

Overcoming the Weight of History: Getting to Yes in the Peru-Ecuador Border Dispute¹

David Scott Palmer

Boston University

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<dspalmer@bu.edu>

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Introduction: Distinctive Characteristics of the Dispute

The boundary between Ecuador and Peru has been in dispute since before these West Coast South American nations gained their independence from Spain. Until the quite extraordinary October 1998 agreement between the parties, in fact, it was the longest running boundary conflict without resolution in the Western Hemisphere. Over the years, at least thirteen major initiatives to solve the problem failed to do so. These ranged from arbitration efforts by the Pope, the Spanish Crown, and the President of the United States, to multiple draft treaties that, with one exception, were never ratified. Simplifying just a bit, the issue was not solved over the course of the 19th century because the governments of Peru and Ecuador deemed the area in dispute, mostly vast tracts of virtually unpopulated jungle, as not important enough.

¹ Paper prepared for presentation at the International History Institute of Boston University on February 28, 2000. This paper draws from the author's research on the topic, some of which has been published in journals and edited books (See Bibliography Cited). This research includes interviews, conversations, and correspondence between 1995 and 1999 with many of the key participants in the negotiations. These include the U.S. Guarantor Representative, the Ambassadors of Ecuador and Peru to the United States, the Foreign Ministers of Ecuador and Peru; diplomatic officers of Peru, Ecuador, the United States, Chile, and Argentina; and military officials of both parties and the four guarantors. It also includes discussions on the problem with a number of U.S., Ecuadorean, and Peruvian academic specialists, as well as a retired career Foreign Service Officer involved in earlier controversies regarding the border and the author of the most complete historical overview of the boundary dispute through 1981. The author also participated in various multi-track diplomacy initiatives in the United States, Ecuador, Peru, and Chile funded by government agencies of the United States, Ecuador, and Peru; United Nations agencies, and the Kellogg and Ford Foundations. Specific interviews are not cited in this paper. However, many may be found in the footnotes of the author's prior publications.

Through most of the 20th century, with a growing sense of national identity and nationalism in both countries as well as a rubber boom and the discovery of oil in the region, no resolution was reached because the parties saw it as too important. (Krieg 1986)

The boundary problem originates with the Royal Decree of 1802 separating most of the trans-Andean territory from the Viceroyalty of Nueva Granada and its province of Quito and transferring it to the Viceroyalty of Peru. It continues with some eleven boundary treaties and protocols over the years, including 1823, 1829, 1830, 1832, 1860, 1887, 1890, 1904, 1924, 1936, and 1942. Of these only the 1832 Pando-Noboa Treaty, which recognized present boundaries (even though these were not at all clear) until an agreement fixing the boundaries is concluded, and the 1942 Rio Protocol, which intended to fix the boundaries, were signed and ratified by both countries. Over this period, three wars (1829, 1859, and 1941) were fought over the border issue, as well as multiple skirmishes which broke out intermittently until the final and most extensive military confrontation in 1995.

This was indeed a problem that would not go away. Each time over the years that a serious effort was mounted to put the issue behind both countries, one problem or another, often unrelated to the dispute itself, got in the way. Over time, the grooves of history deepened with each failed effort, making each succeeding initiative all the more problematic. (McBride 1949, Krieg 1986)

A second signal characteristic of the dispute is that it involved the longest standing multilateral mechanism for international conflict resolution. This was a four-country guarantor arrangement that included Brazil, Argentina, Chile, and the United States. Their mission was to help the parties to the conflict lay out and mark a definitive boundary and to assist in addressing any disputes that might arise. This mechanism was established as part of the January 1942 Treaty of Peace, Friendship, and Boundaries, also known as the Rio Protocol.

Heralded at the time as a definitive settlement of the border problem, the guarantors expected that their involvement would be short term, a few years at most, and largely technical in nature. Nevertheless, over 55 years later the guarantors were still at work, indeed, facing their most daunting challenge. For under the Rio Protocol, their role ended only when the last boundary marker was set in place -- which did not occur until May 1999. Given the deeply

embedded differences between the parties to the dispute, the involvement of the guarantors proved to be absolutely essential to its ultimate resolution. (Palmer 1999b)

A third significant element of this boundary conflict, particularly concerning the manner in which it has played out in modern times, is how it refutes the assertion that democracies do not go to war against each other. (Mansfield and Snyder 1995) In the case of Ecuador and Peru, the major outbreaks of hostilities between them, in 1941, 1981, and 1995, occurred when both countries were experiencing elected civilian rule. In fact, democratic processes in both countries at these times complicated and made even more problematic the dispute resolution process and then, in a dramatic final twist, actually facilitated the ultimate agreement. (Mares 1998, Palmer 1999a)

As far back as 1904, under the limited liberal democracies of the day, popular protests in both Ecuador and Peru over a prematurely disclosed arbitration decision by the Spanish Crown, scuttled the project. Civilian politicians in both countries often used the unresolved border issue for their own partisan purposes, inflaming public opinion and often causing more reasoned discourse on the issue to be perceived as traitorous. The 1941 war broke out between elected civilian governments after the failure of several years of intermittent mediation in Washington, D.C., headed by President Franklin D. Roosevelt. Peru, a much larger country with a recently modernized military, won quickly and easily. (Wood 1966)

This forced a settlement that periodic and often prolonged negotiations with invited third party involvement going back as far as 1827 had failed to achieve. Even the Rio Protocol did not settle the issue quickly and definitively as the parties and the guarantors initially expected that it would. This was largely because one elected president of Ecuador chose to suspend participation in boundary marker placing in 1948 and another declared in 1960 that the Rio Protocol was Anull.® Even though under international law one party to a ratified treaty cannot unilaterally withdraw from being subject to its provisions, Ecuador's position had the practical effect of suspending for 35 years the application of the Protocol. (Krieg 1986, St. John 1992)

The uncertainty introduced by Ecuador's position contributed to multiple military incidents between Peru and Ecuador, most occurring when the governments of both countries were under civilian elected rule. All involved troop mobilizations, and several included cross

border armed confrontations and loss of life. One of the most serious occurred in 1981 at Paquisha, when Peru quickly beat back Ecuadorean military infiltrations into disputed territory Peru claimed belonged to them. However, Peru had to settle for inconclusive Organization of American States (OAS) involvement to restore the peace because Ecuador refused to accept the application of the Rio Protocol. The situation continued to fester as a result, with multiple border incidents in the 1980s and early 1990s. (Mares 1996-97)

In 1995, a major confrontation occurred, with large-scale armed confrontations, full military mobilization, and the sending of over 5,000 troops to the border by each side. Between January and March, when most of the fighting ceased, the undeclared war cost both Ecuador and Peru several hundred casualties at least (though unconfirmed estimates go as high as 4,000) and over \$500 million dollars each that their then-distressed economies could ill afford. Unlike 1981, this time Ecuadorean forces were much better trained and equipped than their Peruvian counterparts, who proved unable to dislodge the Ecuadorean military from most positions in the disputed area and lost at least nine aircraft and helicopters to enemy fire in the process. Also unlike 1981, this time Ecuador's president announced that his country would accept the Rio Protocol and its guarantor mechanism as the vehicle to restore peace and work for a final settlement of the dispute. (Palmer 1997)

The focus of some prominent international relations analysts on the type of government that fights or does not fight wars masks the larger issue demonstrated time and again by the Peru-Ecuador case -- that being a democracy or a dictatorship is less important than the depth of the disagreement between the parties and the length of time that the disagreement has gone on without resolution. Both Peru and Ecuador had developed over the years strongly held positions on their border dispute that had become more and more intractable over time. Both came to the negotiating table with what amounted to non-negotiable stances. For Ecuador, no solution would be acceptable that did not include sovereign access to the Amazon River.⁶ For Peru, no solution would be acceptable that did not adhere to international law and define the boundary in terms of the precise points laid out in specific terms in the Rio Protocol of 1942. Such positions had not wavered between 1948 and 1995, whether under military or civilian governments, and had thwarted repeated attempts by representatives of the parties and the guarantors to find some

mutually acceptable solution.

Explaining Success after Decades of Failure

Given the exceedingly long history of this dispute, the multiple failures of bilateral and multilateral efforts to resolve it, and intense feelings of nationalism expressed on both sides of the border, how can we explain its successful and definitive resolution in October 1998? One can draw out of a review and an analysis of the entire Ecuador-Peru border dispute resolution process at least five significant factors that contributed to this felicitous outcome.

1. Working within the Rio Protocol

The first is the ability to conduct negotiations within the parameters of the Rio Protocol after January 1995. The Protocol was a legitimate treaty under international law, after all, as it had been negotiated, signed, and duly ratified by the parties. It was also a well crafted document with provisions that introduced some flexibility in interpretation and application. One allowed for the uncertainty of incompletely mapped terrain (full mapping of the area was not completed until 1946) by permitting adjustments as physical anomalies were found on the ground in the process of demarcation. Another extended navigation rights on the Amazon and its northern tributaries to Ecuador and other concessions that might be agreed to in an additional bilateral treaty of commerce and navigation. In addition, the Protocol included a mechanism for outside country assistance to the parties to help them reach full and comprehensive implementation of its provisions. (Krieg 1986, Appendix A)

Ecuador's reluctance to work within its framework for many years was based on a combination of factors. It claimed that it had been forced to sign the 1942 treaty under duress, in the context of the outbreak of World War II and U.S. pressure to bring about a quick and peaceful solution. It also reasserted the validity of the principle of *uti possidetis*, by which the borders of the new nations forged from the Spanish Empire would be the same as they had been under colonial rule. (Ratner 1996) Under this principle, Ecuador held that its own boundary

should follow the administrative borders of the Viceroyalty of Nueva Granada, of which it had been a part, and which included until 1802 a large swath of present day northeastern Peru. (Tobar Donoso and Luna Tobar, 1994) Finally, Ecuador concluded that the Protocol could not be applied because a watershed and river in the area in dispute had been discovered only after the Protocol had been signed. By the time the government of Ecuador decided to take this position, first in 1948, most of the border as defined in the Rio Protocol had been demarcated. Only a 48 mile section, in the area of the Cordillera del Condor, remained open. (Krieg 1986) It was in this area that most of the subsequent armed conflicts between the two countries occurred. Only after Ecuador's President Sixto Duran Ballen renewed his country's acceptance of the Rio Protocol's purview and asked the guarantors to assist in ending the 1995 outbreak of hostilities could this instrument be used as the basis for finding a definitive solution.

2. The Guarantor Mechanism: A Multilateral Peacekeeping Original

A second factor which helps us explain how a settlement could be reached after so many years of frustration and failure is the existence of the multilateral guarantor mechanism itself. This device was inserted into the Rio Protocol as a vehicle by which the outside Afriendly@ countries could assist the parties to lay out and mark the boundary and could help work out any doubt or disagreement that might arise in the execution of the protocol. The use of such a multilateral mechanism in this situation grew out of the successful application of similar instruments to resolve other conflicts in South America in the 1920s and 1930s. (Wood 1966) In this role, Brazil, Argentina, Chile, and the United States brought an international presence to the problem, adding stature to a conflict often seen as trivial outside the immediate region. They could bring ideas and approaches to the table for consideration by two parties with a deep seated distrust of each other. Their role was to assist, not to arbitrate, so that ultimate responsibility for working through to a definitive solution rested with the parties to the conflict. The guarantor mechanism could also serve as a lightning rod to deflect public criticism from decisions made in the negotiations by the Peruvian and Ecuadorean governments themselves.

Like the protocol itself, the guarantor mechanism was not utilized for many years due to

Ecuador's position between 1960 and 1995. The four countries did play a role as the OAS members called to help settle the 1981 conflict. Without the force of the Rio Protocol at that point, however, their role lacked an underlying legitimacy and could not move beyond ending the immediate conflict itself. (Hey 1995) With Ecuador's renewed acceptance of the purview of the Rio Protocol in January 1995, the constructive possibilities inherent in the guarantors' responsibilities within that instrument could be brought into play once again.

3. The Ancient Art of Diplomacy

A third component of the ultimately successful effort to resolve this long standing dispute involved the tedious day to day work of the diplomats involved from the parties and guarantors alike. Given the distrust of the parties, the role of the guarantor representatives was absolutely essential. They had to avoid any sign of favoring one side or the other or of introducing their own countries' narrower interests into the process. Such biases, as perceived by the parties and their citizens in the past, had scuttled various pre-1942 initiatives. All was not smooth sailing on this occasion, either, with revelations of Argentine military sales to Ecuador through Venezuela and Panama during the fighting as well as concern that the traditional enmity between Chile and Peru dating from Peru's defeat in the War of the Pacific (1879-1883) might affect Chile's views as a guarantor. There were also differences of views among the guarantors, with the U.S. representative pushing to get the problem solved as quickly as possible and the Brazilian representative prepared to let the parties take all the time they needed. Basically, however, the guarantor representatives were a very compatible and cohesive group. They were able to retain their legitimacy and even enhance it over time by consistent adherence throughout the entire process to five stated principles that they had adopted as their official guidelines. These included the following:

- a. Maintain unity of purpose;
- b. Ensure military support for diplomacy;
- c. Remember that the parties must lead;
- d. Use the law;

e. Keep sights high. (Einaudi 1999)

Within these parameters the role of the guarantors may be divided into three stages:

a. Military. During this initial period the guarantors helped to end the fighting and stabilize the military situation on the frontier by providing a small multilateral military force, the Ecuador-Peru Military Observer Mission (MOMEPE). MOMEPE included contingents from each guarantor country as well as from Ecuador and Peru, and was financed by the parties to the conflict themselves.

The significance of the outside military presence, especially during the initial months before diplomatic efforts got fully underway, cannot be overstated. (Weidner 1996) It served to separate the forces by May 1995, create a demilitarized zone encompassing the central area where most of the fighting had taken place by August 1995, and then keep incidents to a minimum after that. At a critical moment in late July and early August 1998, when it appeared that Peruvian forces, frustrated by their losses in 1995 and by the lack of definitive diplomatic resolution after more than three years, were preparing a preemptive armed assault on Ecuadorean forces, the presence of the MOMEPE contingent at the border helped to defuse this most dangerous situation.

b. Procedural. During this period, the guarantors assisted the parties in pursuing ministerial level discussions to identify the outstanding points of disagreement on each side, and engaged in multiple meetings in the capitals of the parties and the guarantors to build confidence and levels of trust. Remarkably, over all the years of tension and periodic confrontations, neither Peru nor Ecuador had ever specified in precise terms exactly what the points of disagreement were between them.

By March 1996 each had done so. The most intractable points of their lists included, on the part of Peru, its insistence that the boundary be defined along the watershed of the Cordillera del Condor as set out in the Rio Protocol, and for Ecuador, that the only acceptable solution would include free and sovereign access to the Amazon. The next, most delicate stage, was for the guarantors to work out with the parties some acceptable set of procedures within which Ecuador and Peru could begin substantive negotiations. These were discussed in Buenos Aires, Argentina, in June 1996, and finally agreed to in a particularly difficult meeting in Santiago,

Chile, in October. (Palmer 1999)

Before the parties could proceed with a planned meeting in Brasilia in early 1997, however, unforeseen events in Peru and Ecuador temporarily scuttled any move toward negotiations. In Peru, the hostage crisis in Lima from December to April (which included the capture of Peru's Foreign Minister, Francisco Tudela, by guerrillas of the Tupac Amaru Revolutionary Movement B MRTA), completely distracted that country's government. In Ecuador, congress removed in early February President Abdala Bucaram, a strong supporter of an agreement on the border issue, for mental incapacity, which introduced a period of great political uncertainty there as well.

The interruptions delayed progress in working out the procedural stage of the process, but gave time for the guarantors to come up with a proposal to separate the issues involved into four discrete components. They concluded that an overall solution was more likely if each of the major concerns could be broken down into a sub-unit, with separate negotiating teams by the parties, and meeting in different locations with a guarantor representative in each. Ecuador and Peru agreed to this arrangement in their long delayed meeting in Brasilia, Brazil, in April 1997. By September and October, after each country had settled the internal problems that had precipitated the delay, they resumed formal discussions, now in all four capitals of the guarantors. In Washington D.C., meetings were to cover border integration and external financing; In Buenos Aires, Argentina, the Treaty of Commerce and Navigation; in Santiago, Chile, confidence building measures; and in Brasilia, Brazil, differences as they related to the border demarcation itself. These gatherings mark the beginning of the third phase. (Einaudi 1999)

c. Substantive negotiations. Even though it had taken over two years to get to this stage of the process, much had been accomplished. Regular contact had built some degree of mutual confidence among the parties and between the parties and the guarantors. Military to military contacts had been reestablished through MOMEPE, and a demilitarized zone put into effect in the undemarcated area of the border. The specific concerns of each country had been put onto paper for the first time and shared with the other. Separating the entire problem into its component parts to be dealt with simultaneously but individually opened up better possibilities for making

real progress on many of the less contentious issues. Popular resentments and hostility over the border problem had cooled on both sides, giving the diplomats more room to work.

As a consequence of this extensive, if protracted, laying of the groundwork, it proved possible to advance rather quickly in the negotiating phase. By March 1998, agreements had been worked out in three of the four capitals. Even though there was an absolute moratorium on public discussion on any of the negotiations in progress, enough information filtered out to give the impression that genuine progress was being made. The news that the international financial community was willing to provide up to \$3 billion in assistance to finance border integration projects stimulated public interest in an overall settlement. Word that a draft Treaty of Commerce and Navigation had been negotiated was particularly heartening to Ecuadoreans, with their aspirations for free and equal access to the Amazon.

It was also revealed that, even though most of the territorial differences along the border had also been resolved, neither Peru nor Ecuador could reach a comprehensive agreement. The guarantors recognized that there could be no solution without granting something to each party. Given the continuing impasse on the extremely delicate border issue, the parties agreed to a guarantor-sponsored technical commission on the matter composed of specialists on boundary issues. They completed a study in May that recognized Ecuador's position on one small, already demarcated area in dispute, and Peru's position on the larger issue of whether or not there was a single watershed in the area that had not yet been demarcated. This permitted both parties to claim that their stances were at least partially vindicated. However, the commission's conclusion that there was indeed a single watershed along the Cordillera del Condor, as the Rio Protocol had determined 56 years before, was a devastating blow to Ecuador's historic position. For this determination meant that the border between the two countries could be properly demarcated only along this height of land.

At this juncture, all the diplomatic skills that the guarantors could muster were brought to bear on the dilemma of how to give Ecuador some concession on this point, however symbolic, to assuage the loss of its historic aspiration. The solution they came up with was brilliant in its simplicity. It consisted of a proposal that a one kilometer square territory at the site of the fiercest fighting in the 1995 conflict, at Tiwinza on the Peruvian side of the Cordillera del Condor

watershed, be granted to Ecuador as private property within Peru, not sovereign territory, to which Ecuador would have access from their side of the border and within which they could erect a monument and fly their flag. Neither the Peruvians nor the Ecuadoreans were happy with this solution, but both accepted it, thereby demonstrating the very essence of successful diplomacy.

4. Leadership/Statecraft

At various junctures along the way, the often tortuously slow diplomatic process could easily have been derailed. What kept this from happening were some extraordinary demonstrations of statecraft.

One was the remarkable, mostly behind-the-scenes role of Ambassador Luigi Einaudi, the Guarantor Representative of the United States. He earned the trust and respect of the parties due to his long experience as a Latin American specialist at Rand, in the Policy Planning Office of the U.S. Department of State, and as U.S. Ambassador to the OAS. When the 1995 conflict broke out between Peru and Ecuador, he immediately volunteered for the job. He spent the next four years working almost full time on the issue, two of them after he had officially retired from the State Department (at the explicit request of both parties)! He was the only guarantor representative who could spend this kind of time on the task. The others were distinguished and respected professional diplomats as well, but all had continuing parallel responsibilities in their own foreign ministries that limited the attention they could give to the border problem. Partly because of this limitation, in fact, they designated Ambassador Einaudi as the guarantor intermediary representing the body between their formal meetings. This made him, in effect, the first among official equals.

By all accounts, Einaudi played an indispensable role throughout the process. He is credited by various key actors with everything from finding ways to express issues that would not offend either party (such as *Aimpases subsistentes*,[@] or substantive differences), to coming up with the private property idea for Tiwinza that opened the way to the breakthrough needed for resolution. Both parties came to trust his judgment, his fairness, his scrupulous adherence to appropriate procedures, and his discretion. The general conclusion among participants is that

without his persistent, sometimes tenacious, involvement, the Ecuadoreans and the Peruvians would never have signed and ratified an agreement. Ambassador Einaudi's participation confirms the adage that diplomacy transcends cold calculations of costs and benefits, balance points, and game theory -- individuals do make a difference.

Even his formidable capacity was almost not up to the task, however. For all of the efforts expended by him and all of the other parties involved over three and one-half years, and in spite of having achieved agreement on almost every concern, from border differences to the terms of the Treaty of Commerce and Navigation, one matter defied resolution. Ecuador could not accept a final agreement that did not include a territorial concession by Peru in the long disputed area that had not yet been demarcated. Peru could not accept any resolution that did not place the boundary at the height of land of the Cordillera del Condor watershed, as stipulated in the Rio Protocol. With this final impasse, which was clear to the parties by July 1998, tensions mounted, troops mobilized, and a new outbreak of fighting could easily have ensued.

The key to breaking through this final, apparently insurmountable obstacle involved a dramatic act of personal diplomacy. Newly elected President Jamil Mahuad of Ecuador was persuaded by one of his closest advisors to invite to lunch Peruvian President Alberto Fujimori, whom he had never met. Their four hour repast in Brasilia in early August 1998, just the two of them, with aides sitting outside, turned out to be a great success. They got along very well and followed up this first encounter with several other meetings in August and September. As this positive diplomatic dynamic was developing, some key Peruvian actors felt that their hard line, give no concession position might be in jeopardy. Both Foreign Minister Eduardo Ferrero Costa and Commander-in-Chief of the Armed Forces Nicolas Hermoza de Bari resigned in August, the former on his own, the latter pressed by President Fujimori. This served to clear the diplomatic and military air on the Peruvian side to work through this final impasse.

Even so, the presidents could not agree. President Mahuad felt that he could not take to the people of Ecuador a boundary document that did not include access and territory on the Peruvian side. President Fujimori felt that he could not take to the people of Peru one that did.

So they agreed to disagree. They asked the guarantors to propose a solution that Ecuador

and Peru would agree in advance would be binding, knowing, of course, what that would be (at this point, the public did not). The guarantors accepted on condition that each country's congress approve this arrangement in advance, which was, in effect, binding arbitration. Both congresses did so, and the parties signed the final document a few days later. The extraordinarily imaginative private property solution gave Ecuador a symbolic concession, and yet also gave Peru a final border where the Rio Protocol had originally said it should be drawn. By making the guarantors the arbiters of this one decision that the parties could not agree on, they got the presidents and their negotiating teams off the hook.

These two examples of the significance of individual leadership in working through difficult, historically intractable issues between two countries highlight the personal role of key participants in diplomacy. In the case of the Peru-Ecuador boundary problem, it is fair to conclude that a settlement would not have been reached without the continuing presence of Ambassador Einaudi among the guarantor representatives and without the constructive and creative involvement of the two countries' presidents at a crucial juncture in the final stages of the negotiations.

5. Domestic Public Diplomacy

When the terms were made public, it was clear that the party that gained most of what it had been seeking was Peru. Needless to say, elites and the general public alike in Ecuador were keenly disappointed, but resigned themselves to accept the terms of the agreement. Some of their Peruvian counterparts, on the other hand, protested and rioted. The worst violence occurred in the Amazon jungle city of Iquitos, a center of opposition to the Fujimori government and any accommodation with Ecuador. Scores were killed or injured, and part of the city was burned. Given the overall terms of the final treaty, generally favorable to Peruvian positions and quite the opposite for Ecuador's historic aspirations, one would have expected precisely the opposite response.

Ecuador lost much more than Peru in the final document, but accepted the outcome, while in Peru, whose long standing international legal position was vindicated, there was much anger

and significant, even violent protest. Why was this the case?

The answer is to be found largely in the difference between the two countries in their public domestic diplomacy, as distinct from their non-public international diplomacy. For Ecuador, the diplomatic process included regular consultation with key elites, including congress, the military, business, and the media, at each step of their discussions with Peru. Even though this slowed down the international negotiations considerably, to the consternation and frustration of all involved, important sectors of Ecuador's public were kept informed and had some input into the process. Peru's leaders, on the other hand, kept their diplomatic strategy and initiatives to themselves. There was little effort to consult outside a narrow official circle. Key elites and the general public in Peru were not kept abreast of developments, and had no input into the process.

Ecuador's leaders, on the other hand, felt that they had no other option other than to pursue a fairly inclusive public diplomacy at home. For Ecuador's government and population alike, the trans-Andean territory historically had been a defining component of national identity. (Espinosa 1999) For Peru, it had not. In addition, Ecuador's democracy was weak and fragile, with a legislature that was almost always controlled by different parties than occupied the executive branch. Over the course of the 45 month effort to defuse and solve the border problem, Ecuador had four presidents, symbolizing the inherent instability of domestic political dynamics. Peru's democracy, on the other hand, was much more stable, even authoritarian in some ways, with a long sitting president (since July 1990) who had consolidated his power with a self-initiated coup in 1992 and had a pliant majority in congress.

Another important difference between the two countries was that, in terms of domestic political influence, Ecuador's military was stronger and more unified than Peru's. It had built up strength over more than a decade to prepare for an eventual confrontation with Peru. In the 1995 conflict it showed it was ready, successfully keeping Peruvian forces at bay. The Ecuadorean military had the most at stake in any settlement with Peru, and therefore needed to be consulted regularly by the country's diplomats involved in the negotiating process. Peru's military, on the other hand, had been caught unprepared in 1995, but had overcome its material differences quickly and wanted the opportunity to get back at Ecuadorean forces. However, the Peruvian armed forces were also much more dependent on President Fujimori, who had over the course of

his long presidency made military leadership appointments based on personal loyalty rather than independent capacity. When Fujimori found that his commander-in-chief was risking the peace in the late July - early August 1998 crisis, he was able to use the general's dependency on him to make him back off, and then maneuvered to force his resignation a few weeks later.

In short, internal political considerations in Ecuador required that the diplomats check back regularly with key sectors to appraise them of developments and to get their feedback. Over the course of the extended negotiating process, then, many Ecuadoreans were generally informed of what was going on and had time to reflect on and reconsider their long held views. In addition, top ranking diplomats made public statements from time to time that made clear that Ecuador could not expect its historic position to win out. For example, in a January 1998 speech, Foreign Minister Jose Ayala Lasso dropped the word 'sovereign' for the first time from Ecuador's position up to that point, saying only 'access to the Amazon,' which was the phrase used in all subsequent official statements. In addition, the guarantors' expert border commission's conclusions on the watershed and the boundary were disseminated in general terms in order to inform and prepare the Ecuadorean public without violating the no public declaration proviso all participants had agreed to. The Treaty of Commerce and Navigation draft began to be touted as the vehicle by which Ecuador would pursue its Amazonian ambitions. Ecuador's major newspapers came out in support of the proposed settlement. So when the signing actually took place, most Ecuadoreans were prepared and accepted it, albeit reluctantly.

This did not happen in Peru. Official information on the diplomatic process was carefully filtered. Government ads emphasized the need to 'respect the Protocol and make it be respected,' as if it were an inflexible instrument. The explicit impression that was given was that the Peruvian government would be firm and that a territorial adjustment of any kind was totally out of the question. Because there was no effort by the government to inform the public, even in general terms, most Peruvians were not prepared for the symbolic private property solution that was reached, and did not understand that the Treaty of Commerce and Navigation was actually referred to in the original Rio Protocol as an instrument that could be negotiated to help implement the terms of the protocol. So in the disquiet created when the actual terms of the settlement became public, some of the political opposition to the government took advantage of

the moment to organize a popular protest. While the government quickly and violently quelled the anti-agreement response, to many Peruvians the outcome represented surrender rather than victory. In Peru, government officials achieved acceptance because they had the domestic political power to do so rather than, as in Ecuador, through a process of consensus building by means of domestic public diplomacy.

Conclusions

Even though the final settlement of the hemisphere's longest running border dispute did not make the front pages of the world's newspapers, the event is a significant milestone in international diplomacy. It demonstrates that even the most deeply ingrained differences between nations can be resolved with patient and persistent efforts by both the countries immediately involved and other interested parties as well. It suggests the importance of recourse to international legal principles and the documents that underlie them. It highlights the role of old fashioned international diplomacy, the significance of individual participants, and the critical need for domestic public diplomacy. It suggests that breaking down what appear to be intractable problems into more manageable components, and then proposing creative, even non-traditional initiatives, can facilitate a positive outcome. It reinforces the principle that getting to yes works when it is made clear that the parties to the conflict have to find the bases for agreement themselves, and that outside actors can assist and propose but not impose solutions. Indeed, resolution of the historic Ecuador-Peru boundary dispute provides multiple lessons for dealing successfully with other long standing conflicts between nations and peoples in Latin America as well as in other regions of the world.

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