

The bilateral instruments that form the comprehensive and definitive Agreement

Final proposal of the Guarantor Countries on setting a Common Land Border in the area

His Excellency Mr. Alberto Fujimori

President of the Republic of Peru

His Excellency the President,

Our governments assumed by article 7 of the Protocol of Peace, Friendship and Borders of Rio de Janeiro, the role of guarantor of the implementation of that Treaty. With this, we stayed committed to facilitate, where necessary, understanding between the parties. This responsibility involves introducing elements that clarify any aspects to which there are divergent approaches.

As Guarantor Countries, we must recognize that the parties, on the basis of the Rio de Janeiro Protocol and in line with the Itamaraty Peace Declaration and other documents that it produces, have sought to achieve peace, friendship and understanding that would enable them to develop a cooperative relationship of mutual benefit that fulfils the goals referred to in Article 1 of said Protocol.

We also gladly note that this process has to date enabled plans for a Trade and Navigation Treaty, for Navigation in the Gaps in Rivers and in the Napo River, for a Comprehensive Border Integration Agreement, and for the constitution of a Binational Commission on Mutual Trust and Safety Measures, as well as for an agreement for establishing measures to ensure the effective functioning of the Zarumilla Channel.

Your Government has, together with the Government of Ecuador, conveyed to us its concern for having tried, throughout this long process and without achieving results that meet the expectations of both populations, to cover all aspects, as described by the Brasilia Declaration of November 26th, 1997, and the Rio de Janeiro Timetable on January 19th of the current year. As Your Excellency mentioned in the letter that was jointly sent with the President of Ecuador on the 8th of this month (October) to the President of Brazil, the difficulties encountered have to do with setting a Common Land Border in the area.

In the aforementioned letter, the Parties requested our assistance in formulating a comprehensive and definitive proposal that helps achieve peace, friendship, understanding, and goodwill.

Our governments, in a letter from the President of Brazil, dated October 10th, made known to Your Excellency that to reach such a proposal would require the prior acceptance by both governments of the binding nature for all the parties of our point of view, as well as approval of this commitment from the Congresses of Peru and Ecuador.

Accordingly, having complied with these requirements, we, Heads of State of the Guarantor Countries, in line with the Santiago Agreement and the Rio de Janeiro Timetable, express our point of view (which the parties accept as being of a binding nature), that contains the following elements to complete the establishment of a Common Land Border in the area and complement the comprehensive and definitive agreement:

1. In light of disagreement between the parties on the views and opinions issued by the experts appointed by the Guarantor Countries, in line with the Brasilia Declaration timetable on the three items submitted for consideration, the Guarantor Countries of the Rio de Janeiro Protocol believe that such views are part of the implementation of the Rio de Janeiro Protocol and under the judgment of the Arbitrator Braz Dias de Aguiar, and that the parties must therefore proceed to finalize these borders in the manner established by these views and opinions. For this purpose, the annexed maps specify the coordinates of the landmarks to be erected.
2. In accordance with the attached sketch, the Peruvian government will give the Ecuadorian government an area of one square kilometre, in the centre of which is the point known as Tiwinza that Ecuador provided to the MOMEPE.
3. The transfer will be made free of charge through a public deed held by the corresponding entities of Peru and Ecuador, which will be signed when the comprehensive and lasting agreement enters into effect. This transfer will not affect sovereignty. The indicated property will not be seized by the Government of Peru.
4. The Government of Ecuador, as owner, will have the actual rights that they entrust to the Peruvian National Private Law, except the right to transfer. The use that Ecuador makes of this territory will be in line with the conservation rules applicable to the area in which it is located.
5. The Government of Ecuador will not have police or military within this area, or perform any related activities, except commemorative acts previously coordinated with the Government of Peru.
6. Ecuadorian nationals may move freely on a single public motorised road, up to five meters wide, that connects the area with Ecuador, that must be available thirty months after the comprehensive and lasting agreement takes effect, and maintained by Peru with the goal of having a more direct and accessible route to Ecuador. The Technical Committee, referred to in paragraph 9, will be responsible for determining the path of this road. With this goal, respective border control posts will be established on both sides of the border. Given the ecological character of the area, you will not be able to move from one country to another with any kind of weapon.
7. Each party will, within its territory and under its national law, decide upon an area of ecological protection under the sovereignty and jurisdiction of the State concerned, in the areas and perimeters that are outlined in the attached sketch. Both ecological zones will have the same name and will be adjacent and have a section of overlapping border.
8. Members of the region's native communities can move freely between the two ecological zones.
9. The administration of each of the zones will be in charge of competent bodies specialising in the respective country, who will coordinate among themselves through a Peru-Ecuadorian Technical Committee to instruct private, non-profit entities, national and/or international, specialized in conservation and management of natural resources, to perform the necessary studies and to collaborate in the management of environmental resources, so as to ensure their proper conservation.
10. The respective national police and park ranger authorities will be responsible for the security of the ecological zones. The border posts of each party in these areas will be in the charge of police units and, given the nature of ecological protection of these areas, new military posts will not be installed within their limits. The current military posts within each park, in Coangos in Ecuador and PV1 in Peru, may remain whilst maintaining their current levels of staffing, but never exceeding fifty in each one.

11. Additionally, the parties will proceed to formalize projects put in place by the treaties and agreements, the texts of which are part of the comprehensive and definitive agreement that will put an end to the differences between the two countries. Moreover, we have the pleasure to inform you that, as stated in our communication of October 10th, this operation has been brought to the knowledge of His Holiness Pope John Paul II, who is pleased for this noble compromise and prays that the present agreement is the basis of a lasting coexistence in peace and prosperity of the fraternal people of Peru and Ecuador.

The Guarantor Countries consider that the process born from the Peace Declaration of Itaramaty will be completed while respecting the interests and feelings of the two nations and ensuring the full and faithful implementation of the Rio de Janeiro Protocol. In this way, aspirations of peace, friendship and belief in a common future that the people of Peru and Ecuador seek may develop.

We take this opportunity to convey to Your Excellency assurances of our highest consideration

Carlos Saul Menem

Fernando Henrique Cardoso

Eduardo Frei Ruiz-Tagle

William Clinton

Final demarcation

Sketch NO.1
South Cunhuime-20 November



Sketch NO.2

Cusumasa-Bumbuiza/Yaupi-Santiago



