonaza River, administered by the Dominican Fathers; the Missions of the Mercedarios Fathers and the lower part of the Putumayo River, belonging to the Bishopric of Quito and the Missions situated on the upper part of the same Putumayo River, and those on the Yapurá called the Sucumbios Missions which are under the charge of the Franciscan Fathers of Popayán." 55

Ecuadoran Rejection of Cédula.

Ecuador from the beginning has rejected the validity of the 1802 Cédula in full. The Ecuadoran refutation has been based on the following points:

1. The 1802 Cédula deals only with religious and military administration, not territorial division.
2. The Cédula does not constitute a "true and reliable" title of territorial jurisdiction nor does it give Peru the right to hold the territories belonging to the old province of Mainos or those to the east of Huan-cabamba river and to the west of the Morona, nor does it give permission to retain some northern towns just because the Cédula extends Military Command over the Morona, Pastaza, Napo, Putumayo, and Yapurá Rivers without a fixed delimitation.
3. It is possible for the King to arrange administrative functions outside a given territorial limit without altering the territorial division of the various districts.
4. The Cédula of 1802 does not annul or reform in any way or manner the territorial divisions fixed by the Cédula of 1739.
5. In a publication by order of the Virrey Sámano in 1816, Jaén, Mainas and Quijos were included among the dominions of New Granada and not Peru.
6. Guía de Forasteros de España, an official Spanish publication, states that the district of Mainas was included in the territory of New Granada. There were separate editions of this publication in 1822, 1823, and 1828.
7. Before the 1802 Cédula was to be put into practice, revolution broke out and hence the "authority of the Spanish government was waived aside" and only the Royal Cédulas of 1739 and 1740 were "clearly and necessarily" a demarcation of boundaries.⁵⁷

Peruvian counter-claims.

The Peruvians have argued that the terms Gobierno and Comandancia refer to the government of the area; although the "military epithet" is often used, it is the same as in the governments of the Captaincies-General of Guatemala, Venezuela, and Chile, and they were civil as well as military governments; furthermore, the mention made of towns included "the idea of their respective jurisdictions" and the territories were indicated by rivers, which is the frequent method of pointing them out in unpopulated areas.

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Internal Developments, Peru.

In order to extend her influence over the disputed area, Peru on March 10, 1853, erected

"within the frontiers of Loreto a political and military government, independent of the Prefecture of the Amazonas, including therein the borders of the Amazonas and Marañón, from the boundaries of Brazil, and all the territories and missions located south and north of said rivers, in accordance with the principle of uti possidetis adopted by the American republics to which the Royal Decree of July 15, 1802, in a measure serves as a standard, and the rivers emptying into the Marañón, especially the Hualaga, Santiago, Morona, Pastaza, Putumayo, Yapurá, Ucayali, Napo, Yavary and others, together with their borders, in conformity with and as they are embraced in said Royal Decree." 59

Along with the 1802 Cédula, Peruvian claims have also been based on the above mentioned principle of uti possidetis, a term deriving from Roman law designating the "interdicto of retention of possession which the Praetor pronounced, using the formula of possession which the Praetor pronounced, using the formula: As ye possess the buildings or lands referred to,

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without having obtained possession thereof, one from the other, by force, or clandestinely, or by sufferance, I forbid that ye be hindered in continuing so possessed." The common use of the principle may be simply stated, "As ye possess, so may ye possess." In international practice this principle has come to signify the rule "of the preservation of the possessory status."

Uti possidetis was introduced in relation between American republics, formerly under Spanish rule, by the Bogotá treaty of 1811 signed by the United Provinces of Venezuela and the United Provinces of New Granada. Peru further claims that the principle of uti possidetis recognizes the "Possessory status in which the various provinces or regions were found when they were colonies and the continuity of the same when emancipated and forming independent states."⁶¹

Increased Tension.

Ecuador in 1853, in order to counteract Peruvian legislation, passed an act organizing the Loreto or Mainas region and other parts of the disputed area into a political and military administration. Later in the year Ecuador announced that the Chinchipe, Santiago, Morona, Pastaza, Tigre, Curary, Napo, and Putumayo rivers were open to free navigation.⁶² On November 10, 1853, Peru protested a bill pending with the Ecuadoran House of Representatives providing for this free navigation and declared that the rivers belonged to Peru by virtue of the Royal Cédula of 1802, by the principle of uti possidetis⁶³ of 1810 and the judicial acts of Peru.

Matters came to a head in September, 1857, when Ecuador entered into an agreement with British holders of Ecuadoran foreign obligations whereby Ecuador treated as part of her territory "one million quarter sections in the Canton of Canelos in the eastern province on the banks of the Bobonaza river, reckoned from the point of confluence of that river with the Pastaza towards the west, at four reales per quarter section." 64
 Again Peru protested relying on the 1802 Cédula and the principle of uti possidetis. The British government replied that she regarded the contracts with Ecuador as only private agreements. 65

Tension between the two countries steadily mounted, culminating in the severance of diplomatic relations in 1858 and the Peruvian blockade of the port of Guayaquil. 66

The Franco Episode.

Control of the Ecuadoran government in 1860 was held by General Franco, who ruled under the title of "Supreme leader of Guayaquil." Peru "persuaded" Franco to sign the Mapasinge treaty, an agreement that gave preference to the 1802 Cédula. 67

By the treaty of 1860 the governments of Ecuador and Peru agreed to adjust the boundary dispute and to appoint, within two years, a mixed commission to fix, "in accordance with the observations made and the evidence before them by both parties", the boundary problems of the two nations. In the meantime the accepted boundaries were the ones governed by uti possidetis "recognized in Article V of the treaty of September 22, 1829, between Colombia and Peru, and which were possessed by the Viceroyalties of Peru

and Santa Fé conformably to the Royal Decree of July 15, 1802.⁶⁸

After General Franco agreed to this treaty, which was never ratified by either the Peruvian or Ecuadoran congresses, the public rose against him and a new administration assumed office.⁶⁹

The Controversy Continues.

Peru protested an Ecuadoran law in 1861 concerning territory "belonging" to Ecuador, "lands situate [sic] in the Gobierno of Jaén, of the ancient Kingdom of Quito, the Cantons of Napo and Canelos, the territories comprising the Gobierno of Quijos, as far as the Amazonas, in the Kingdom of Quito and the territory of the Gobierno of Maynas."⁷⁰

On October 6, 1861, Dr. Carvajal, Minister of Ecuador, in a message to the Peruvian government wrote:

"From thirty seven years back Ecuador, since she was a department of Colombia, enrolls among her laws the one that, fixing her territorial boundaries, embraces among her territories those of Quijos, Jaén de Bracamoros and Mainas, and no government of Peru has protested during this long term against such delimitation To prove what is herein stated, it is enough for the undersigned to recur to the witness of your Excellency, placing under consideration the articles eleven and twelve of the Colombian law of 1824. There is yet another superior law, of equal force for both countries, in the Treaty of September 22, 1828, treaty that left this question decided, establishing the manner and form of boundary delimitation between both Republics. The government that the undersigned represents, is ready to appoint the commission which jointly with the one that may be appointed by the Government of your Excellency, can proceed to fix the limits, leaving the arbitration of Chile the decision of the points on which both commissions cannot agree upon."⁷¹

The Ecuadoran government repeatedly asked Peru in 1863,

1864, 1866, 1868, 1870, and 1874 to fulfill the 1829 treaty.

In the meantime both Ecuador and Peru continued to "exercise" control in some manner of the disputed area. In 1866, Ecuador permitted one of her citizens access to a road along the Morona river and also sanctioned the settlement of a district between the Morona river and the Manseriche rapids.⁷²

Peru, in 1868, granted lands to settlers on the banks of the Amazon. In 1874 Peru sent a scientific expedition along the rivers of Oriente resulting in Ecuadoran protests. In spite of Ecuador, Peru was slowly but steadily extending her influence to the disputed regions.⁷³

Progress Toward Settlement in Late 19th Century.

An agreement was finally reached in August, 1887, when in accordance with the Espinosa-Bonifaz treaty of arbitration, the dispute was submitted for settlement to the King of Spain, "for his decision as Arbiter of the right, definitively and without appeal."⁷⁴

Ecuador's claim was presented in the following words:

"First, that the governments of Ecuador and Peru, in the terms that your majesty may deem wise, instruct the commission provided for in Article VI of the treaty of 1829, to fix the boundary line between the two states on the basis of the demarcation of the old viceroyalties of New Granada and Peru, according to the Cédula of 1563 of the old audiencia and presidency of Quito, wholly incorporated into the viceroyalty of New Granada, first in 1717 and then in 1739, in accordance with the tenor of the Colombian negotiation of the treaty of peace of 1829, when the articles on boundary were drawn up, which were as follows: The mouth of the river Tumbes in the Pacific, expressly fixed by the treaty of 1829, the course of that river to its most southern point, a line to the river Alamor, the course of this river to its confluence with

the Chira, the course of this river as far as the river Macará to its source, then a line that crossing the cordillera of Ayavaca would come southward to lake Huaranagas, from there follow the present dividing line between the provinces of Jaén and Huancabamba to the Huancabamba River near Chichahua, thence along this river to the top of the cordillera which divides the province of Jaén from that of Lambayeque as far as Querecotillo; from thence to the source of the river which runs to the south of Querecotillo including the town within Jaén; from the confluence of that river with the Chota to the river Chipte; from this point a line that cutting the river Ilaucán would reach the Marañón or Amazon, including Pimpingos, Cujillo and Piñón within the line, follow the Marañón as far as the river Lonia; thence a line along the foot of the cordillera rising over Lonia and Jamón, including these towns within the line of demarcation, and following the Amazon as far as the river Utcubamba, including the towns of Bagua, Chira, Copallin, and Peca as far as the post of Chuchunga, from there a line to the Oriente as far as Jéveros, so that this town will be included within Ecuadorian territory; from Jéveros another line in the same direction that, cutting the course of the Ucayali, would follow as far as the confluence of the river Gálvez with the Yaraví and finally the course of the Yaraví to the Tabatinga." 75

Peru requested the King to base the frontier between the provinces of Jaén and Loja, between Mainas and Pichincha, and between Tumbes and Guayaquil, thus casting aside the 1829 treaty and the Pedemonte-Mosquera protocol. 76

The 1887 treaty allowed direct negotiation between both nations without waiting for the decision of the King of Spain. D. Arturo García and D. Pablo Herrera, Plenipotentiaries of Peru and Ecuador respectively, met at Quito in 1889 and after prolonged discussion they came to agreement on May 2, 1890. It was based on a line beginning at the Santa Rosa inlet and followed along the rivers Sarumilla, Alamor, Chira, Macará, Canchis and Chinchipe to their confluence with the Marañón and thence

along the Marañón, Pastaza, the Pinches, other rivers and artificial lines, and the Putumayo as far as the Brazilian border. The province of Tumbes was made smaller and the province of Jaén was left to Peru. Ecuador received the territories of Canelos plus sections of the old Comandancia general of Maynas.⁷⁷ The Ecuadoran Congress ratified the treaty on June 18, 1890.

However before ratifying the treaty, the Peruvian Congress made certain changes claiming for Peru the lower courses of the Santiago, Morona, Pastoza, and Tigre rivers. This action by Peru resulted in Ecuadoran rejection of the treaty⁷⁸ thus leaving the problem where it was prior to 1887.

Final Attempt in 19th Century.

With approval of Peru and Ecuador, Colombia took part in the treaty deliberations. Conferences between these three nations resulted in the supplemental arbitral convention of December 15, 1894. In accordance with that convention it was stipulated that the King of Spain "should render judgement as to titles, not only on arguments of law but also with a view to the accommodation of the contracting parties, so that the divisionary line should be based on law and equity."⁷⁹

This supplemental agreement, approved by Peru and Columbia, was rejected by Ecuador.

In the meantime tension was again mounting in both Peru and Ecuador, so intense at times "that legations and consulates in both countries were attacked by mobs and the nations were on the point of war."⁸⁰

This border dispute, beginning in the days of revolution and independence, was now to become a twentieth century problem.

Chapter IV.

Twentieth Century Problem Prior to 1940.

The turn of the century witnessed two small incidents that served to aggravate the already strained diplomatic relations between Peru and Ecuador. The first of these two incidents was a battle fought at Angotera.⁸¹ A protocol, signed at Lima on January 21, 1904, expressed regret for the conflict and the question of blame was left up to an "agent of a friendly nation accredited to the government of Peru and Ecuador or to another nation friendly to both."⁸²

The second incident occurred on July 28, 1904, when an Ecuadoran detachment of seventy men attacked a Peruvian garrison of forty men at Torres Causano at the confluence of the Aguarico and the Napo Rivers. However a pact signed by Mariano Cornejo of Peru and Miguel Valverde of Ecuador on October 23, 1904, submitted this aspect of the problem to a royal commissioner⁸³ that the King of Spain was requested to send.

Further Attempts at Arbitration.

During the interval of the above mentioned incidents another protocol was signed by Miguel Valverde, the Ecuadoran Minister of Foreign Relations, and Mariano H. Cornejo, the Peruvian Minister, at Quito on February 19, 1904. The disputing

countries asked the Spanish crown to continue the investigation as arbiter. The King appointed a royal commission headed by Ramón Menéndez Pidal, world famous philologist, who arrived in Quito in the spring of 1905.⁸⁴

The commission, by means of a protocol signed in January, 1905, cleared the Oriente of troops. Ecuador withdrew her military garrison in Aguarico and Peru withdrew her garrison from Torres Causano.⁸⁵

In April, 1905, Menéndez Pidal returned to Spain announcing that a decision would be forthcoming within six months. The next procedure was to place the evidence before a Council of State which would then report to the King in order for him to make the award.⁸⁶

While waiting for the royal decision matters grew more intense. Peru re-iterated that she "would feel herself at liberty" to take back Tumbes, Jaén, and Maynas, should they be awarded to Ecuador.⁸⁷

The royal council met for three years, and although they were not in unanimous accord a decision was about to be announced.⁸⁸ A draft of this award, whereby Ecuador lost her claims based upon the boundary lines of the viceroyalties of New Granada and Peru, plus the treaty and protocol of 1829, became known and brought the countries to the verge of war.⁸⁹

Fear of Armed Conflict.

Attacks were made on the Peruvian legation in Quito, and Peruvian property and nationals were menaced. Reprisals

*See Map A

were made on Ecuadoran citizens in Lima and Callao. The Peruvian government ordered a general mobilization of troops.⁹⁰

William Penn Cresson of the American Legation at Lima sent the following report to the United States Secretary of State on February 22, 1910:

"I have the honor to report that while public opinion here remains generally undisturbed as regards the outcome of the Spanish arbitration of the frontier question pending between Peru and Ecuador, at the same time active preparations by the Peruvian Government are becoming daily more evident with a view to meeting any possible hostile move on the part of the other Government interested

"I attribute the markedly calm and judicious attitude of the Peruvian press, and indeed the tone of the public in general, to the growing conviction that the rumored line of the Spanish award, as reported from Madrid, and published in the newspapers of both countries, is very nearly, if not exactly, the delineation already chosen by the King of Spain. Such a decision would be eminently favorable to Peruvian Pretensions, and a distinct gain of territory as compared with the provisions of the Garcia-Herrera treaty

"In spite of the somewhat apathetic state of public opinion noted above, in view of the warlike preparations daily reported from Ecuador, the Peruvian Government is unquestionably making extraordinary preparations to meet any emergency." 91

Steps to Prevent War.

The United States, Argentina, and Brazil, through their ministers in Peru, acted to prevent an outbreak of war. They offered to mediate the problem pointing out that "it would be un-American to fight about a cause which was still up for arbitration."⁹² Peru immediately accepted the proposal on May 23,⁹³ and Ecuador followed on May 24, 1910. The King of Spain, noting that war would come if his award was to prevail, with-

drew from the arbitration on November 24, 1910, and no decision
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was announced.

Military forces in both Peru and Ecuador were demobilized and direct negotiations were resumed. The mediation attempt by the United States, Brazil, and Argentina made no progress and was abandoned in 1913.
95

Railroad Contemplations in Disputed Area.

Railroad construction was being contemplated in 1917 by both Peru and Ecuador. A tentative railroad line planned by Peru would begin at Paita, her northern port, and would extend to the navigable waters of the Marañón. By means of this railroad link the port of Iquitos would be connected with the Pacific Ocean.
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Ecuador had three railroad projects which, if they materialized, would be of great aid in claiming the disputed territory. One line would complete the Ambato-Curary connection to the eastern lowlands. The second line would link the line to Puerto Bolívar on the Gulf of Guayaquil near Machala, with Cuenca and then to Loja near the 1917 frontier. The third and last line, contemplated from Silbambe to Cuenca, would connect the Loja line with the already completed Guayaquil-Quito line.
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Another Attempt at Arbitration.

By 1924 Ecuador and Peru again agreed to arbitrate. In June of that year N. Clement Ponce, Minister of Ecuador and Enrique Castro Oyanguren, Peruvian Minister, signed a protocol

calling for the two governments, with permission of the United States, to send a delegation to Washington either to fix a definite boundary line or agree upon the zones "which each party recognized reciprocally and which would have to be submitted to the arbitral decision of the president of the United States." When either of the decisions was reached it was to be embodied in a protocol subject to approval of the Congresses of Peru and Ecuador. The delegations were to meet in Washington immediately after a pending decision of a question concerning Peru and Chile. The two governments were to try and reach a solution without being prejudiced by the Peruvian-Chilean⁹⁸ decision.

In August, 1926, Peru selected Alberto Bresciani, a former Minister to Ecuador and Japan, to prepare the Peruvian⁹⁹ case.

Washington Conference Preliminaries.

Although the Peruvian-Chilean arbitral award was announced on March 4, 1925, it was not until 1933 that any move was made to solve the Peruvian-Ecuadoran dispute in accordance¹⁰⁰ with the 1924 Protocol.

In reply to Peru's request for renewed arbitration the Ecuadoran government on November 21, 1933, in a message to the Peruvian President said:

"With reference to the formal invitation given by the Government of Peru to the Government of Ecuador to institute without delay the direct negotiations provided for in the Protocol signed in Quito on June 21, 1924, for the settlement of the frontier question pending be-

tween our respective countries, I am glad to inform Your Excellency that the Government of Ecuador, which is at all times inspired with cordiality towards Peru, is happy to accept this invitation, in accordance with the traditional principles of its international policy, which is at all times calculated to serve the conclusion of just, equitable, and satisfactory settlements

"In accordance with the provisions of Article I of the Protocol of June 21, 1924, which Your Excellency adduces in the important note in question, my Government invites the Government of Peru to request the authorization of the United States of America, prescribed in that Protocol, to appoint the respective delegations in due course." 101

In February, 1934, the disputing countries asked for United States consent to their sending delegations to Washington. On February 6, 1934, Franklin D. Roosevelt in giving prompt approval to their request, said in part:

"It has been a source of intimate satisfaction to me to consent to the request by the Governments of these great republics who have thus given most convincing and encouraging evidence of their determination to settle their long standing boundary controversy through friendly discussion and in accordance with the most enlightened principles of international practice. Their decision should be a matter of encouragements to the governments and the peoples of the entire continent." 102

Trouble before Conference.

Tension was again in evidence in November, 1935, after an alleged invasion of the Peruvian province of Tumbes by Ecuadoran cavalry. Peru claimed the reinforcement of her troops at Tumbes was necessary because of Ecuadoran action expelling Peruvian citizens from the district along the Zarumilla River and restricting the free passage of trucks and automobiles. Ecuador replied that Peruvian tobacco planters in Zarumilla had expelled Ecuadoran planters, seizing their plantations and

tools and destroying their homes. Peru in a lengthy statement
103
in March, 1936, denied the accusation.

On November 30, 1935, Peru invited Ecuador to arbitrate a question of disputed territory between the old and new beds of the Zarumilla River and the Tumbes frontier before the International Court of Justice at The Hague. Peru claimed the Zarumilla River near Tumbes had changed its channel since 1890. Ecuador denied this in April, 1936, and suggested that three engineers named by the United States President survey and designate the channel of the river.
104

Washington Conference.

On July 6, 1936, Ecuador and Peru signed a further protocol providing for the negotiations to begin on September 20, 1936. In the meantime they would maintain the existing
105
status quo.

The ambassador of Peru, Señor Don Manuel de Freyre y Santander calling upon President Roosevelt on July 9, 1936, before the Conference was to begin said in part:

"As on a former occasion you were good enough to signify your acceptance of the high office of arbitration, my Government wishes to make known that by the terms of the 1924 Protocol, it is provided that the juridical character of the arbitration will be defined at the beginning of the Conference at Washington: that both parties will constitute their respective delegations at the capital on September 20 next; and that both parties undertake to maintain the territorial status quo existing at the date the agreement was signed until the arbitral award is rendered. Thus, Mr. President, the case is definitely submitted to your jurisdiction, and at the date indicated the proceedings will begin."
106

At the opening session on September 30, 1936, the chairman of the Ecuadoran delegation noted that

"The Protocol of 1924 which we are going to carry out and execute establishes the procedure to be followed in the negotiation

"In the first place, we must strive for a direct total settlement, in which the high contracting parties, by deciding between themselves the entire and definitive boundary line, will end the age-old dispute

"If this should not be accomplished, we shall try partial direct settlement and a corresponding partial arbitration

"For that we must try to determine, by common accord, the zones which are reciprocally recognized by each one of the parties and the zones which will be submitted to the arbitral decision of His Excellency, the President of the United States of America." 107

As the conference proceeded, Ecuador agreed to recognize the Peruvian claim "to all territory east of a meridian through the head of navigation on the Aguarico and the Coca and running west of the town of Coca, about 75° 45' W.," while Peru withdrew her claim to any land "west of the meridian of Carrelos, Sarayacú, and Puerto Pardo, about 77° 15' W." Agreement could not be reached on an intervening zone of 150 miles, which was to be left to the arbitral decision of the United States President. 108 Hint of failure in the deliberations became known

when the Ecuadoran legation in Buenas Aires issued a pessimistic note regarding progress on a zone for Presidential arbitration. 109 Ecuador rejected a United States suggestion that the dispute be submitted to the Hague Tribunal.

After intensive but fruitless negotiations the confer-

ences came to an end in September, 1938. The Peruvian Foreign Office accepted a suggestion of the Ecuadoran Government to the effect that the problem would now be discussed directly between the two governments. It was felt that the only thing left to do was to return the problem to normal, regular, diplomatic channels "when and how it should be deemed most convenient."¹¹⁰ In concluding two years of boundary negotiations that attempted to bring about a peaceful solution of the entire problem, the Ecuadoran delegation was left with the conviction¹¹¹ that Peru acted in bad faith and had suffered reverses.

The period from 1828 to 1938 witnessed the increasing scope of the problem along with the deterioration of the possibilities of peaceful settlement. Both nations had tried direct negotiations periodically during the past century but to no avail. The King^{of} Spain had acted as arbiter but also without success. Various protocols and treaties were signed but no lasting solution had yet been found. As the years went on the growing pains of the two independent nations, coupled with feelings of national pride and patriotism, made a solution difficult. It became increasingly evident that the problem was reaching a climax that was apt to culminate in armed conflict.

Chapter V.

The War and Protocol, 1941-42.

The Washington Conference was not the last attempt to solve the dispute by peaceful means. In April, 1941, Ecuador stated her willingness to attempt again to reach an agreement with Peru. By May, 1941, the United States, Brazil, and Argentine offered to be mediators.

Cordell Hull in a letter May 8, 1941, to Dr. Alfredo Solf y Maro, Minister of Foreign Affairs of Peru, said;

"The Governments of Argentina, Brazil, and the United States are deeply concerned by the continuance, particularly at a time when continental solidarity is vital, of the difficulties which for over a century have perturbed the relations between Peru and Ecuador

"Other continents are aflame with hate and violence. Everyday the theatre of war extends to wider horizons. Confronted with a crisis in world affairs of a magnitude heretofore totally unknown, the American Republics have frequently declared and at the meeting of Foreign Ministers held at Habana in July, 1940, reiterated their irrevocable determination to omit no effort to prevent any controversy which might impair their solidarity. The continuance of any situation that results in the impairment of harmonious relations between two of the American republics diminishes and undermines the strength of that solidarity

"... the Governments of Argentina, Brazil, and the United States tender their friendly services in furthering the prompt, equitable and final settlement of the dispute to the Government of Peru and to the Government of Ecuador to be availed of by those Governments together with the services of such other Govern-

ments as they are both desirous of inviting in such manners as may be deemed appropriate and advantageous." 113

Peruvian and Ecuadoran Reaction to Mediation Proposal.

Ecuador immediately accepted the mediation proposal, but Peru declined and instead offered to sign a guarantee of peace while the dispute continued. 114

Alfredo Solf y Muro, Peruvian Minister for Foreign Affairs, replied to the Chancellories of Argentina, Brazil, and the United States in part;

'My Government while deeply appreciating these intentions, recalls that it is the second occasion in which Argentina, Brazil, and the United States adopt this attitude. In 1910 a serious situation of tension having arisen through rejection by Ecuador of Spanish arbitration, the three countries were successful in banishing the danger of a conflict. On that occasion they arranged for retirement of the forces camped on the frontiers and proposed a final solution of the dispute as part of the mediation proceedings which was rejected by Ecuador, who asserted that 'Ecuador is the only one called upon to decide whether the dispute with Peru affects or not her vital interests, the national honour and the very sovereignty of the State.' According to the Ecuadoran Government, direct arrangements were 'the most decorous means' and those 'most appropriate to sister nations' for bringing the dispute to a close 'without any judge other than the good offices of our illustrious and grand friends.'

"... my Government cannot accept the bringing under discussion, at any time, of Peru's sovereign rights in respect of the provinces of Tumbes, Jaén, and Maynas, which in 1821 took the oath of Peruvian independence under the aegis of General San Martín and later on participated in the definite constitutions of the Peruvian State, having sent representatives to the Congress of Peru down to the present day. Peru is prepared to settle her boundary question, but not to admit any controversy over the nationality of provinces that have been an integral part of her for the last hundred and twenty years, and in which there are important Peruvian communities that have expressed in energetic fashion their protest against the separationist pretensions of Ecuador.

"In consonance with the principles expressed ... the Government of Peru accepts the good offices tendered by the Governments of Argentina, Brazil, and the United States of America, for the purpose of re-establishing the atmosphere of cordiality and sincere co-operation between the two countries." 115

Outbreak of Hostilities.

The tense Peruvian-Ecuadoran relations were ruptured on July 5, 1941, by a military conflict. Small scale fighting broke out at scattered points over a thousand mile long frontier. 116

Ecuador claimed Peruvian frontier guards invaded and were repulsed. Peru insisted that Ecuadoran soldiers attacked first. 117

In Washington, Acting Secretary of State Sumner Welles, hinted that the war may have been fomented by "outside" agencies. 118

Within four days the United States, Brazil, and Argentina offered to mediate and suggested that troops be withdrawn. 119 Another offer to mediate came from Spain who stressed "the blood ties between Hispanic nations." Some attributed this gesture as part of Franco's plan to re-establish authority in Latin America. 120

Replying to the proposal of the A B C powers, Peru agreed "in principle", and Ecuador accepted "conditionally", stipulating that first the mediators send observers to examine the frontier situation. 121

Progress of the War.

Despite the "acceptance in principle" of the mediation

offer, the Peruvian army advanced northeastward along the Gulf of Guayaquil and eastward beyond the boundary on the Zarumilla River, thus cutting off the lines of communication between the western interior provinces of Ecuador and the sea. ¹²²

Ecuador claimed that Peruvian bombers destroyed the military barracks and a church in the town of Charcas. Fifteen thousand people marched through the streets of Quito. Besides waving flags they stood bareheaded before the statue of Simón Bolívar and sang the Ecuadoran national anthem. ¹²³

On September 1, it was reported that Peruvian parachutists took Machala and seven of them took Puerto Bolívar. Peruvian troops easily moved across the flatland between the coast and the Piedras. In a small scale blitz the Peruvian troops burned farms, confiscated crops, and looted homes. Ecuadoran refugees fled north to Guayaquil by foot, mule, boat, and box car. Peruvian troops headed for Portovelo where the Ecuadoran government ran a gold mine that was essential to the country. ¹²⁴

In contradiction to Ecuadoran charges of brutality the President of Peru said, "... I can state that I am proud not only of the valor of our soldiers but of the humanity and noblesse which they have shown in the occupied towns awakening the gratitude and admiration." ¹²⁵

Earlier reports said that there were eight thousand Peruvian troops as against only twelve hundred Ecuadoran soldiers. Ecuador's army was no match for Peru, and the war not only disrupted trade but also gave Ecuador the added

problem of refugees coming from the invaded territories into
 126
 Guayaquil.

The Ambassador of Ecuador, on a special mission to Wash-
 ington, asserted that

"the Peruvian invasion had not been this time only
 in the three disputed provinces. The aggression has ex-
 tended to the occupation of another whole province, that
 of El Oro. Towns have been bombarded and occupied, not
 only frontier towns, like Chacras and Huaquillas, but
 cities and towns that are far from the frontier, in the
 middle of Ecuadoran territory like Machala, Santa Rosa,
 Puerto Bolívar, Pasaje, etc." 127

Charges of Axis. Support of Peru.

As early as July 14, it was suspected in the American
 capitals that Axis and pro-Axis elements had helped to stimu-
 late distrust between Ecuador and Peru. The Spanish Ambassador
 to Peru, Pablo de Churruca, Marqués de Aycinena, was believed
 to have urged Peru to hold out for most of the disputed terri-
 128
 tory.

Ecuador charged that Peru had three thousand Japanese
 soldiers in the front lines, a charge that Peru labelled as
 "laughable, ridiculous, and contemptible." 129 It is true that
 any sons, born in Peru of Japanese parents, would be liable for
 service in the Peruvian army. In August, Tokyo, condemned the
 Ecuadoran government for what it called "anti-Japanese sentiment."
 Japan also promised "grave consequences" if the Ecuadoran govern-
 130
 ment expelled an unnamed Japanese resident.

Nazi influence was noted in a report from Argentina. In
 June, 1941, the Nazi courier in Buenos Aires received instruct-
 ions to guard three diplomatic pouches on their flight to Lima.

Before the plane reached its destination Damonte Taborda, an Argentinian anti-Nazi chairman of an investing committee, informed the Peruvians of his mission. The Peruvian officials then demanded that the Nazi courier turn over his pouches. The courier refused and along with the three pouches he was sent back to Buenos Aires. There Damonte Taborda confiscated them and uncovered a powerful radio transmitter and piles of documents in code. Taborda maintained that the decoded messages proved that the Nazis had fomented the war and the transmitter was to be used to send messages to the Gestapo in Barcelona. ¹³¹

In a propaganda pamphlet, published for circulation in the United States, Ecuador sought to "acquaint" Americans with Axis background and influence in Peru. Ecuador charged that "fascist and phalangist Spanish agents, Italian fascists, Nazis, and Japanese soldiers have transformed Peru into an international branch of the Axis which should be correctly named as follows: Rome-Berlin-Tokio-Lima." ¹³²

Relation of the War to the United States.

The outbreak of war in this hemisphere was rather embarrassing to the United States. Ecuador complained to the United States that she was not receiving any protection against an aggressor here in this continent. ¹³³

Peru attacked the United States because it was felt we were helping Ecuador in order to "advance our own interests." Felipe Barreda in November, 1941, published a book charging the United States with helping to continue the war so that she

could take over control of the Galápagos Islands. Barreda further insinuated that the United States used "the old technique of creating conditions of unrest, violence, and disagreement."¹³⁴

Further resentment came in October when the United States seized eighteen war planes, purchased by Peru in Canada from the exiled Norwegian government. The Lima paper El Comercio, with a circulation of over one hundred thousand, called the act a violation of the Good Neighbor Policy and the principles of Pan Americanism. Secretary of State Cordell Hull replied that the planes were seized because they were needed in the fight against the Axis.¹³⁵ Mr. Hull's remarks did not soothe the Peruvians even when the United States promised to pay full compensation for the aircraft.

Internal reaction in Peru was not intense due to the APRA movement which had hinted that the original purchase of the planes had been tainted with graft.¹³⁶

Peru also claimed that Ecuador was being used "as a cat's paw to obtain oil concessions in the disputed Amazonian territory for private interests in the United States, including one of the highest officials in the State Department."¹³⁷

The Ecuadoran government urged the United States not to commit errors in this hemisphere similar to the ones the Democracies had made in Europe when they let their

"real friends, Spain, Czechoslovakia, and other countries be sacrificed in order not to awaken the enmity of Germany. But with all these concessions Germany continued being their enemy. In this same way, the United States in order not to arouse the

hostility of Peru has abandoned Ecuador which is a true friend of the Union; but with this deed the United States will not secure the friendship of Peru.

" ... Washington must not play the part of the Committee of Non-intervention. While the President Prado of Peru congratulates President Roosevelt for his declaration that the United States will not recognize the territories conquered by force, Peruvian troops continue occupying by force territories of Ecuador. The United States must restore the confidence of the Southamerican countries (especially Chile, Bolivia, and Colombia) by proving with deeds it is a formidable barrier against all aggression." 138

Preliminaries to Settlement of the Dispute.

The peace situation remained unsettled even though various notes were exchanged, for no conference of plenipotentiaries was arranged. Finally with Peruvian and Ecuadoran agreement, Argentina, Brazil, and the United States sent a commission of military observers who, with delegates from Peru and Ecuador, met at Talara, Peru, on October 2, 1941, and signed an agreement ending hostilities and providing for a neutral zone. This agreement implied no recognition or settlement, although Article VII might serve as a basis for a future protocol. 139
Thus the problem rested until the Rio meeting in January.

Protocol of 1942.

Shortly after the meeting of American Foreign Ministers began in January, 1942, in Rio de Janeiro, Ecuador threatened to withdraw unless the boundary dispute was included in the agenda. 140
It was not officially put on the agenda, but after serious study a "Protocol of Peace, Friendship, and Boundaries" between Ecuador and Peru was agreed upon on January 29, 1942. 141
Ratifications of this Protocol were exchanged on April 1, 1942.

The importance of the Protocol is due in large measure to the fact that charges of aggression by both sides rendered any conciliation a very difficult task. At the time of its enactment it was called a triumph of "diplomacy and good sense." ¹⁴²

The Protocol may be summarized as follows:

I. Peru within fifteen days will retire her military forces to a pre-arranged line which was, in the western sector:

- a. Boca de Capones on the Pacific Ocean
- b. the Zarumilla River and the Quebrada de Cazaderos
- c. the Puyango River or Tumbes to the Quebrada de Cazaderos
- d. the Cazaderos
- e. the Quebrada de Pilares and the Alamos to the Chira River
- f. the Chira River upstream
- g. the Macará, Calvas and Espíndola Rivers upstream to the sources of the last mentioned in the Nudo de Sabanillas
- h. from the Nudo de Sabanillas to the Canchis River
- i. Along the Canchis downstream
- j. the Chinchipa River, downstream to the point at which it receives the San Francisco River.

In the Oriente:

- a. From the Quebrada de San Francisco the "divortium aquarum" between the Zamora and Santiago Rivers, confluence of the Santiago with the Yaupi.

b. A line to the mouth of the Bobonaza at the Pastaza. The confluence of the Cunambo River with the Pintoyacu at the Tigre River.

c. Mouth of the Cononaco on the Curaray, downstream to Bellovista

d. a line to the mouth of the Yasuni on the Napo River. Along the Napo downstream to the mouth of the Aguarico

e. along the Aguarico upstream to the confluence of the Lagartococha or Zancuda with the Aguarico

f. the Lagartococha River or Zancudo, upstream to its sources and from there a straight line which will meet the Guepi River and along this river to its mouth on the Putumayo, and along the Putumayo upstream to the boundary of Ecuador and Colombia.

II. Brazil, Argentina, Chile, and the United will co-operate by supplying military observers to note the retirement of troops; and the activity of the four Powers "will continue until the definitive demarcation of frontiers between Ecuador and Peru has been completed."

III. The Protocol and its execution are "under the guarantee "of the four countries mentioned above.

IV. Ecuador will enjoy, for the purposes of navigation on the Amazon and its northern tributaries, the same concessions which Brazil and Colombia enjoy, in addition to those which were agreed upon in the Treaty of Commerce and Navigation designed "to facilitate free and gratuitous navigation on these rivers."

V. The agreed line for the demarcation of the

frontier by technical experts on the ground will be accepted by Ecuador and Peru. These countries can, however, in tracing the line on the ground, consent to reciprocal concessions which they may consider convenient in order to "adjust the line to geographical realities." These changes are to be made with the help of the representatives of the United States, Argentina, Brazil, and Chile.

VI. The disputing countries were to submit the Protocol to their respective Congresses for approval within a period of not more than thirty days.

The Protocol supposedly ended a serious threat to inter-American solidarity and it remained for a commission to prove its success.*

*See Map B.

Chapter VI.

Friction From 1942 to 1952.

In accordance with the provisions of the 1942 agreement the President of Ecuador, Arroyo del Río, called the Ecuadoran Congress into special session. A large segment of public opinion was antagonistic towards the Protocol for it was feared that Ecuador was forced to sacrifice the essential interests of the nation. Certain elements openly urged rejection but the Chamber of Deputies, after intense deliberations, approved the Protocol on February 27, one day after the Peruvian Congress approved it. There were some votes cast against it and further disapproval was in evidence when a few members walked out just as the vote was being counted. ¹⁴³

Other elements blamed the President, claiming he had hoarded guns so that they would not be used against him. In answer to these accusations the President instituted an iron-clad censorship. "Enemies of the state" were persecuted in the drive to stamp out the opposition, an opposition that gradually increased in numbers and in tempo. ¹⁴⁴

The loss of so much territory came at a time when it was believed by many informed sources that the exploitation of the rich Amazonian basin was about to begin. This led to a feel-

ing of frustration within the country along with a great deal
of resentment. ¹⁴⁵

Foreign Minister Julio Tobar Dononso resigned, apparently
from pressure due to his having favored the Protocol. However,
his successor, Francisco Guarderos, met with the Peruvian
Minister, Alfredo Solfy Muro, thus ending fears that Ecuador
would abandon the Protocol. ¹⁴⁶

The Effect of the Protocol on the Presidency.

It now seems quite evident that the Protocol not only
weakened the administration of Arroyo del Rio but also helped
to overthrow it in 1944. ¹⁴⁷

When the war first started in the summer of 1941 Velasco
Ibarra, a former president then living in exile, wrote an open
letter to Arroyo del Río blaming him for Ecuador's plight. In
part the letter said;

"It is not possible to call you President of the
Republic of Ecuador ... you are a dictator, as Federico
Paez, as Colonel Enríquez; a dictator, a very intelligent
one, with a large and profitable experience, always at
the service of foreign interests, in the handling of low
methods that disguise everything in order to squirm
through the greatest plights

"You have recently and solemnly made declarations
of facts and dates and Peru has recently given you the lie
making use of your own words, as expressed in a public
document You damage the international respectability
of our country

"Many people abroad think that you encouraged the
attacks of Peru in order to divert problems of internal
politics. It is because of this that the voice of Ecuador
has not been listened to either with respect or attention ...

The Ecuadoran army is not responsible for our de-
feat. It is unjust to hold it so. Responsibility solely

lies on you, your Minister of Foreign Affairs, your Minister of Defense, who investigated nothing, nor foresaw or avoided anything. Ever since November, I learned with horror in Piura that Peru, angry, it was said, by the policy of border clashes started by Dictator Enriquez, had begun to accumulate stories against Ecuador

"When, around 1934, I asked that Peru be treated as from a nation to another nation, as an equal to an equal, with no bluff but with dignity, I was accused by you and your followers of compromising the dignity of the Republic

"And now, solely in order to flatter your vanity with the empty applause of a people that love their country, you rash or let yourself be blindly rashed to a military enterprise with no other help than that given you by the most senseless of diplomatic moves

"Your mistakes will be absorbed by so much splendour; and the effort of our youth, of our people and of our army will see to it that the sun of the Ecuadorean nation will never set." 148

At the time the letter was published in Chile, it was used by the Peruvians to their own advantage. In any case, either because of the letter or in spite of it, Velasco Ibarra, representing the opposition, became the new President of Ecuador following the revolution in 1944.

149

Reactions in Peru to the Protocol.

Peruvians felt that the Protocol showed a clear cut victory for their country. It had assured Peru of her western provinces of Tumbes, Jaén, and Maynas, and was in large measure similar to the Royal Decree of 1802.

The official visit of Manuel Prado, as President of Peru, to Iquitos in September, 1943, was treated with the highest significance, for it marked the first time that a

Peruvian President had crossed the Andes and had set foot in
150
Peru's Amazonia.

Progress Toward Enactment of the Protocol.

In February, 1944, the Ecuadoran government asked the
four guarantor powers to promise the execution of the agreement.¹⁵¹
During the following month, a bulletin, issued by the Peruvian
Ministry of Foreign Relations, said that progress had been made
but work was temporarily halted because of bad weather. The
bulletin also claimed that while Peru wanted to follow a strict
interpretation of the 1942 Protocol, Ecuador did not.¹⁵²

An incident was reported in August, 1947, in the town of
El Progreso in the province of Loja. According to local of-
ficials some Peruvians entered the town, took some prisoners
and later permitted them to go. This was considered as a
reprisal to the Ecuadorans for a personal incident between the
soldiers of both countries.¹⁵³

Relations between the two countries in August, 1948,
appeared to be very satisfactory. Both nations expressed
satisfaction over the general situation and hints were made of
closer economic ties.¹⁵⁴

Indications of More Trouble.

On October 23, 1950, President Galo Plaza charged that
the armed forces of Peru were being mobilized near the Ecua-
doran border. Because of this report and general fears of
another conflict, the Ecuadoran Congress on October 22, 1950,
ratified the 1947 Rio de Janeiro Treaty of Mutual Assistance

which provides that "an armed attack by any state against an American state shall be considered an attack on all American states."¹⁵⁵

Possibility of a renewed conflict with Peru over the disputed area caused a great deal of alarm in Quito.

President Odría of Peru denied the accusations and said it was only normal replacements of troops who had no aggressive aims.¹⁵⁶

A report from Rio de Janeiro late in October, 1950, announced that a joint commission composed of representatives of the four guarantor nations was given the task of visiting the disputed area and making recommendations for settlement. The Mexican Secretary of Foreign Relations urged both parties to use peaceful means as the Organization of American States "was fully capable of solving such differences of opinion between its members."¹⁵⁷ On November 18, 1950, the joint commission arrived at the scene to begin the investigation of the remaining disputed territory.¹⁵⁸

New Geographic Discovery.

By 1951, the Peruvian and Ecuadoran engineers had completed the survey of ninety per-cent of the disputed frontier in accordance with the provisions of the 1942 Protocol. While the Protocol specified a boundary that was to run from the Pacific Ocean over the Andes to the upper tributaries of the Amazon River, there was a gap estimated at between one hundred to two hundred kilometers awaiting to be agreed upon. A 1946

photogrammetric map revealed a tributary that was not as long or as well known when the 1942 Protocol was enacted. According to Ecuadoran claims this "new" river, the Cenepa, destroyed the original directions of the Protocol to draw the line along what was supposed to be an uninterrupted water divide between the Santiago and Zamora Rivers.* Because that divide is itself divided by the interposing valley of the Cenepa, Ecuador now wants a conference over the matter if not a major revision. 159

Señor L. Neftali Ponce, the Ecuadoran Foreign Minister, in speaking of the current problem said in an interview:

"The Protocol of 1942, which set the frontier between the two countries, on referring to this important region behind the Zamora and Santiago Rivers, called for a line between the San Francisco River to the confluence of the Yaupi with the Santiago to the water divide between the Zamora and Santiago.

"But it happened that, in 1947, the Chancelleries of Quito and Lima received the aerophotogrammetric map made with photographs of the American Air Forces which participated in this work under the resolve of the United States Government to help the labors of demarcation.

"In that map appeared a new geographic element which had been unknown to the negotiations of the Protocol of 1942; that is, that the Cenepa River, which had been believed absolutely insignificant, actually had an extension of more than 190 kilometers, navigable in good part. Therefore the fluvial system of the Cenepa interposed itself between the Zamora and Santiago to that which was believed to be the water divide between the Zamora and the Cenepa.

"Consequently the Protocol of 1942 incurred in this sector a substantial error and indicated through a geographic accident a non-existing line. Therefore Ecuador, on becoming aware of the geographic fact of the Cenepa, asked Peru more than two years ago to have a commission of experts of both countries verify the fact shown on the aerophotogrammetric map, so that the two governments would settle the frontier in that sector

* See Map C.

most conveniently.

Ecuador did not want anything but to verify its thesis, in association with Peru, a thesis based on the map of American experts. Peru refused this, which makes one suppose that Peru would not consider it convenient to have proved the geographic verification of the exactitude of the Ecuadorian thesis." 160

Ecuador further contended that as the line designated by the Protocol in the Santiago-Zamora sector is non-existent, then both countries should negotiate in order to fill the gap caused by not knowing the geographic fact. Ecuador also wanted to maintain "its own direct and sovereign access" to the Marañón River. 161

As for Ecuadoran navigation rights on the Amazon, Foreign Minister Ponce quoted Article VI of the 1942 Protocol: "Ecuador will enjoy for navigation on the Amazon and its northern tributaries, the same concessions which Brazil and Colombia enjoy, plus those which may be agreed on a treaty of commerce." 162

Recent Clashes.

On July 28, 1951, President Odría in a state of the nation speech declared that Peru "would not accept any revisions of the protocol line that would cut into its territory." 163

News reports from Quito on August 11, 1951, reported that Peruvian troops had launched a series of attacks on the Ecuadoran garrisons near the disputed area in southern Ecuador. The attacks started on August 9th, in the Zumba area of Santiago Zamora Province and continued throughout the next day. 164

The Ecuadoran Foreign Minister lodged a protest with Manuel Carpio, the Peruvian Charge d'Affaires, and at the same time notified the mediating powers. News of the Peruvian attack electrified Quito and reports of the clashes were published under banner headlines. ¹⁶⁵

On the same day that the above mentioned was reported from Quito, a communique from Lima quoted the Peruvian charge that "drunken" Ecuadoran border patrols fired on the Peruvian frontier posts. The official announcement said: "On the night of the ninth and the morning of the tenth, Ecuadoran troops of the Moreno and Gualingo detachments, drunk in celebration of their national holiday, opened fire on Peruvian watchposts in the Chinchipe sector." ¹⁶⁶

Concerning the disputed area President Plaza in his August 10, 1951 report to the nation said:

"the inexistence of a frontier line in the Santiago-Zamora zone, due to the absence of the geographic accident [sic] mentioned in the Protocol of 1942 makes it indispensable that the two governments negotiate and find a boundary line.

"On my part, as head of state, I must declare that my government could not accept in that sector a frontier which may not recognize the inalienable Amazonic rights of Ecuador and give her a proper and sovereign access to the Marañón River." ¹⁶⁷

In an another address on August 17, President Plaza further promised that the government and the people would be united in the emergency. On August 22, 1951, the National Congress, meeting at Quito, voted a resolution denouncing the 1942 Protocol as "one that favored Peru and deprived Ecuador of its rights of

to the tributaries of the Amazon."¹⁶⁸

A Peruvian submarine was reported in Guayaquil Bay early in September, 1951. Ecuador immediately protested that her territorial sovereignty was violated.¹⁶⁹ Peruvian Government officials described this Ecuadoran accusation as a new height of "tropical fantasy." The government in ridiculing the charge said the alleged submarine was probably a "sick whale."¹⁷⁰

The Peruvian government also made charges against Ecuador claiming that her consulate in Guayaquil had been attacked by mobs. Peru said she wanted satisfaction and guarantees against future attacks by "unthinking mobs."¹⁷¹

Neutral observers thought that Peru's request for the mediating powers to investigate the incident was a healthy sign. Ecuador also indicated a desire to accept an investigation; an investigation that would be a long process but one that diplomatic sources hoped would have an immediate restraining influence on both Ecuador and Peru.¹⁷²

Expressing a widespread opinion outside of Ecuador and Peru was the aptly phrased comment by the Mexican newspaper, Novedades, which stated that "when the world is perhaps on the eve of a horrible conflict in which the fundamental problems of western civilization are at stake, an irritable discussion over possession and rule of the shores of the Marañón River lacks intrinsic importance."¹⁷³

Chapter VII.

Conclusion.

In the preceding chapters the author has attempted to trace the boundary dispute chronologically from its inception to the present time. As both disputant parties have strong claims, and because of the new geographic discovery, it is difficult for an outside observer to reach a single conclusion or settlement covering the entire problem. It is possible, however, to restate the basic arguments of Peru and Ecuador. Most of the dispute was supposedly settled at the 1942 Conference; yet in the hearts and minds of both peoples the fundamental issues still prevail.

Ecuador has contended that her right to the territory in dispute dated back to the decree of 1563 when the Spanish crown awarded Mainas, Quijos, Jaén, and any adjoining land that might be discovered or explored, to the audiencia of Quito. This audiencia of Quito in turn became part of Gran Colombia and then the Republic of Ecuador.

In the second place, Ecuador states that the activities of the missionaries from Quito, who were the first to explore and settle the disputed area, have given Ecuador the right to the territory in question. Just as the King of Spain claimed

exclusive ownership of the land first discovered, explored and settled by his subjects, Ecuador, as successor of the audiencia of Quito, claims "exclusive ownership of the Oriente territory as first explored and occupied by persons coming from this province in colonial times." If ownership, based on original discovery and colonization, is sanctioned by international law, then the explorations of Ecuador precede any of the explorations by Peru.

Thirdly, Peru was defeated in the war of 1829 and signed the treaty of Guayaquil and the Pedemonte-Mosquera protocol of 1830. This protocol recognized the Tumbes-Marañón line and left only the question as to whether the boundary should follow the Chinchipe ^{or} on the Huancabamba river.

Fourthly, Ecuador, in affirming the historic right of her political predecessor, Gran Colombia, has inherited the claim of the latter to all the disputed territory. This claim was recognized by the 1829 treaty and Peru recognized Ecuador as the heir to Gran Colombia when she paid to Ecuador an indemnity growing out of the 1829 war.

Finally, some sources believe that a "just and wise policy" would be to assign to Ecuador the Oriente region if only for the reason that it would create a balance in strength and resources between the two countries. ¹⁷⁴ The same sources also believe that the natural boundary of the Marañón river would have been the best, for ... "Peru enjoys enormous areas of rich and undeveloped territory, far greater than that of

Ecuador For Peru to control an almost isolated strip of territory on the Putumayo River, between Ecuador and Colombia, such as is claimed, seems to be striving to map out the land unnaturally and to sow upon it the seeds of future discord."

Peru has rested her claim on four points. First is the right of occupation based on the 1802 Cédula wherein the territory in dispute was transferred to the Viceroyalty of Peru. As Peru has occupied and controlled the region so many years, ownership is sanctioned by international law.

Secondly, Peru has organized and developed the disputed region. It would be "unfair" to transfer to Ecuador the territory that she had no part in developing.¹⁷⁶

Thirdly, Peru denies that Ecuador is the legitimate heir of Colombia and thus has no claim to the disputed area. "A seceding state may not uphold the international claims of the parent country."

Finally, because of her small size and poor resources Ecuador would find it impossible to govern in any capable manner the disputed territory. Peru believes that she ought to retain possession of the territory in the interest ... "of South American peace and the future welfare and auspicious development of the Oriente region ..."¹⁷⁷

Today the above mentioned points are no longer actively debated. Presumably they have been settled by the compromise reached in the 1942 Protocol. Hence further discussion of the merits of the problem prior to 1942 would not be profitable.

The issue at this moment, namely the redefinition of the boundary in the area between the Zamora and the Santiago rivers, is whether a new conference is in order. Since this issue need not revive matters already settled, and since it arises because of new geographic exploration, it would seem that a new conference should be called. Ecuador's desires for a conference are understandable because of her interest in securing direct access to the Marañón from which navigation into the Amazon is possible. Peruvian reluctance to join in discussion is based on a legalistic interpretation of the Protocol which provided theoretical access to the Amazon. Successive "settlements" have given more and more to Peru and taken more and more from Ecuador. Therefore Peru could well afford to be conciliatory in the adjustment of the present problem. It is to be hoped Peru will adopt a more flexible attitude and that both the sovereign states involved will recognize their duty to their own peoples and to the inter-American system so that this last remaining boundary question between South American nations will come to a speedy, satisfactory, and peaceful conclusion.

Footnotes.

Chapter I.

1. George I. Blanksten, Ecuador: Constitutions and Caudillos, p.4.
2. C. Reginald Enoch, Ecuador, p.34.
3. Blanksten, op. cit., p.8.
4. Preston E. James, Latin America, pp.127-132.
5. Pastoriza Flores, History of the Boundary Dispute Between Ecuador and Peru, p.8.
6. Blanksten, op. cit., pp.6-7.
7. Flores, op. cit., pp.11-13.
8. Don Vicente Santamaría Parades, Republics of Peru and Ecuador, p.56.
9. Ibid, pp.56-57.
10. Flores, op. cit., p.13.
11. Ibid., p.56.
12. Blanksten, op. cit., p.7.
13. Santamaría, op. cit., p.59.
14. Blanksten, op. cit., p.7.
15. Santamaría, op. cit., pp.59-60.
16. Ibid, p.64.
17. Flores, op. cit., pp.13-16.
18. Tom B. Jones, An Introduction to Hispanic American History, pp.211-223.

19. Ibid., pp.119-123.
20. Charles Edward Chapman, Colonial Hispanic America, p.236.
21. Flores, op. cit., p.17.
22. Blanksten, loc. cit.
23. Chapman, op. cit., pp.307-309.
24. Ibid., p.282.
25. Flores, op. cit., p.18.
26. Ibid., p.19.

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27. Blanksten, op. cit., pp.1-2.
28. Ibid., p.2.
29. James, op. cit., p.112.
30. Ibid., p.110.
31. Ibid., pp.111-124.
32. Blanksten, op. cit., p.8.
33. Austin F. MacDonald, Latin American Politics and Government, pp.444-452.
34. Ibid., pp.332-333.
35. Ibid., p.333.
36. Ibid., pp.334-336.
37. Ibid., pp.336-337. This lowland has also been claimed by Peru.
38. Extreme conservatism is illustrated by the Miró Quesada family, owners of El Comercio, an important Lima newspaper. When the head of the family was killed in May, 1935, by a young Aprista, a break between the Benavides government and the extreme conservatives took place when the killer was given

a twenty-five year sentence instead of the death penalty. This was the reason why the ultra-conservatives put up candidates in 1936 and 1939 against Benavides and Prado.

39. MacDonald, op. cit., pp.338-356.
40. Flores, op. cit., pp.23-30.
41. Isaiak Bowman, "The Ecuador-Peru Boundary Dispute,"
Foreign Affairs, Vol.XX, (July, 1942), pp.760-761.

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42. Gordon Ireland, Boundaries, Possession, and Conflicts in South America, p.185.
43. Ibid., pp.185-187.
44. Flores, op. cit., pp.37-38.
45. Juan Ignacio Gálvez, International Conflicts, p.26.
46. Ireland, op. cit., pp.187-188.
47. Ibid., p.188.
48. Flores, op. cit., pp.49-50.
49. Santamaría, op. cit., p.247.
50. Ibid., p.249.
51. Flores, op. cit., p.50.
52. Santamaría, op. cit., p.251.
53. Flores, op. cit., pp.50-51.
54. Santamaría, op. cit., p.253.
55. Flores, op. cit., p.51.
56. N. Clemente Ponce, Boundaries Between Ecuador and Peru, pp.14-15.
57. Gálvez, op. cit., pp.38-42.
58. Santamaría, op. cit., p.72.

59. Ibid., p.254.
60. Uti eas aedes de quibus agitur, nec vi, nec clam, nec precario, alter ab altero possidetis, quominus ita possideatis vim fieri veto.
61. Santamaría, op. cit., pp.269-270.
62. Flores, op. cit., p.52.
63. Santamaría, op. cit., p.254.
64. Ibid., p.255.
65. Ibid., p.256.
66. Gálvez, op. cit., p.111.
67. Flores, op. cit., p.53.
68. Santamaría, op. cit., p.257.
69. Flores, loc. cit.
70. Santamaría, op. cit., p.260.
71. Gálvez, op. cit., pp.113-114.
72. Flores, op. cit., pp.54-55.
73. Ibid., p.55.
74. Santamaría, op. cit., p.261.
75. Flores, op. cit., pp156-58.
76. Ibid., p.58.
77. Santamaría, op. cit., pp.262-263.
78. Flores, op. cit., p.59.
79. Santamaría, op. cit., p. 264.
80. Ireland, op. cit., p.224.

Chapter IV.

- L. A. Wright, "The study of the Conflict between the Republics of Peru and Ecuador,"
81. The Geographical Journal, Vol.98, 1941, p.269.
 82. Ireland, op. cit., p.225.
 83. Ibid.,
 84. The Geographical Journal, loc. cit.
 85. Ireland, loc. cit.
 86. The Geographical Journal, loc. cit.
 87. Ibid.
 88. Councilor Felipe Sánchez Román registered two dissents in June, 1909.
 89. Flores; op. cit., p.60.
 90. Ibid.
 91. Papers Relating to the Foreign Relations of the United States, 1915, pp.438-439.
 92. The Geographical Journal, Vol.98, p.270.
 93. Ireland, op. cit., pp.226-227.
 94. Ibid., p.227.
 95. Ibid.
 96. The Geographical Review, Vol.V, April, 1918, p.327.
 97. Ibid.
 98. Ireland, loc. cit.
 99. Ibid.
 100. Ibid.
 101. League of Nations Official Journal, March, 1934, p.257.
 102. Bulletin of the Pan American Union, Vol.68, April, 1934, p.257.
 103. Ireland, op. cit., p.228.

104. Ibid.
105. ^{Lester Hood Woolsey, "Ecuador-Peru Boundary Controversy"}
American Journal of International Law, Vol.31, No.1, 1937-8.
106. The Department of State, Press Releases, 1937, p.17.
107. Woolsey, American Journal of International Law, loc. cit.
108. Ireland, op. cit., p.228.
109. Ibid.
110. Francisco Tudela, The Controversy Between Peru and Ecuador, p.44.
111. Enrique Arroyo D. In his Las Negociaciones Limítrofes Ecuatoriano-Peruanos en Washington, wrote: "... que hacían más intolerable, para quien no estaba dispuesto a arreglarse, la situación en la que se había colocado, situación de expectativa ante un auditorio constituido por toda América, ... situación a la que podía satisfacer el que no se hubiese llegado a un entendimiento, peccó a la que no agradaría el que el Perú se hubiese obligado a abandonar Washington cargando el peso de una réplica incontestable y de una proposición como la de arbitraje que no era posible rechazar y que, por otra parte, no tenía el respaldo de la convicción jurídica para ser aceptada."

Chapter V.

112. Newsweek Magazine, July 14, 1941, p.26.
113. Untitled pamphlet found in Harvard College Library.
114. Newsweek Magazine, loc. cit.
115. Untitled pamphlet found in Harvard College Library.
116. Foreign Affairs, op. cit., Vol. XX, p.757.
117. Newsweek Magazine, loc. cit.
118. Ibid.
119. Foreign Affairs, Vol. XX, loc. cit.
120. Newsweek Magazine, July 31, 1941, p.26.
121. Ibid., July 28, 1941, p.25.

122. Bowman, Foreign Affairs, Vol. XX, loc. cit.
123. Time Magazine, July 14, 1941, p.26.
124. Ibid., September 1, 1941, p.28.
125. Ibid., September 22, 1941, p.6. Albert Franklin, on p.223 of Ecuador Portrait of a People, writes; "... Ecuadorians responded with loyalty and dignity in their country's hour of trial ... A sense of national unity, growing among all classes of Ecuadorians for some years past, was no given a new element of solidity, of emotional basis, and of tradition."
126. Newsweek Magazine, August 4, 1941, p.24.
127. Ecuador Sheds Its Blood, pamphlet, p.24.
128. Time Magazine, July 14, 1941, p.26.
129. Ibid., August 4, 1941, p.28.
130. Newsweek Magazine, August 18, 1941, p.27.
131. Ibid., August 11, 1941, p.29.
132. Ecuador Sheds Its Blood, p;5.
133. Inter-American Affairs, 1941, p.61.
134. Ibid.
135. Ibid.
136. Ibid.
137. Arthur P. Whitaker, The United States and South America, p.121.
138. Ecuador Sheds Its Blood, p.6.
139. Bulletin of the Pan American Union, Vol.76, May, 1942, pp.243-244.
140. Inter-American Affairs, 1942, p.211.
141. Ibid., p.15.
142. Bowman, Foreign Affairs, Vol. XX, p.758.

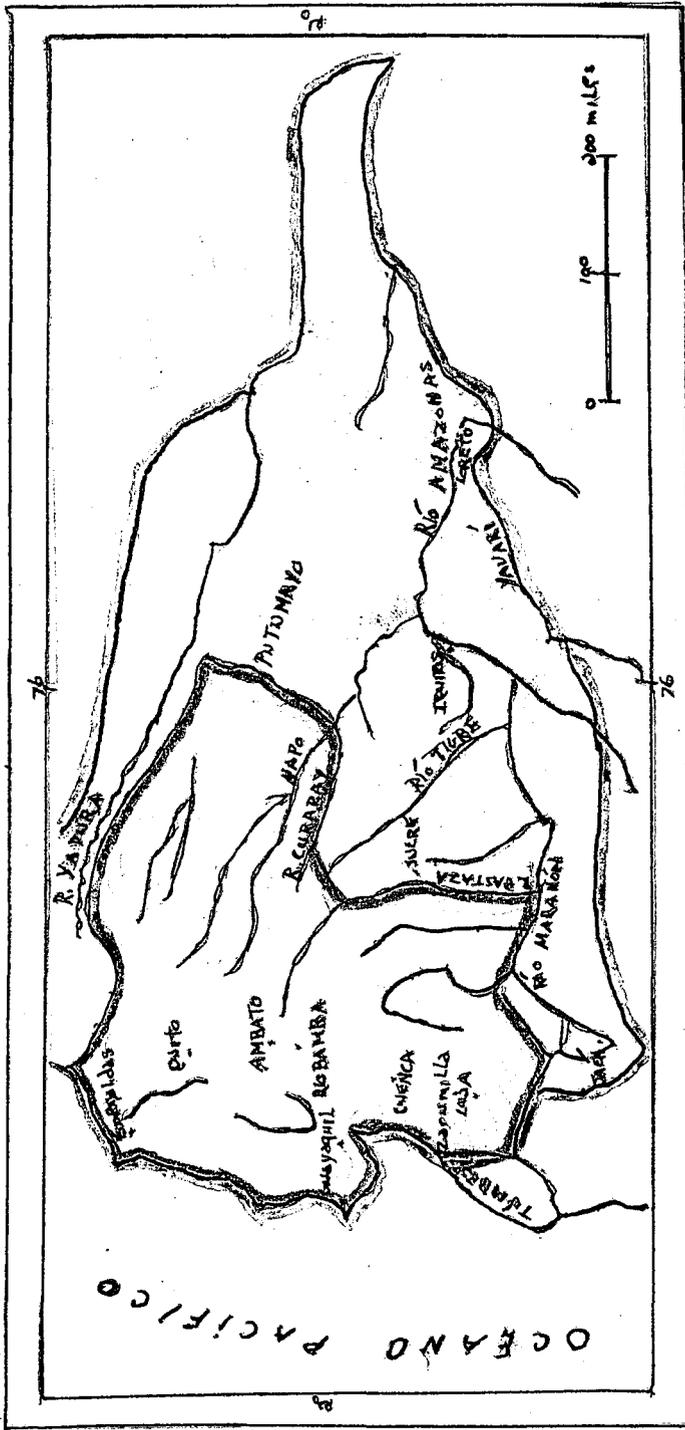
Chapter VI.

143. Julio Tobar Donoro, La Invasión Peruana Y El Protocolo de Río, pp.524-525.
144. MacDonald, op. cit., p.77.
145. Whitaker, op. cit., p.77.
146. Inter-American Affairs, 1942, pp.15-17.
147. Whitaker, op. cit., p.128.
148. This article originally published in the August 2, 1941 issue of La Crítica, the Santiago, Chile newspaper, was reprinted in an untitled pamphlet published by the Bureau of the Press of the Ministry of Foreign Affairs of Peru. A copy of the pamphlet is in the Harvard College Library.
149. Late in January, 1952, Velasco Ibarra was chosen as the candidate of the Ecuadoran Liberal Party in the approaching Presidential campaign.
150. Hank and Dot Kelly, Dancing Diplomats, pp.169-170.
151. Hispano Americano, Vol.IV, February 25, 1944, p.25.
152. Ibid., Vol.IV, March 10, 1944, p.24.
153. Ibid., Vol.XI, August 22, 1947, p.21.
154. Ibid., Vol.XIII, August 8, 1948, p.11.
155. New York Times, October 24, 1950, p.1.
156. Hispano Americano, Vol.XVII, November 3, 1950, p.18.
157. Hispanic American Report, Vol.III, No.11, October, 1950, p.28.
158. Ibid., Vol.III, No.12, November, 1950, p.25.
159. Christian Science Monitor, September 11, 1951, p.12.
160. Ibid.
161. Ibid.
162. Ibid.

163. Newsweek Magazine, August 27, 1951, p.42.
164. New York Times, August 12, 1951, p.1.
165. Ibid.
166. Ibid.
167. Newsweek Magazine, September 10, 1951, pp.13-14.
168. Hispanic American Report, Vol.IV, No.10, September, 1951, p.23
169. Ibid.
170. New York Times, September 7, 1951, p.4.
171. Ibid., August 15, 1951, p.7.
172. Ibid.
173. Newsweek Magazine, August 27, 1951, p.42.

Chapter VII.

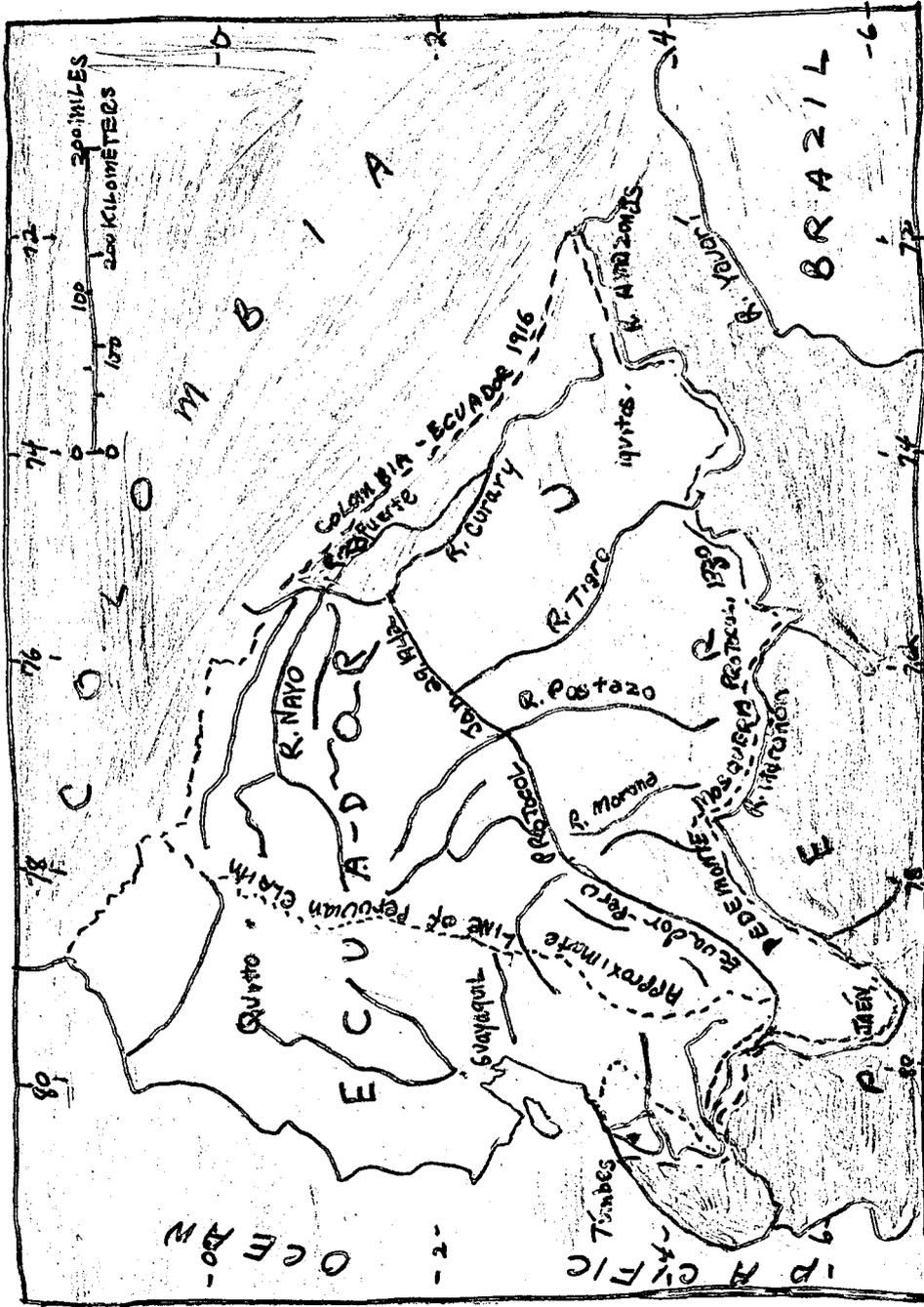
174. Flores, op. cit., pp.67-70. As a result of the 1942 Protocol, Peru did obtain the largest portion of the disputed area plus sovereignty over the main tributaries of the Amazon, yet the land awarded to Ecuador on the eastern slopes of the Andes contains potential oil resources.
175. Ibid., pp.81-82.
176. In contrast Dr. Richard Miller in The Frontier Problem Between Ecuador and Peru, 1937, p.22, writes: "... Ecuador insists that Peru has never discovered, has never explored, has never colonized nor has ever civilized the Oriental territory; nor has she a legal title to the occupation thereof and it is because of these reasons that she demands that the Ecuadorean territory that has been invaded by Peru should be disoccupied."
177. Flores, op. cit., pp.66-67.



- Ecuador according to the award of the Spanish Council of State. ca. 1610.
- Ecuador in Colonial Times

Map A

Source: Flores, History of the Boundary Dispute



Map B Ecuadoran Territory as Defined by Three Sources

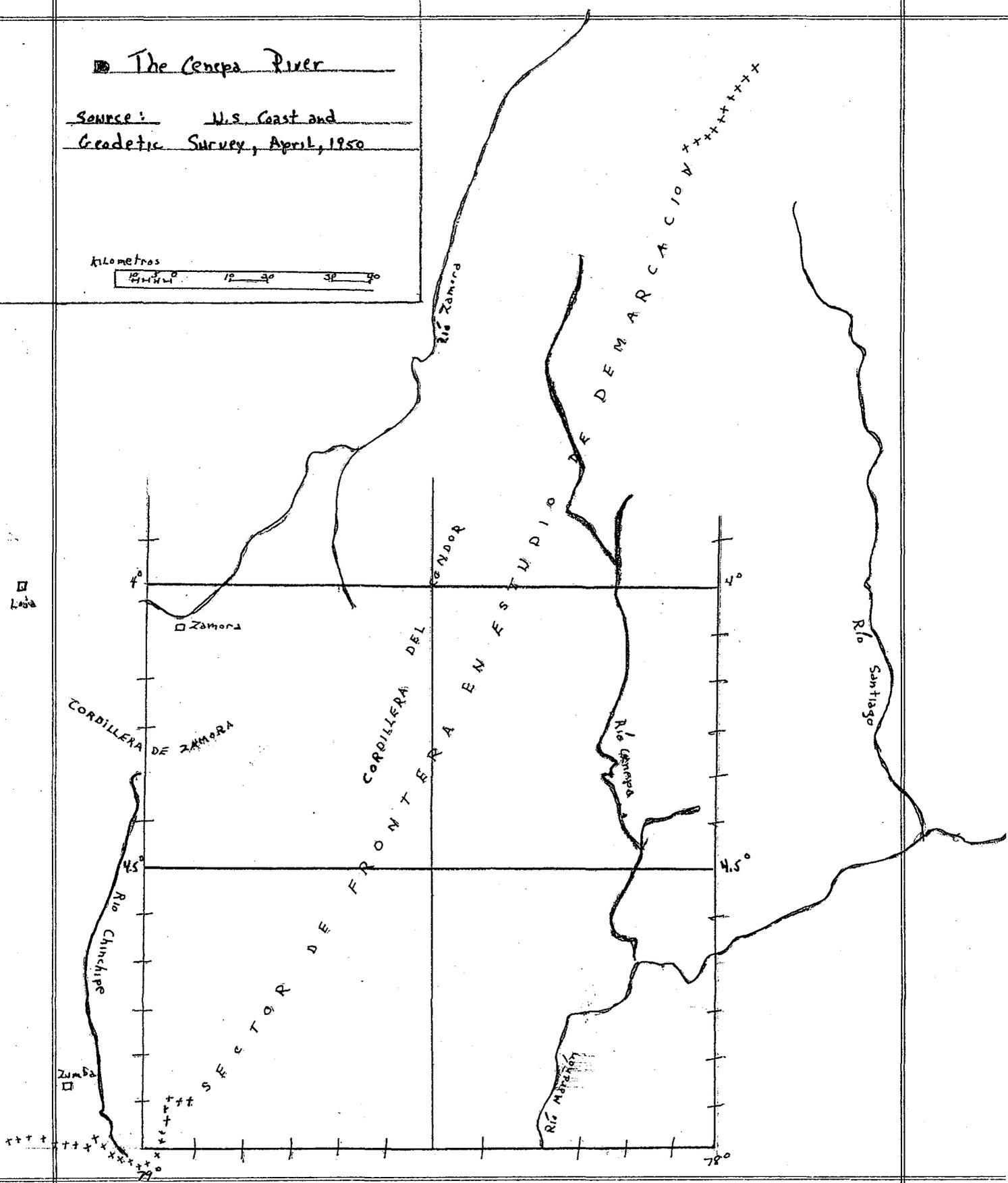
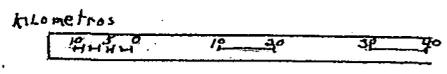
According to Peru According to 1830 Protocol

According to 1972 Protocol

Inter-American Affairs, 1942, p. 16

The Cenepa River

Source: U.S. Coast and Geodetic Survey, April, 1950



Map C The New Geographic Discovery

Appendix.

A. Spanish text of the 1802 Cédula.

"He resuelto se tenga por segregado del Virreinato de Santa Fe y de la Provincia de Quito y agregado a ese Virreinato el Gobierno y Comandancia General de Mainas con los pueblos del Gobierno de Quijos, excepto el de Papallacta, por estar todos ellos a las orillas del río Napo o en sus inmediaciones, extendiéndose aquella Comandancia General no sólo por el río Marañon abajo, hasta las fronteras de las colonias portuguesas, sino también por todos los demas ríos que entran al Marañón por sus márgenes septentrional y meridional, como son Morona, Guallaga, Pastaza, Ucayale, Napo, Yavari, Putumayo, Yapurá y otros menos considerables, hasta el paraje en que estos mismos por sus saltos y raudales inaccesibles dejan de ser navegables; debiendo quedar también a la misma Comandancia General los pueblos de Lamas y Moyabamba, por confrontar en lo posible, la jurisdicción eclesiástica y militar de aquellos territorios.

"A cuya fin os mando, que quedando como quedan agregados los Gobiernos de Mainas y Quijos a ese Virreinato auxiliéis con cuantas providencias juzguéis necesarias y os piliere el Comandante General y que sirvan en ellos, no sólo para el adelantamiento y conservación de los pueblos, y custodia de los Misioneros, sino también para la seguridad de mis dominios, impidiendo se adelanten por ellos los vasallos de la corona de Portugal nombrando los cabos subalternos, o tenientes de fronteras y administracion de justicia.

"Asimismo he resuelto poner todos esos pueblos y misiones reunidos a cargo del Colegio Apostólico de Santa Rosa de Ocopa de ese Arzobispado.

"Igualmente he resuelto erigir un Oblispado en dichas misiones, ... debiendo componerse el nuevo Obispado de todas las conversiones que actualmente tienen los Misioneros de Ocopa, por los ríos Guallaga, Ucayale y por los caminos de montañas que sirven de entradas a ellos, y estan en la jurisdicción del Arzobispado

de Lima; de los Curatos de Lamas, Moyobamba y Santiago de las Montañas, pertenecientes al Obispado de Trujillo; de todas las Misiones de Mainas; de los Curatos de la Provincia de Quijos, excepto el de Papallacta; de la Doctrina de Canelos en el río Bobonaza, servida por Padres Dominicos; de las misiones de Religiosos Mercedarios en la parte inferior del río Putumayo pertenecientes al Obispado de Quito y de las Misiones situadas en la parte superior del mismo río Putumayo, y en el Yapurá llamadas de Sucumbios que estaban a cargo de los Padres Franciscanos de Popayan."

B. Spanish translation of the 1942 Protocol.

PROTOCOLO DE PAZ, AMISTAD Y LIMITES ENTRE EL ECUADOR Y EL PERU.

Los Gobiernos del Ecuador y del Perú, deseando dar solución a la cuestión de límites que por largo tiempo los separa y teniendo en consideración el ofrecimiento que les hicieron los Gobiernos de Estados Unidos de América, de la República Argentina, de los Estados Unidos del Brasil y de Chile, de sus servicios amistosos para procurar una pronta y honrosa solución del problema, y movidos por el espíritu americanista que prevalece en la Tercera Reunión de Consulta de Ministros del Relaciones Exteriores de las Repúblicas Americanas, han resuelto celebrar un protocolo de paz, amistad y límites en presencia de los Representantes de esos cuatro Gobiernos amigos. Para este fin intervienen los siguientes Plenipotenciarios:

Por la República del Ecuador, el señor doctor Julio Tobar Donoso, Ministro de Relaciones Exteriores; y

Por la República del Perú, el señor doctor Alfredo Solf y Muro, Ministro de Relaciones Exteriores;

Los cuales, después de exhibidos los plenos y respectivos poderes de las Partes, y habiéndose encontrado en buena y debida forma, acordaron la suscripción del siguiente Protocolo:

Artículo I

Los Gobiernos del Ecuador y del Perú afirman solemnemente su decidido propósito de mantener entre los dos pueblos relaciones de paz y de amistad, de comprensión y de buena voluntad, y de abstenerse, el uno respecto del otro, de cualquier acto capaz de perturbar esas relaciones.

Artículo II

El Gobierno del Perú retirará, dentro del plazo de quince días, a contar desde esta fecha, sus fuerzas militares a la línea que se halla descrita en el artículo VIII de este Protocolo.

Artículo III

Estados Unidos de América, Argentina, Brasil y Chile cooperarán por medio de Observadores militares, a fin de ajustar a las circunstancias la desocupación y el retiro de tropas en los términos del Artículo anterior.

Artículo IV

Las fuerzas militares de los dos Países quedarán en sus nuevas posiciones hasta la demarcación definitiva de la línea fronteriza. Hasta entonces, el Ecuador tendrá solamente jurisdicción civil en las zonas que desocupará el Perú, que quedan en las mismas condiciones en que ha estado la zona desmilitarizada del Acta de Talara.

Artículo V

La gestión de Estados Unidos, Argentina, Brasil y Chile continuará hasta la demarcación definitiva de las fronteras entre el Ecuador y el Perú, quedando este Protocolo y su ejecución BAJO LA GARANTIA DE LOS CUATRO países mencionados al comenzar este artículo.

Artículo VI

El Ecuador gozará, para la navegación en el Amazonas y sus afluentes septentrionales, de las mismas concesiones de que gozan el Brasil y Colombia, más aquellas que fueren convenidas en un Tratado de Comercio y Navegación destinado a facilitar la navegación libre y gratuita en los referidos ríos.

Artículo VII

Cualquier duda o desacuerdo que surgiere sobre la ejecución de este Protocolo, será resuelto por las Partes con el concurso de los Representantes de Estados Unidos, la Argentina, Brasil y Chile, dentro del plazo más breve que se posible.

Artículo VIII

La línea de frontera será referida a los siguientes puntos:

A) En el Occidente:

- 1 - Boca de Capones en el Océano;
- 2 - Río Zarumilla y Quebrada Balsamal o Lajas;;
- 3 - Río Puyango o Tumbes, hasta la quebrada de Cazaderos;
- 4 - Cazaderos;
- 5 - Quebrada de Pilares y del Alamor hasta el río Chira;
- 6 - Río Chira, aguas arriba;
- 7 - Ríos Macará, Calvas y Espíndola, aguas arriba, hasta los orígenes de este último en el Nudo de Sabanillas;
- 8 - Del Nudo de Sabanillas hasta el río Canchis;
- 9 - Del río Canchis en todo su curso, aguas abajo;
- 10 - Río Chinchipe, aguas abajo, hasta el punto en que recibe el Río San Francisco.

B) - En el Oriente:

- 1 - De la Quebrada de San Francisco, el «divortium aquarum» entre el río Zamora y el río Santiago hasta la confluencia del río Santiago con el Yaupi;
- 2 - Una línea hasta la boca del Bobonaza en el Pastaza. Confluencia del río Cunambo con

- el Pintoyacu en el río Tigre;
- 3 - Boca del Cononaco en el Curary, aguas abajo hasta Bellavista;
 - 4 - Una línea hasta la boca del Yasuni en el río Napo. Por el Napo, aguas abajo hasta la boca del Aguarico;
 - 5 - Por éste, aguas arriba, hasta la confluencia del río Lagartococha o zancudo con el Aguarico;
 - 6 - El río Lagartococha o Zancudo, aguas arriba, hasta sus orígenes y de allí una recta que vaya a encontrar el río Güepi y por este hasta su desembocadura en el Putumayo, y por el Putumayo arriba hasta los límites del Ecuador y Colombia.

Artículo IX

Queda entendido que la línea anteriormente descrita será aceptada por el Ecuador y el Perú para la fijación, por los técnicos, en el terreno, de la frontera entre los dos países. Las partes podrán, sin embargo, al procederse a su trazado sobre el terreno, otorgarse las concesiones recíprocas que consideren convenientes a fin de ajustar la referida línea a la realidad geográfica. Dichas rectificaciones se efectuarán con la colaboración de representantes de los Estados Unidos de América, República Argentina, Brasil y Chile.

Los Gobiernos del Ecuador y el Perú someterán el presente Protocolo a sus respectivos Congresos, debiendo obtenerse la aprobación correspondiente en un plazo no mayor de 30 días.

En fe de lo cual los Plenipotenciarios arriba mencionados firman y sellan, en dos ejemplares, en castellano, en la ciudad de Río de Janeiro, a la una hora del día veintinueve de enero del año mil novecientos cuarenta y dos, el presente Protocolo bajo los auspicios de Su Excelencia el señor Presidente del Brasil y en presencia de los señores Ministros de Relaciones Exteriores de la República Argentina, Brasil y Chile y del Subsecretario de Estado de los Estados Unidos de América.

(F) J. Tobar Donoso; (F) Alfredo Solf y Muro; (F) E. Ruiz Guíñazu; (F) Oswaldo Aranha; (F) Juan B. Rossetti; (F) Sumner Welles.

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Abstract.

The century old boundary dispute between Ecuador and Peru is still going on. In the past the dispute concerned three sections of territory: 1) the Oriente area (including the Mainas region, the eastern slope of the Andes, and several tributaries of the Amazon); 2.) a southerly district known as Jaén; and 3) the Tumbes district on the Pacific coast. The major problems had been settled in successive treaties and protocols, the last one in 1942. Today the issue is one of interpretation of the 1942 Protocol. A scientifically accurate geographic survey in 1946 revealed new features of the Cenepa river formerly unknown. Because of this, the problem has assumed new significance and needs some clarification.

The territories we now know as Ecuador and Peru comprised a large part of the Inca Empire. Internally split, the Empire began to disintegrate in the early 16th century, at which time Spain conquered and later colonized the territory. It was under the Spanish colonial administrations that the seeds for future boundary disputes were sown. Many of the Spanish royal decrees establishing Audiencias were confused and wordy.

In 1542 Charles V created the Audiencia of Lima and in 1563 the Audiencia of Quito. Present day Ecuador in 1563

was under the Audiencia of Quito. Political control was subject to the Vice Royalty of Peru. In ecclesiastical matters Ecuador was subject to the jurisdiction of the Archbishop of Lima.

In 1717 King Philip V created the Vice Royalty of New Granada, carved out of the northern part of the Vice Royalty of Peru. In 1722 the Audiencia of Quito was placed within the Vice Royalty of New Granada, but there was uncertainty over the location of its southern border. By 1802 a section of the Amazonas region was included in the Vice Royalty of Peru as was the Gobierno of Guayaquil.

After independence was achieved from Spain in 1819, Ecuador was incorporated into Gran Colombia, which also included Colombia and Venezuela. Gran Colombia declared war on Peru in 1828. A 1829 peace treaty established a basis for a boundary. On August 14, 1830, Ecuador declared herself independent of Gran Colombia and became a separate nation.

In the 19th century, the first treaty dealing with the boundary question was one signed in 1822 between Peru and Gran Colombia. This treaty stipulated that the exact boundaries would be arranged by a special convention. An 1829 treaty between Peru and Gran Colombia recognized as boundaries those which the old Vice Royalties of New Granada and Peru had before independence. This was followed by the Pedemonte-Mosquera Protocol of August 11, 1830, a protocol

that was to set machinery in action for defining the boundary.

When Ecuador obtained her independence Peru did not recognize her as the legitimate heir of Gran Colombia and hence did not accept her right to adopt the treaties that Peru had concluded with Gran Colombia. From 1840 to 1853 there were no important changes. Peru based her claims on the 1802 Royal Cédula and the principle of uti possidetis. Ecuador based her claims on colonial decrees and the 1830 Protocol.

After several attempts at direct negotiations had failed, the problem was submitted late in the nineteenth century to the King of Spain for arbitration. The King later withdrew from participation for fear that his decision would mean war. Tensions between Peru and Ecuador steadily mounted. Peru continued to develop and extend her control over portions of the disputed area and Ecuador continued to complain about it. In 1924 plans were made for a conference under the auspices of the President of the United States. Meetings were held in Washington from 1936 to 1938 but no solution was reached.

As relations between Ecuador and Peru became more strained, undeclared war broke out in 1941. It was believed at the time that Axis and pro-Axis elements played a significant part in stimulating the war. With the encouragement of the American powers, a protocol was enacted in January, 1942.

Under this agreement Peru was to receive the larger share of the disputed territory but "rights" to navigate rivers and territory with potential oil resources were given to Ecuador.

Ninety per cent of the 1942 settlement was successfully carried out. However, in 1946 in the process of demarcation, an aerophotogrammetric map showed that the supposedly insignificant Cenepa river actually had an extension of over 190 kilometers. Because of this discovery Ecuador believes there should be a new conference. Peru maintains that the entire problem was settled by the 1942 Protocol. The river is important to Ecuador because it is navigable and would give her direct access to the Marañón and Amazon Rivers.

In October, 1950, Peru was accused of massing troops on the Ecuadoran border. In August, 1951, sporadic firing was again reported in the disputed area. Both sides were blamed for starting the disturbances. Demonstrations were held in Ecuador against the 1942 Protocol. In recent months the tensions have diminished.

It is the belief of this author that as Ecuador has given up more territory than Peru and because the full extent of the Cenepa was not known until after 1942, a new conference should be held and thus finally and peacefully end the last remaining boundary dispute in South America.