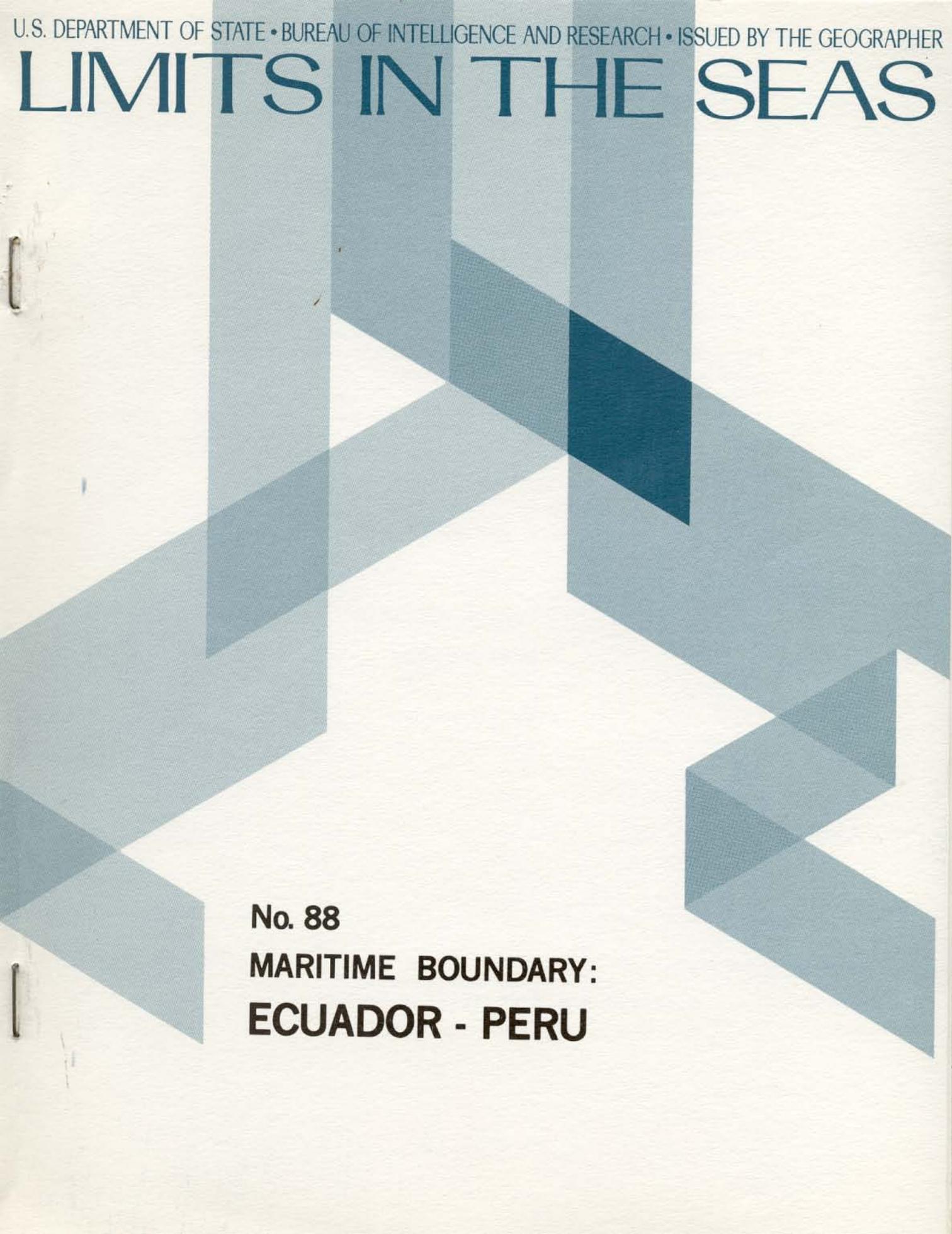


U.S. DEPARTMENT OF STATE • BUREAU OF INTELLIGENCE AND RESEARCH • ISSUED BY THE GEOGRAPHER

LIMITS IN THE SEAS

The background of the cover features a complex, abstract geometric design. It consists of several overlapping, semi-transparent blue shapes that create a sense of depth and movement. The shapes are primarily rectangular and trapezoidal, with some appearing as if they are floating or layered on top of others. The colors range from a light, pale blue to a darker, more saturated blue. The overall effect is a modern, minimalist aesthetic that suggests maritime boundaries or geographical concepts.

No. 88

**MARITIME BOUNDARY:
ECUADOR - PERU**

This paper is one of a series issued by The Geographer, Bureau of Intelligence and Research of the Department of State. The aim of the series is to set forth the basis for national arrangements for the measurement of the territorial sea or the division of the maritime areas of coastal nations.

Intended for background use only, this research document does not represent an official acceptance of the United States Government of the line or lines represented on the charts or, necessarily, of the specific principles involved, if any, in the original drafting of the lines. Additional copies may be requested by mail from The Geographer, Department of State, Washington, D.C. 20520, or by telephone (Area Code 202, 632-2022).

LIMITS IN THE SEAS

No. 88

MARITIME BOUNDARY:

ECUADOR-PERU

October 2, 1979

Office of The Geographer
Bureau of Intelligence and Research

The Maritime Boundary¹

Chile, Ecuador, and Peru proclaimed the Declaration on the Maritime Zone on August 18, 1952, at the First Conference on the Exploitation and Conservation of the Maritime Resources of South Pacific.² Article II states that as a:

. . . principle of their international maritime policy each of them possesses sole sovereignty and jurisdiction over the area of sea adjacent to the coast of its own country and extending not less than 200 nautical miles from the said coast.

In Article IV, the maritime boundaries were defined as follows:

. . . The maritime zone of an island or group of islands belonging to one declarant country and situated less than 200 nautical miles from the general maritime zone of another declarant country shall be bounded by the parallel of latitude drawn from the point of which the land frontier between the two countries reaches the sea. (Underline added.)

Both Ecuador and Peru have ratified the Declaration (see Annex I for full text).³

The Special Maritime Frontier Zone

On December 4, 1954, Chile, Ecuador, and Peru issued a declaration creating a special maritime frontier zone of 10 miles' breadth on each side of the parallel of latitude forming the maritime boundary between the respective states.⁴ The zone commences 12 miles from the coast of each state. The purpose of the zone is to avoid inadvertent violation of the maritime boundary by national fishermen. Within 12 miles of the coast, however, no buffer zone has been created and fishing and hunting activities are reserved exclusively to the nationals of each respective state (see Annex II for the full text of this agreement). Both Ecuador and Peru have ratified and implemented this agreement, on November 18, 1964, and May 10, 1955, respectively.

Analysis

The Ecuador-Peru maritime boundary and the special maritime frontier zone are illustrated on the attached map. According to the 1952 Declaration on the Maritime Zone, the

¹ Neither state has published official charts depicting either the maritime boundary or the special maritime frontier zone. The contents of this study are based on interpretation by the Office of the Geographer, U.S. Department of State, of official English translations of the relevant agreements.

² Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, Agreements and Other Documents 1952-1966 (English Version). Lima, Peru: General Secretariat, 1967.

³ Ecuador ratified the declaration by Executive Decree No. 275, February 7, 1955, with promulgation following on January 24, 1956, in the Registro Oficial No. 1,029. Peru ratified on May 6, 1955, in Legislative Resolution No. 12,305 with promulgation following on May 12, 1955, in El Peruano.

⁴ All mileage figures in this study are nautical miles. One nautical mile = 1,852 meters.

maritime boundary extends seaward on the parallel of latitude of the seaward terminus of the land boundary. Hito, or pillar, No. 1, established by the Rio de Janeiro Protocol in 1942 and demarcated by the Ecuador-Peru Mixed Demarcation Commission, is situated at Boca de Capones at 3°23'33.96"S., 80°19'16"W. There seems to be some question as to whether this point defines the latitude of the maritime boundary. An aide-memoire received by the United States Government from the Ecuadorean Government described the boundary in the following manner:

The de jure boundary line between Ecuador and Peru begins in the mouth of the Tumbes River in the Pacific Ocean. Consequently, the parallel which by law should serve as the maritime boundary between Ecuador and Peru has the following latitudinal coordinates: 3°23'33.96"S. The de facto maritime boundary which corresponds to the Boca Capones parallel, the point at which the 1942 line reaches the sea, has the following coordinates: 3°13'33.96"S.

The seaward limit of the maritime boundary is not clearly defined in the declaration. On the attached map, the boundary is depicted as extending 200 miles from both coasts. Owing to coastal configuration, the Peruvian segment extends approximately 22 miles farther seaward than the Ecuadorean segment if the individual limits are formed by arcs measured from normal baselines.

The maritime boundary traverses rather deep water, with more than half of the boundary situated in areas where depths are greater than 100 fathoms. The 100-fathom isobath is reached approximately 38 miles offshore.

The outer limits of the special maritime frontier zone are also not clearly defined because of the coastal configuration. The eastern end of both states' frontier zones are delimited by 12-mile arcs drawn from the coastline.

In 1971, Ecuador proclaimed a system of straight baselines along the mainland and around the Galapagos Islands.⁵ One segment of the mainland baseline system connects Punta Santa Elena to a point on Ecuador's maritime boundary with Peru. The nearest Ecuadorean territory to this southern claimed baseline is Isla Santa Clara, approximately 46 miles to the northeast.

Article II of the 1952 declaration states that Ecuador and Peru possess "sole sovereignty and jurisdiction" over the area of sea extending "not less than 200 nautical miles" from their coasts. As stated in the preface to the declaration, the purpose of establishing the zone was to "ensure the conservation and protection of its natural resources. . . ."

⁵ See Limits in the Seas No. 42, "Straight Baselines: Ecuador," Office of The Geographer, U.S. Department of State, May 23, 1972, which points out that the entire system of Ecuadorean straight baselines is questionable, based upon accepted international legal practices and on criteria established at the 1958 Convention on the Territorial Sea and the Contiguous Zone.

Prior to 1952, Peru had declared national sovereignty and jurisdiction over the continental shelf and superjacent sea (Supreme Decree No. 781, August 11, 1947). This decree, however, did not affect "the right to free navigation by ships of all nations" (Article 4). In 1965, Peru implemented a law creating a 200-mile territorial sea.

In 1966, Ecuador claimed (Decree Law No. 1542) a 200-mile territorial sea.⁶
Annex I

DECLARATION ON THE MARITIME ZONE

1.- Governments are bound to ensure for their peoples access to necessary food supplies and to furnish them with the means of developing their economy.

2.- It is therefore the duty of each Government to ensure the conservation and protection of its natural resources and to regulate the use thereof to the greatest possible advantage of its country.

3.- Hence it is likewise the duty of each Government to prevent the said resources from being used outside the area of its jurisdiction so as to endanger their existence, integrity and conservation to the prejudice of peoples so situated geographically that their seas are irreplaceable sources of essential food and economic materials.

For the foregoing reasons the Governments of Chile, Ecuador and Peru, being resolved to preserve for and to make available to their respective peoples the natural resources of the areas of sea adjacent to their coasts, hereby declare as follows:

I) Owing to the geological and biological factors affecting the existence, conservation and development of the marine fauna and flora of the waters adjacent to the coasts of the declarant countries, the former extent of the territorial sea and contiguous zone is insufficient to permit the conservation, development and use of those resources, to which the coastal countries are entitled.

II) The Governments of Chile, Ecuador and Peru therefore proclaim as a principle of their international maritime policy that each of them possesses sole sovereignty and jurisdiction over the area of sea adjacent to the coast of its own country and extending not less than 200 nautical miles from the said coast.

III) Their sole jurisdiction and sovereignty over the zone thus described includes sole sovereignty and jurisdiction over the sea floor and subsoil thereof.

⁶ The United States does not recognize any state's claim to a territorial sea breadth in excess of 3 miles. In the UN Law of the Sea negotiations, however, the United States has expressed its willingness to accept a maximum territorial sea breadth of 12 miles within the framework of a comprehensive and acceptable Law of the Sea treaty.

IV) The zone of 200 nautical miles shall extend in every direction from any island or group of islands forming part of the territory of a declarant country. The maritime zone of an island or group of islands belonging to one declarant country and situated less than 200 nautical miles from the general maritime zone of another declarant country shall be bounded by the parallel of latitude drawn from the point of which the land frontier between the two countries reaches the sea.

V) This declaration shall not be construed as disregarding the necessary restrictions on the exercise of sovereignty and jurisdiction imposed by international law to permit the innocent and inoffensive passage of vessels of all nations through the zone aforesaid.

VI) The Governments of Chile, Ecuador and Peru state that they intend to sign agreements or conventions to put into effect the principles set forth in this Declaration and to establish general regulations for the control and protection of hunting and fishing in their respective maritime zones and the control and coordination of the use and working of all other natural products or resources of common interest present in the said waters.

Santiago, 18th August, 1952

Julio Ruiz Bourgeois
Chilean Delegate

Jorge Fernandez Salazar
Ecuadorean Delegate

Alberto Ulloa
Peruvian Delegate

Annex II

AGREEMENT RELATING TO A SPECIAL MARITIME FRONTIER ZONE

The Governments of the Republics of Chile, Ecuador and Peru, in accordance with the agreement known as Resolution No. X, signed in Santiago, Chile, on 8th October 1954 by the Permanent Commission of the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific,

After seeing the proposals and recommendations approved in October of the present year by the said Permanent Commission,

Have designated the following plenipotentiaries:

His Excellency the President of the Republic of Chile has nominated H.E. Sr. Alfonso Bulnes Calvo, Ambassador Extraordinary and Chilean Plenipotentiary in Peru;

His Excellency the President of the Republic of Ecuador has nominated H.E. Sr. Jorge Salvador Lara, Charge d'Affaires of Ecuador in Peru; and

His Excellency the President of the Republic of Peru has nominated H.E. Sr. David Aguilar Cornejo, Minister of Foreign Affairs of Peru,

Who;

AND WHEREAS:

Experience has shown that innocent and inadvertent violations of the maritime frontier between adjacent States occur frequently because small vessels manned by crews with insufficient knowledge of navigation or not equipped with the necessary instruments have difficulty in determining accurately their position on the high seas;

The application of penalties in such cases always produces ill-feeling in the fishermen and friction between the countries concerned, which may affect adversely the spirit of co-operation and unity which should at all times prevail among the countries signatories to the instruments signed at Santiago; and

It is desirable to avoid the occurrence of such unintentional infringements, the consequences of which affect principally the fishermen:

AGREE:

FIRST: A special zone is hereby established, at a distance of 12 miles from the coast, extending to a breadth of 10 nautical miles on either side of the parallel which constitutes

the maritime boundary between the two countries.

SECOND: The accidental presence in the said zone of a vessel of either of the adjacent countries, which is a vessel of the nature described in the paragraph beginning with the words "Experience has shown" in the preamble hereto, shall not be considered to be a violation of the waters of the maritime zone, though this provision shall not be construed as recognizing any right to engage, with deliberate intent, in hunting or fishing in the said special zone.

THIRD: Fishing or hunting within the zone of 12 nautical miles from the coast shall be reserved exclusively to the nationals of each country.

FOURTH: All the provisions of this Agreement shall be deemed to be an integral and supplementary part of, and not in any way abrogate, the resolutions and decisions adopted at the Conference of the Exploitation and Conservation of the Maritime Resources of the South Pacific, held at Santiago de Chile in August 1952.

IN TESTIMONY OF WHICH, the respective plenipotentiary representatives of the Governments of Chile, Ecuador and Peru sign three copies of this document in Lima on the fourth day of the month of December in the year one thousand nine hundred and fifty four.

FOR THE CHILEAN
GOVERNMENT:
Alfonso Bulnes Calvo

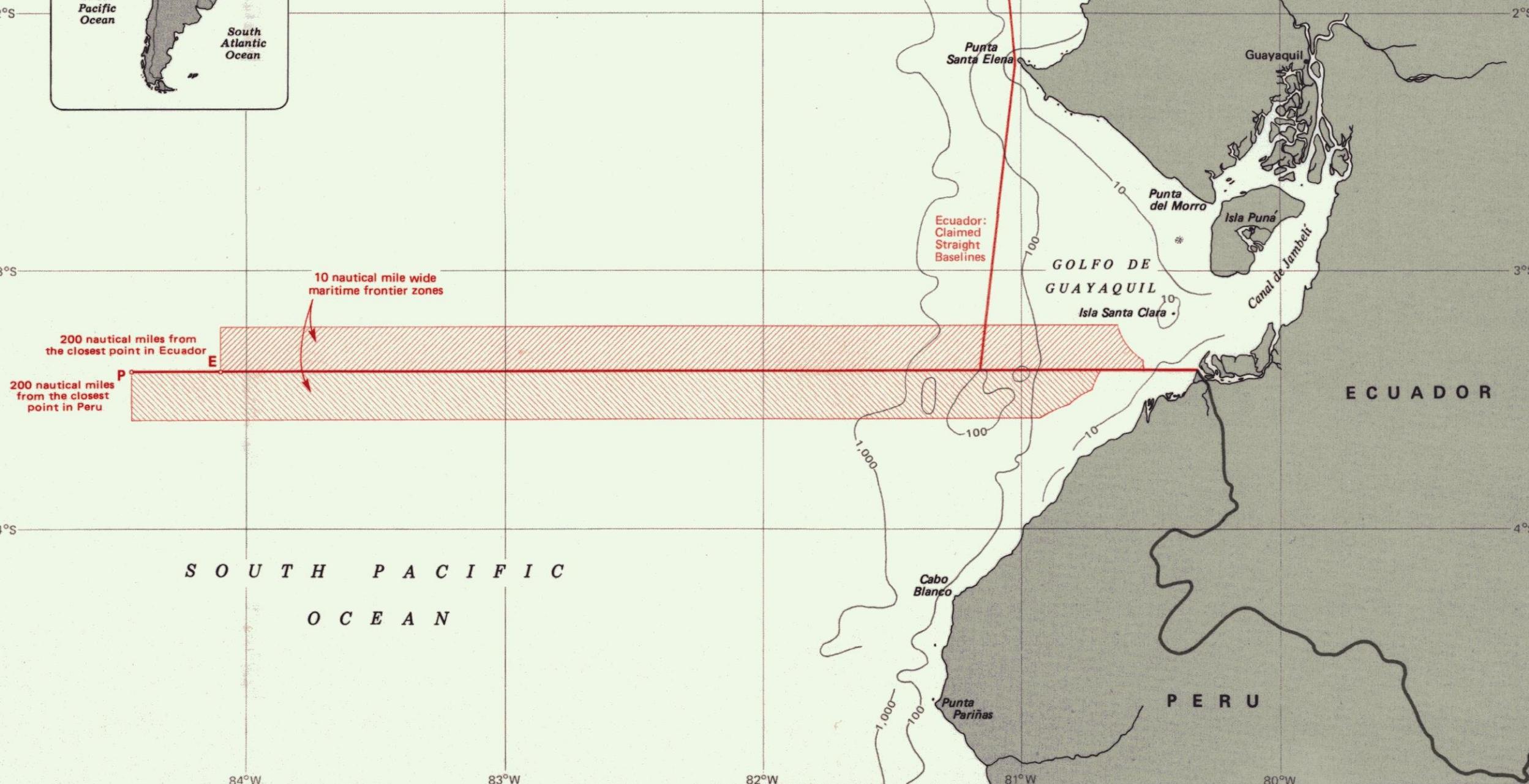
FOR THE ECUADORIAN
GOVERNMENT:
Jorge Salvador Lara

FOR THE PERUVIAN
GOVERNMENT:
David Aguilar Cornejo

MARITIME BOUNDARY: ECUADOR - PERU

Mercator Projection
Scale, 1:2,000,000 at 2°S
Sounding lines in fathoms

3365 6-78 STATE(RGE)



200 nautical miles from the closest point in Ecuador

200 nautical miles from the closest point in Peru

10 nautical mile wide maritime frontier zones

Ecuador: Claimed Straight Baselines

S O U T H P A C I F I C
O C E A N

ECUADOR

PERU