

Title: Declaration and exchange of notes concerning the termination of the process of demarcation of the Peruvian-Ecuadorean frontier
Parties: Ecuador, Peru
Basin: amazon, Chira, Zarumilla, Tumbes
Date: 5/22/1944

Ecuador-Peru

69. DECLARATION AND EXCHANGE OF NOTES¹ CONCERNING THE TERMINATION OF THE PROCESS OF DEMARCATION OF THE PERUVIAN-ECUADOREAN FRONTIER. LIMA/ QUITO, MAY 22-24, 1944²

It is with the deepest patriotic satisfaction that the Government discharges the very pleasant duty of announcing to the country, as stated in the communiqué of the 20th inst., that the process of demarcation of the Peruvian-Ecuadorean frontier has been brought to a conclusion, with the faithful and strict execution of the Protocol of Peace, Friendship and Boundaries signed between Peru and Ecuador in Rio de Janeiro on January 29, 1942,³ which determined the boundary line between the two countries.

The negotiations have achieved complete success, and owing to the intelligent and wise intervention of the distinguished Brazilian Chancellor, H. E. Sr. Oswaldo Aranha, the definite frontier between Peru and Ecuador has been determined....

In the Western Section, it has been established that the boundary line shall pass through the so-called old bed of the River Zarumilla, as far as its outlet into the Hualtaco estuary, all the territory lying in the zone called that of the two river beds being included under our sovereignty. . . .

Peru undertakes, by this agreement, to take the necessary steps within 3 years, to guarantee the supply of water necessary for the life of the Ecuadorean villages on the right bank of the so-called old bed of the river Zarumilla, fixed as the frontier....

Official notes have to-day been exchanged between the Ministers for Foreign Affairs of Peru and Ecuador, expressing the acceptance of the two Governments of the results obtained in the negotiations just concluded...

No. 1. The Peruvian Minister for Foreign Affairs to the Ecuadorean Minister for Foreign Affairs

Lima, May 22, 1944

Your Excellency:

I have the honour to communicate to Your Excellency that my Government is in agreement with the formula of H. E. Sr. Oswaldo Aranha, Minister for Foreign Affairs of Brazil,⁴ resolving the differences in interpretation arising on certain points of the demarcation of the Peruvian-Ecuadorean frontier which has been in process of execution in accordance with the Protocol of Peace, Friendship and Boundaries signed in Rio de Janeiro in January 29, 1942. This formula, which has the support of the countries guaranteeing the fulfilment of the Protocol in question, is contained in the notes handed over by the Brazilian Chancery, on the 17th instant, to the Ambassadors of Peru and Ecuador accredited to the Government of that Republic.

No. 2. [The Minister for Foreign Affairs of Ecuador handed the note of acceptance of his Government to the Peruvian Legation, Quito, on May 22, 1944.]

¹ Came into force on 24 May 1944, by the exchange of the said Notes.

² British and Foreign State Papers, vol. 145, p. 566.

³ British and Foreign State Papers, vol. 144, p. 1 161 ; American Journal of International Law, vol. 36, 1942, Suppl., p. 168. His Protocol was denounced by the President of Ecuador on 1 September 1960. The Government of Peru declared that this denunciation did not modify the legal situation created by the Protocol of 29 January 1942.

⁴ With regard to the utilization of the waters of the River Zarumilla, Sr. Oswaldo Aranha proposed the following solution:

“Peru undertakes to divert, within a period of three years, part of the waters of the River Zarumilla so that they shall flow along the former bed of the river, in order to provide the Ecuadorian villages situated along its banks with the aid essential to their existence, Ecuador retaining joint ownership of the waters in accordance with international practice.”

(Informe del Ministro de Relaciones Exteriores a la Nación, Agosto 1944, Julio 1946, Quito, Ecuador, p. 610.)