

“Exorcising the Demons of War: Memory, Identity and Honor in the Ecuador-Peru Peace Negotiations”

By Carlos Espinosa

The three year long Ecuador-Peru peace process concluded with an arbitration decision on October 23, 1998 that defined the boundary between the two countries in a contested zone¹. The sentence was emitted by the presidents of Chile, Argentina, Brazil and the U.S., the countries that had been charged with insuring the full demarcation of the Ecuador-Peru border by the 1942 territorial settlement known as the Rio Protocol. The definitive demarcation of the border was the kernel of a "global peace accord" that also encompassed a Commerce and Navigation Treaty, giving Ecuador navigation rights in the tributaries of the Amazon that flow through Peru and access to two free zones in Peruvian rain forest; and an Integration Treaty that provides for a wide spectrum of bilateral development projects and for an acceleration of free trade between the two nations. The 1998 peace accord brought to an end a bitter territorial dispute in the western Amazon basin, in which Peru generally had the upper hand.

The hundred fifty year old quarrel between Ecuador and Peru centered on the control of a portion of the Amazon basin stretching from the upper Marañon river in the west to the source of the Amazon in the east. It was one of the many disputes in Latin America over the definition of national borders in sparsely populated frontier regions, where post-colonial states attempted to stabilize territorial domains. The impulse to fix territorial boundaries was a continuation of the late colonial policy of transforming open ended frontiers into bounded spaces, which was stimulated by the rise of modern cartographic space in the early eighteenth century². A new cartography, based on triangulation

¹ The event was extensively reported in Ecuadorian and Peruvian newspapers. See: "Optimismo y Esperanza," Monday, October 26, 1998, *Hoy*, sec 1. p.1-2; "Hacia la firma de la paz," Sunday, October 25, 1998, *El Comercio* (Peru), sec. 1, p. 1-2.

²For the impact of colonial cartography on colonial nation-making see: Benedict Anderson, *Imagined Communities*, (London: Verso Press, 1991), pp. 170-178. An earlier, more detailed analysis of this aspect

techniques, allowed for the imagining and tracing of artificial lines in remote areas, giving rise to a new way of exercising power and imagining identity.

On the basis of equivocal colonial titles, Ecuador and Peru had both claimed the 200,000 square kilometer zone of the western Amazon basin since Independence. Peru easily occupied that territory between 1850 and 1930 as a result of the profitable rubber boom near the source of the Amazon and its greater access to the navigable portions of the waterways in the area (Napo, Marañon, Pastaza, etc.). The Amazonian entrepot of Iquitos installed by Peru in the 1850s was the gateway to the navigable sections of the western tributaries of the Amazon³. In the early 1940s, Peru's hold over the western Amazon was ratified through a short war against Ecuador (1941) and a territorial settlement known as the Rio Protocol (1942) which defined the current boundaries between the two countries. While Ecuador lost very little territory that it had actually held as opposed to claimed, it viewed the war as a devastating humiliation and the treaty as a terrible injustice.

Ecuador was profoundly dissatisfied with the boundary treaty and attempted to revise it in the following decades. Between 1960 and 1995 Ecuador proclaimed the Rio Protocol null and threatened the reconquest of the Amazon. A more practical form of revisionism was Ecuador's refusal to complete the demarcation of a 78km long stretch of the Rio Protocol border in the Cordillera del Condor in the late 40s. The latter gap in the border became the focus of revisionism in the 1980s and 90s. Ecuador's military continually penetrated the undemarcated zone so as to move closer to the Marañon, a major tributary of the Amazon located 180km to the south; while its diplomatic corps attempted to acquire a territorial corridor to the Marañon through negotiation⁴. Peru rejected the revision of the Rio Protocol and reacted violently to Ecuador's occasional forays into the

of nation-making is the remarkable book by Thongchai Winichakul, *Siam Mapped* (Honolulu: University of Hawaii Press, 1994).

³ The Peruvian occupation of the western Amazon basin is the theme of Felix Denegri's *Peru and Ecuador* (Lima: Bolsa de Valores, 1996). See also Juan Miguel Bakula, *Peru y Ecuador* (Lima: CEPEI, 1992), pp. 283-286.

⁴ The best account of Ecuador's revisionist quest is David H. Hook, *Zarumilla-Marañon, the Ecuador Peru Dispute* (New York: Bookman Associates Inc., 1965).

undemarcated zone. The 1995 war, waged for the control of a 500 square kilometer section of Cordillera del Condor area known as the Alto Cenepa, opened the way for full blown negotiations designed to end the bitter conflict.

This paper explores how collective memories of wars and conceptions of national identity and national honor related to territorial loss influenced Ecuador's handling of the 1995-1998 peace process. I argue that these emotional constraints to peace strongly shaped Ecuador's participation in the bilateral negotiations by inspiring unrealistic territorial aspirations, focused on the recovery of Amazonian territory, and by making it difficult to back away from them.

In the course of the peace process, Ecuador had to weigh its emotionally charged territorial aspirations versus the significant pay-off offered by cooperation with its neighbor in the world of open regionalism. If Ecuador signed a realistic peace accord fully confirming the borders outlined by the Rio Protocol, it stood to obtain tangible benefits such as a massive increase in bilateral trade with Peru, a reduction in arms spending and a package of soft loans provided by international lending agencies. If it held out for territorial gains that exceeded the Rio Protocol, it faced a return to the tense *status quo* as well as a high risk of war.

Although the economic and security incentives for preferring a realistic peace over the pursuit of improbable territorial gains were overwhelming, Ecuador could not simply discard its historically grounded aspirations overnight so as to come to a quick peace accord with Peru. Those aspirations were too emotionally charged to be set aside so easily. Consequently, Ecuador's leaders had to address emotional needs in laborious ways in order to arrive at a lasting peace.

Ecuador's treatment of its territorial aspirations underwent a remarkable evolution in the course of the 1995-1998 negotiations. Ecuador's negotiators and more generally its foreign ministry went from an attempt to persuade Peru to recognize past injustices and redress them; to an effort to edge aside territorial aspirations rooted in past experiences

so as to arrive at a realistic peace. A variety of tactics were employed along the way to manage unrealistic expectations. a. The Ecuadorian negotiators orchestrated a collective catharsis by proclaiming the need for territorial compensation for past wrongs at the start of the process. b. They kept territorial aspirations on the table as long as possible to show the public that they had been pursued aggressively. c. They sought face-saving concessions that echoed the initial aspirations. d. They called into question Ecuador's historical myths so as to justify scaling-back irredentist aspirations.

The guarantor countries influenced the manner in which Ecuador approached the 1995-1998 negotiations, as they sought to bring to an end a conflict that undermined their geopolitical and economic interests. For various strategic reasons, the guarantor nations were unsympathetic to Ecuador's sense of entitlement to lands adjudicated to Peru by the Rio Protocol. They felt that Ecuador lacked territorial rights in the Amazon and that no significant injustice had been committed against it by Peru as a result of the signing of the Rio Protocol. Yet the guarantors realized that a lasting peace would only be achieved if Ecuador's grievances were somehow addressed. Thus they classified Ecuador's claims as sensibilities and sought to address them by face saving measures. The U.S. was especially concerned with appeasing Ecuadorian sensibilities, as it saw the Ecuador-Peru border dispute as a threat to the future economic integration of the Americas.

Ecuador's territorial aspirations were framed within two alternative visions of the territorial issue. One of these visions was linked to the defeat Ecuador suffered in its war with Peru in 1941 and the other referred to Ecuador's good showing in the 1995 war between the two countries. These visions of the territorial issue had in common an antagonistic attitude toward Peru and a concern with the recovery of territory, yet they differed with respect to the primal experience they referred to, the territory they viewed as valuable, and the criteria for entitlement to territory. The first of these views was prevalent at the beginning of the negotiations from 1995-1998; the second prevailed from May to October 1998.

The framework of the negotiations

The peace process between Ecuador and Peru began in 1995 in the aftermath of the brief armed conflict over disputed territory in the Cordillera del Condor area (see fig. 2). It consisted of bilateral negotiations between the two countries with Chile, Brazil, Argentina and the United States serving as mediators. The negotiations sought to settle the bitter conflict between the two nations by resolving existing demarcation controversies, the most important of which was a foil for the larger territorial issue of the possible revision of the Rio Protocol.

The launching of the peace process after nearly fifty years of border tensions in the Cordillera del Condor area was made possible by the 1995 war. The month long Alto Cenepa conflict was waged with determination by both countries. The two sides made use of relatively high powered weapons (Sukoi and KFIR fighter planes, surface to air missiles, helicopters gunships etc.) and exposed their troops to danger. Casualties ranged in the low hundreds and several aircraft were downed. While Peru remained on the offensive throughout the war, it suffered greater human and material losses than its adversary and failed to fully achieve its objective, to clear its territory of Ecuadorian troops. The Peruvians were taken aback by their failure, especially since they had deployed the elite corps (*sinchis*) who had defeated Sendero Luminoso a few years before. The Ecuadorian army, in contrast, performed well. Ecuador's success on the battle field was offset, however, by the heavy toll of the war on the country's public finances and economy. The brief military conflict left a 500 million dollar deficit and triggered a long recession. The fighting subsided thanks to a cease-fire brokered by the so-called guarantor countries and the introduction of a peace keeping mission made up of officers of the guarantor countries⁵.

The 1995 war made it apparent to both Andean nations that the costs of postponing the definitive resolution of the border issue was high. Peru realized that it could not easily dislodge Ecuadorian troops from an area that the Rio Protocol recognized as Peruvian

⁵ A useful account of the 1995 is *Tiwintza: la dignidad de un pueblo*, ed. Benjamin Ortiz (Quito: C.E.D.E.P., 1995).

territory, while Ecuador saw that the maintenance of a presence in what it viewed as contested lands would inevitably lead to further costly armed conflicts. Moreover, at the end of the 1995 war, the disputed territory came under control of a peace keeping mission of the guarantor countries known as the M.O.M.E.P (Misión de Observadores Militares Ecuador-Peru). The only way for either country to recover the sought after lands was through a definitive settlement, since the guarantor countries could not simply hand over the area to either of the parties.

The peace process was undertaken within the dispute resolution framework of the Rio Protocol. Although the Rio Protocol gave the guarantors the role of enforcing the demarcation spelled out by that treaty, one of the ways in which they could fulfil their guarantor role was to act as mediators in any controversy that might arise regarding the application of the treaty⁶. On the basis of this provision, the guarantors were able to assume a vigorous mediation role typical of post-Cold War peace processes. They presented new proposals, and made use of their leverage to persuade each side to compromise.

The degree of controversy foreseen by the Rio Protocol framework was limited to minor disagreements over the demarcation of the boundary outlined by the treaty. So as to accommodate a more complex process designed to bring a definitive end to the hostility between the two countries, the dispute resolution framework of the Rio Protocol had to be expanded. This change was effected by the Santiago Accord signed by the two countries in March, 1996, which made two crucial procedural innovations. It prohibited either party from refusing to discuss the claims presented by the other, and it established the principle of linkage which meant that the agreements reached on any particular issue would not be valid unless agreement were reached on all issues. The purpose of both of these principles was to encourage the two countries to fully process the entire agenda of negotiation and to prevent partial agreements from becoming irreversible. The Santiago Accord also made a substantive change, bracketing the 1945 arbitrage regarding the

⁶ The mediation role was based on article VII of the 1942 Rio Protocol. For a text of the treaty see: *Paz con Dignidad* (Quito: Imprenta del Ministerio de Relaciones Exteriores, 1997), pp. 21-25.

Cordillera del Condor demarcation so that Ecuador could present a claim that in effect challenged the Rio Protocol delimitation of that area⁷. Peru's enlightened foreign minister Francisco Tudela deserves some of the credit for designing an agenda that was flexible enough to address the broad issues that mattered most to Ecuador.

Ecuador's two key opening bids in the negotiations made claims on an extensive stretch of territory in the undemarcated Cordillera del Condor zone. Foreign minister Galo Leoro who formulated Ecuador's opening position in 1996 viewed these demands as unnegotiable. The Ecuadorian diplomats who took over 1997-1998, in contrast, realized that the quest for territory in the undemarcated zone had to be skillfully jettisoned rather than fulfilled if an accord were to be reached.

Ecuador's two core aspirations were the recognition of the "inapplicability" of the Rio Protocol in the Cordillera del Condor and acquisition of a "sovereign access to the Marañon Amazonas". Peru, in turn, stood by the delimitation instituted by the Rio Protocol, which specified that the boundary line should run through the crests of the Cordillera del Condor.

Ecuador's inapplicability claim contended that the delimitation provided for by the Rio Protocolo contained a serious "referential error, " as it invoked a geographic landmark that did not exist⁸. The text of the Rio Protocol had referred not to the Cordillera del Condor but to the watershed between the Zamora and Santiago rivers, a crucial distinction, according to Ecuadorian diplomats. For if the Cordillera del Condor was not the watershed between the two river basins, it could not serve as the boundary. Ecuador contended that this was precisely the case. As a third fluvial system lay between the Zamora and Santiago, that of the Cenepa, the Cordillera del Condor could not possibly be the watershed between the Zamora and Santiago basins.

⁷ For the text of the Santiago Accord see *Paz con Dignidad*, pp. 73-74.

⁸For a description of the aspirations presented by each side see "Descripción succincta de los impases subsistentes presentados por el Ecuador para las conversaciones en Brasilia," in *Paz con Dignidad*, 76-80.

The inapplicability argument was the stepping stone for a more far reaching claim: Ecuador's contention that it had a right to a sovereign corridor to the Marañon river located 180k south of the Cordillera del Condor. The two negotiating positions were intimately connected. If the Cordillera del Condor boundary was invalid, the new border should provide Ecuador with a corridor stretching to the Marañon, a tributary of the Amazon, where Ecuador had ancestral rights putatively grounded in the Treaty of Guayaquil, a border agreement signed by Peru and la Gran Colombia which never went into effect. The corridor would have a triangular shape linking the points at which demarcation was interrupted with an apex located on the banks of the Marañon. The two-fold issue of the inapplicability of the Rio Protocol and the sovereign access to the Marañon were to dominate much of the peace process.

The 1995-1998 negotiations were fraught with deep meanings for Ecuador. The two-fold issue described above condensed a whole set of memories and historical aspirations which set the peace process in a broader temporal framework than that marked out by the Rio Protocol framework. As far as Ecuador was concerned the negotiations constituted a belated settlement of the putative injustice the country had suffered in the course of one hundred fifty years at the hands of its more powerful neighbor, which culminated in the unfavorable Rio Protocol⁹. The sovereign corridor to the Marañon was viewed as a way of partially recovering lost territory and restoring Ecuador's supposed historical connection to the Amazon river. For Peru, in turn, the peace process meant the final consolidation of a settlement achieved through the military victory of 1941.

The memory of territorial loss: the symbolic background

The sense of loss of Amazonian territory and challenged national identity and honor stretched back to the late 1940's. It was kept alive for decades (1950-1990s) through socialization and was still common currency in the 1990s. The deep sense of grievance was a force in the negotiations not only because it shaped Ecuador's initial position, the

quest for a sovereign access to the Amazon, but also because it made backing away from that stance a difficult move. In what follows, I describe the main tenets of the Ecuadorian narrative of territorial loss and account for its origins. I also explain how the aspiration of the sovereign access addressed the emotional needs raised by the discourse of territorial loss.

Since the early 1950s the narrative of territorial dispossession had been a central component of national consciousness. While it was based on a skewed reading of historical evidence, the story of territorial loss provided a sense of purpose and unity to a society lacking national cohesion or a historical project such as nationalist-populist reforms. The success of the tale of the "territorial tragedy" was immense. An expanding state in 1950s and 60s enshrined it in all its symbolic practices: it was inculcated through the constitution, the schools, the universities, official rhetoric, stamps, and public art. The public absorbed the mythology so that it became a part of lived experience.

The pervasive narrative of dispossession played a variety of tricks with space and time as do all nationalist narratives¹⁰. The intent of these cognitive sleights of hand was to magnify the sense of grievance concerning 1942 and reinforce Ecuador's sense of entitlement to the western Amazon basin. Ecuadorian history emerged as a falling away from the spatial plenitude that existed at the time of the foundation of the colonial Audiencia of Quito in 1563. A broad territory that stretched well into the Amazon basin had given way to the cramped space of post-1942 Ecuador. Hence the passing of time brought the contraction of space. The story of long term loss was somehow compatible with the belief that in a single event, the imposition of the Rio Protocol, Ecuador had turned over half its territory to Peru. In the same way, national territory could be viewed as unchanging. The domain of modern Ecuador was conflated with the broad

⁹ For a vehement statement of Ecuador's position see Hernan Altamirano Escobar, *El por qué del ávido expansionismo del Perú* (Quito: Instituto Geográfico Militar, 1991). For a more balanced account see Julio Tobar Donoso, *Derecho Territorial Ecuatoriano* (Quito: La Unión Católica, 1961).

¹⁰ See Benedict Anderson's comments about how new nations claim old age: *Imagined Communities*, p. 11.

jurisdictional sphere of the colonial Audiencia of Quito¹¹, an equation that was inscribed in the 1978 Constitution: "national territory is that of the Audiencia of Quito." By collapsing the two, Ecuador could claim continuing national grandeur: it was in essence a large country connected to a great river, the Amazon. The apparently contradictory notions of loss and irrevocable entitlement were synthesized in the official slogan: "Ecuador ha sido, es y será país amazónico."

The narrative of dismemberment referred not only to territory, but also to identity. Tellingly, the school courses on the territorial issue were named "territorial law and the formation of the Ecuadorian nationality."¹² The enlarged territorial patrimony claimed by Ecuador, what may be called greater Ecuador, was not a component of the nation; it was the nation. Ecuador was imagined as an essentially cartographic entity: a geometric formation projected onto empty Cartesian space. Geographical constructions of identity had a long history in Ecuador; indeed the term Ecuador originated in the eighteenth century French geodesic expedition that had measured a longitudinal degree. Of course, Ecuador's predilection for cartography was not unique in Latin America. The imagining of the nation as bounded space was in some measure common to the region as whole, as political boundaries rather than culture or language tended to distinguish one country from another.

Geographical representations of the nation figured prominently in public art and in all manner of educational paraphernalia. Indeed maps were a highly sensitive medium that was carefully scrutinized by the state. The official map whose public use was compulsory was a rather agile propaganda instrument. It at once made visible Ecuador's Amazonian identity and its history of victimization culminating in 1942, by displaying the outline of the eastern boundary of Ecuador according to the Rio Protocol within a broader triangular figure that reached the Amazon. The guardian of the official map and

¹¹ The compatibility of progressive loss, loss at one stroke and continuity can be extracted from Hernan Alonso Altamirano *El Por qué del Ávido Expansionismo*, pp. 65-80. For the notion of the Rio Protocol as having implied a tremendous loss of territory see Pío Jaramillo Alvarado, *La Nación Quiteña* (Quito: Editorial Casa de la Cultura, 1958), pp. 9-10.

¹² Hector Burbano Martinez, *Educación y el Desarrollo Económico Social* (Quito: Casa de la Cultura Ecuatoriana, 1966), pp. 110-111.

so of national identity was the Geographic Institute of the Military. This institution drew up the official map, engaged in its reproduction and constructed top secret diagrams of strategic areas of the border

Memories of the war of 1941 added a certain pathos to the territorial issue, compounding the sense of grievance and reinforcing loyalty to the state. The 1941 war was remembered as a blitzkrieg offensive that Peru had planned for years and executed with brutal efficiency. Indeed, Peru was associated in collective memory with the Axis powers, so much so that many believed that Peru had deployed Japanese soldiers in the war. The 1941 war produced only one military hero, lieutenant Hugo Ortiz whose statue is found in the original site of the Military School in Quito. Ortiz died defending a military post near the Santiago river, but did not become a hero until anti-Peruvian sentiments reached an all time high in the early 60s.

The official story told through maps and printed materials was reinforced by a variety of rituals that recalled the "epic injustice" and offered the hope of a reversal. Thus school children in many establishments were asked several times a day: "De quién son el Amazonas y la Región Amazónica?" to which they would answer, "del Ecuador son por herencia, del Ecuador son por Derecho, del Ecuador serán por la razón o por las Armas." The 29 of January, the day of the signing of the 1942 treaty, was a day of mourning in the nation's schools. Most dramatically, on that date the military detachments on the border would stage maneuvers that often resulted in minor skirmishes.

The tale of loss of land and self, not surprisingly, played upon negative images of the Peruvians. The latter were presented in the text books and classrooms as untrustworthy thieves. This image took root in children's consciousness as may be seen from reports that students who lied or stole were labeled as Peruvians by their classmates. A more high flown characterization of Peruvians, pushed by socialization, was that the Peruvians were militaristic expansionists. This view was supported by rather speculative readings of Peruvian foreign policy. The militaristic tendencies of Peru were conceived as an atavism originating in the Inca empire or the grandiose Viceroyalty of Peru; and the

Peruvian army was viewed as a Shumpater like aristocratic military cast bent on expansionism.

Peru's version of the territorial conflict was less elaborate and emotionally charged, yet equally polemical. Peru emphasized the full validity of the Rio Protocol, pointing out that it was signed and ratified by both countries. That nation's steadfast defense of the Rio Protocol was not, however, grounded solely on legalism. The Rio Protocol became an obsession for Peru because it codified the sole military triumph that it had ever experienced. The 1942 treaty compensated for Peru's defeats at the hands of Colombia in 1922 and 1932 and more remotely for its brutal humiliation in the War of the Pacific (1880s) against a disciplined Chilean army. Indeed, Peru's fierce opposition to the sovereign corridor was partly based on the memory of Colombia's acquisition of such a corridor (*el trapecio de Leticia*) in the 1922 war, a territorial transfer that was a major embarrassment. Another key element of the Peruvian memory of the Rio Protocol was the notion that Ecuador was an untrustworthy country, since it could not be relied upon to fulfil agreements.

Although Peru did not formulate an identity linked to the Ecuador-Peru conflict, it did take the trouble to systematically deny Ecuador's Amazonian identity. Peru insisted that the expedition of Gonzalo Pizarro that discovered the Amazon had left from Cuzco not Quito, and that the origin of the Amazon lay in the snow capped mountains near Cuzco and not in the Ecuadorian Andes. The linguistic quarrel over the Marañón has to be seen in the context of that denial. Ecuador equated the Marañón and the Amazon so that it could imagine itself as within reach of its objective. Peru, in contrast, viewed the Marañón as a separate river and claimed that the Amazon began at the union of the Ucayali and the Marañón, a long way from the Ecuadorian border.

Peru's geopolitical experience, however, also had precedents for possible solutions to the Ecuador-Peru conflict. Chile had given Peru port facilities and a property known as El Chinchorro in the lost province of Arica as a result of a 1929 accord between the two countries. These concessions gave Peru access to an area where it had a huge emotional

stake. Peru in turn established a free zone for Bolivia in the port of Ilo so that country could have greater access to the Pacific ocean.

The narrative of dismemberment was not a direct reaction to the 1941 war and the Rio Protocol, but rather a later reinvention of events. The initial response in Ecuador to the twin blows of the war and the unfavorable territorial settlement was a sense of relief that Ecuador had conserved its core territory. During the 7 week war, Peru had occupied parts of the western provinces of Loja and el Oro, but returned these areas as part of the Rio Protocol settlement. Moreover, those who lived through the crisis of the early 1940s were well aware that the Amazonian territory that the Rio Protocol left on the Peruvian side of the boundary had been in Peruvian hands for decades and had never been effectively occupied by Ecuador.

Not even the war made much of an impression on contemporaries. It really consisted of small-scale skirmishes in places far away from population centers. It is estimated that front line Peruvian forces numbered 20.000, while around 1000 Ecuadorian soldiers participated in the fighting¹³. The number of casualties was in the low hundreds. Thus there was little in the way of lived experience or direct memories (or traces) of the armed conflict. Folk tales of torture, rape and looting as opposed to official memories were weak in the hostile relationship between the two neighbors. After the war and the signing of the Rio Protocol, the Ecuadorian legislature immediately approved the treaty by a large majority. Subsequently, between 1943 and 1948, the mixed demarcation commission consisting of representatives of Ecuador, and Peru proceeded to place the boundary landmarks on almost the full extent of the 1500km border¹⁴. Why then did the treaty become the centerpiece of an official black legend in the late 1940s?

The international regimes of the post World War II period created a climate favorable for revisionism. These frameworks delegitimated offensive war and territorial

¹³ See Octavio Ochoa, *Tragedia Ecuatoriana* (Quito: Chimborazo, 1976). See also Julio Tobar Donoso, *La invasión peruana y el Protocolo de Rio de Janeiro* (Quito: Banco Central del Ecuador, 1982).

acquisitions and instituted seemingly effective mechanisms for the resolution of international conflicts. In the light of the new international regimes, the war of 1941 and the territorial settlement of 1942 appeared as grossly unfair. Moreover, the new mechanisms for dispute resolution seemed to offer a way of transcending the mediation of the guarantor countries, which was committed to upholding the 1942 treaty. In 1948 the foreign ministry of Ecuador informed Congress that article XIV of the UN charter opened the way for a revision of the treaty¹⁵. The same year Ecuadorian delegates at the OAS founding in Bogota attempted to introduce retroactivity into the clauses having to do with the condemnation of war and dispute resolution.

At around the same time, Ecuador found a window of opportunity in an apparent flaw in the treaty uncovered by a photographic survey of the border undertaken by the U.S. Airforce. On the basis of images of the Cordillera del Condor, Ecuador arrived at the conclusion that the Rio Protocol boundary in the Cordillera del Condor zone was inapplicable. The survey disclosed the existence of a broad river basin between the Zamora and Santiago, that of the Cenepa. The discovery of this supposedly unknown river meant that the Cordillera del Condor was not the watershed between the Zamora and Santiago rivers and so could not serve as the boundary. Ecuador immediately pressed Peru to take into account this objection and negotiate a new border in the area. Peru's response was that the 1945 Dias de Aguiar arbitrage had settled the issue of Cordillera del Condor boundary and so demarcation should proceed as planned. Indeed the Dias de Aguiar arbitrage had specified that the *divortium aquarum* referred to by the Rio Protocol was the Cordillera del Condor¹⁶. Moreover, Peru pointed out that the Cenepa river was already known but had not been seen as invalidating the Rio Protocol.

The supposed inapplicability of the Rio Protocol in the Cordillera del Condor area suggested a meaningful revision of the 1942 treaty that would satisfy Ecuador's sense of

¹⁴ For Ecuador's initial reaction to the Rio Protocol see the account of the American assigned to supervise the Rio Protocol demarcation: George McBride, *Frontera Peruano-Ecuatoriana* (Lima: Ministerio de Relaciones Exteriores del Peru, 1996).

¹⁵ Ecuador's initial attempts at revising the treaty are described in McBride, *Frontera*, pp. 260-266.

¹⁶ For the genesis of the inapplicability argument see *El Problema territorial ecuatoriano-peruano* (Quito: Ministerio de Relaciones Exteriores, 1995), pp. 25-26.

grievance: the carving out of a continuous sovereign corridor to the Marañón river in the gap left open by the invalid Cordillera del Condor line. Such a modification of the Rio Protocol settlement would be only a partial revision of the treaty since the remainder of the border would remain unchanged

The tendency toward diplomatic revisionism led to the institutionalization of the negative view of the Rio Protocol and the 1941 war. The state adopted the black legend of the crisis of the early 1940s that it had previously condemned as inaccurate. Thus the complex of myths and visual representations described above along with their institutional channels took root.

Once formulated in 1951 the sovereign corridor became a recurrent aspiration. It outlived more radical proposals, such as the full scale rejection of the Rio Protocol and the reconquest of the Amazon, resurfacing in the early 1990s as Ecuador's preferred settlement to the territorial question. In 1992, a consensus began to form in favor of the formula of the sovereign corridor within the context of the Rio Protocol. One of the vehicles for the establishment of this consensus was the collection of essays sponsored by Ecuador's leading newspaper *El Comercio*, called *Ecuador-Peru: a future of peace*¹⁷.

The military responded to this climate of opinion by reactivating its strategy, essayed in the early 1980s, of penetrating beyond the Cordillera del Condor. The military occupation of the eastern side of the Cordillera del Condor--it was believed--would either initiate a progressive advance toward the Marañón or would trigger a serious negotiation over the two issues that Ecuador viewed as crucial: the inapplicability question and the sovereign corridor. In 1994, the military created three bases in the eastern lowlands beyond the Cordillera del Condor in an area known as the Alto Cenepa: Tiwintza, Base Sur and Cueva de los Tayos. The war of 1995 was the outcome of this maneuver as Peru responded to Ecuador's advances by seeking to expel Ecuadorian troops. Ecuador was well prepared for the war when it came as it had set up bases (Condor Mirador, Coangos, Banderas) on the crests of the Cordillera del Condor so as to control the Cenepa valley. It

had also purchased a variety of modern weapons mainly from Russia and Israel.¹⁸ During the war, Duran Ballen recognized the Rio Protocol and proclaimed that a solution to the border dispute would have to include "un corredor continuo y soberano hasta el Gran río de Quito (the Marañón-Amazon)."

The sovereign access controversy

In the first round of the negotiations, from May to October 1997, the negotiating teams set forth their claims. The two delegations prepared long expositions of their respective positions within the various demarcatory quarrels¹⁹. The Ecuadorian negotiation team selected by the interim president Fabian Alarcón in March 1997 featured skillful negotiators who had a forward looking perspective on the border issue. Foreign Minister Jose Ayala Lasso who had been UN high commissioner for human rights, and Edgar Terán a brilliant corporate lawyer were the most notable among them.

The Ecuadorian negotiating team used the so-called adversarial phase to present Ecuador's traditional vision of the conflict through the foil of the sovereign access demand. The invocation of longstanding grievances and aspirations was largely designed for domestic consumption. Such a show of patriotism served to legitimate the negotiations and functioned as a collective catharsis allowing the country to let off steam. Even after achieving the catharsis effect, the negotiators held on to the unrealistic sovereign access demand for several weeks. For if they made concessions too early, the negotiations would incur the wrath of domestic actors. The other decision makers in the process (the President, Congress, and the military) and public opinion were not predisposed toward an abrupt shift of perspective.

¹⁷ *Ecuador Peru: Futuro de Paz*, ed. Francisco Acosta (Quito: Fundación el Comercio, 1993).

¹⁸ For a plausible account of the 1995 based on inside information see Edgar Mercado Jarrín, "El conflicto con el Ecuador, la guerra focalizada en las cabeceras del Cenepa," *Revista de Derecho Internacional*, January-June, 1995, 11-66.

¹⁹ For the state of the negotiations in September see "Quien confía en Itamaraty?", *Caretas*, September 22, 1997.

The diplomat's fear of a backlash was grounded not only in political calculations but also in the memory of two events. In the early 1980s president Oswaldo Hurtado's call for a new national consensus on the territorial issue was met with indignation from rival politicians and had to be abandoned. In the 1940s, Julio Tobar Donoso, the Ecuadorian negotiator of the 1942 Rio Protocol, was declared a traitor to the fatherland and fell into disrepute for having ceded territory to Peru.

As they planned their next move, the Ecuadorian negotiators complied scrupulously with the "moratorium" on public revelations about the peace process²⁰. They concealed their flexibility and as well as the specific concessions they were willing to make. Later on, however, they would reverse the policy of secrecy and elitist decision making, seeking to build a consensus for the advances in the peace process.

The negotiation phase was scheduled to begin in late November. In the weeks following the adversarial stage, the guarantors lobbied the two countries to seek a compromise solution, while the two parties proclaimed the unnegotiable nature of their positions. The posturing generated an escalation of tensions that nearly ignited a new war. The stalemate over the sovereign access question would not be overcome until January 1998, when Ecuador accepted a major revision of its aspirations.

In late September 1997, Peru announced that it was opposed to further discussion of Ecuador's main aspiration, claiming that it exceeded the Rio Protocol²¹. A sovereign corridor to the Marañón was not foreseen in the 1942 treaty and so—according to the Peruvian foreign ministry—could not be addressed in the talks

The foreign relations ministry of Peru along with its armed forces waged a propaganda campaign to signal to both Ecuador and the guarantor countries that the sovereign corridor idea had to be set aside. The intelligence services of the Peruvian armed forces

²⁰ The moratorium was agreed to in Lima in March, 1996. See "Comunicado de Prensa" in *Paz con Dignidad*, p. 68.

²¹ For the Peruvian rejection of the sovereign access claim see "Balance de las Conversaciones Entre el Perú y Ecuador," *El Comercio* (Peru), October 10, 1997, sec. 1, p 1.-2.

organized popular demonstrations in Loreto, an Amazonian province of Peru, protesting the proposed turn over of Peruvian territory. The Peruvian foreign ministry, meanwhile, made grim pronouncements declaring that Peru would not cede any lands under its sovereignty. More menacingly, the Peruvian armed forces hinted that a new armed conflict was imminent by fabricating military incidents on the border and encouraging public displays of belligerence in the Loreto demonstrations. The military option was favored by a number of officers in the Peruvian military who sought to redress that institution's poor performance in the 1995 war. Peru had worked painstakingly since 1995 to develop a credible military alternative to the negotiations, overcoming the logistical constraints that it faced in the contested zone and acquiring a threatening fleet of Belarusian MIGs.

Ecuador reacted vehemently to Peru's campaign against the sovereign corridor. The posturing of Ecuadorian elites stemmed from diverse motives. The negotiators sought to instill confidence in the peace process by displaying their patriotism, whereas the military who still adhered to the sovereign corridor attempted to defend it in face of Peruvian pressure. The military talked about purchasing a fleet of 40 or 50 American made F 16 OR 18²² so as raise the costs of war for the Peruvian armed forces. The acquisition was ultimately thwarted by the United States' refusal to make the sale and by Ecuador's growing fiscal problems.

The success or failure of the sovereign corridor demand in the peace process (1995-1998) depended in some measure on how the guarantor countries viewed it. Although the guarantors were not arbiters, they did have the leverage to pressure either party to make concessions. The guarantors were skeptical regarding the compatibility of the sovereign corridor with the terms of the negotiation. They knew that it exceeded the Rio Protocol and that Peru would never agree to it because it implied a transfer of territory. At the same time, the guarantors were aware of the depth of Ecuador's sense of

²² The proposed purchase was extensively reviewed in Ecuadorian newspapers see, for example: "Luz verde para F-18," Thursday, November 6, 1997, *Hoy*, sec. 1, p. 1.

grievance concerning its forcible exclusion from the Amazonian basin and believed that Ecuador had to come out of the peace process with some type of presence in that zone.

The guarantors' desire to satisfy Ecuadorian sensibilities was not, however, based on a recognition of Ecuadorian rights in the Amazon. The foreign ministries of the four guarantor countries took a dim view of the Ecuadorian interpretation of the territorial issue. Their institutional memory of the history of the conflict, inscribed in their documentation regarding the Rio Protocol, took it for granted that Ecuador had not been dispossessed of a significant amount of Amazonian territory and that the responsibility for the 1941 war was shared by Ecuador and Peru.²³ More to the point, the guarantors were fully convinced that the Rio Protocol was a valid treaty because it had been ratified by the congresses of the two countries. Such a vision of the Ecuador-Peru issue was part of a broader geopolitical perspective in which treaty structures figured as the foundation of a continental order that secured peace. Chile in particular was wary of the revision of national boundaries as it faced the demands of Bolivia for a sovereign access to the Pacific coast. In casting doubt on Ecuador's rights to territory in the Amazon, the guarantors downgraded Ecuador's sovereign access demand from one based on objective entitlement (*derechos amazónicos inalienables*) to an emotionally grounded one, a shift that Ecuador's negotiators internalized.

Weeks before the decisive November 24-28 meeting, the guarantors advised Ecuador that the sovereign corridor demand would have to be drastically curtailed. Ecuador instead would be the beneficiary of one or more "free zones" on the banks of the Marañón-Amazon. Although the terms of these hypothetical commercial zones remained vague, it was evident that they did not involve the exercise of sovereignty by Ecuador. It was likely that the guarantors had in mind storage deposits and port facilities designed to facilitate the flow of Ecuadorian goods to and from Brazil.

²³ On the guarantors' reading of the history of the dispute see McBride, *Frontera Ecuador Peru*, pp. 260-266.

In proposing a realistic substitute for a far reaching proposal, the guarantor's were following a well established principle of current negotiation theory: the identification of underlying interests embedded in radical proposals and their reframing within more plausible schemes. The guarantors interpreted Ecuador's ultimate interest as the desire to somehow reestablish its historical connection to the Amazon. The free zones and transit rights were a more realistic way of doing so than the sovereign corridor for two reasons: they did not threaten Peruvian territorial integrity and they were compatible with the Rio Protocol. The 1942 treaty had stipulated that the two countries should negotiate a Commerce and Navigation Treaty giving Ecuador free access to the Amazon, that is, the right to navigate through tributaries of the Amazon located in Peruvian territory without being subject to tariffs. The free zones could be interpreted as a way of facilitating the broad commercial access foreseen by the Rio Protocol.

The explicit purpose of the revision of Ecuador's sovereign corridor aspiration was to conserve the rational economic content of the original proposal while discarding its superfluous shell: sovereignty. Yet the reference to economic rationality masked the deeper function of the formula of broad commercial access to the Amazon basin, which was to address Ecuador's self-image as an Amazonian country and assuage the unhappy memories of the 1940s. Whatever the economic advantages of the proposed zone, their meaning for Ecuador was that they enabled a real presence in the Amazon.

Ecuador's pragmatic negotiating team saw that a downward revision of Ecuador's leading aspiration was imminent and convoked the relevant advisory bodies to reformulate the nation's negotiation strategy. The response of the Junta Consultiva de Relaciones Exteriores composed of notables and the National Security Council dominated by the commander of the armed forces, Paco Moncayo, was favorable but cautious²⁴.

²⁴ See "Hoy se reúne el Cosena para conocer estrategia de Brasilia," November 11, 1997, *El Universo*, sec. 1, p. 2; and "Afinaron estrategias para ir a negociaciones en Brasilia," Friday, November 21, 1997, *El Universo*, sec. 1, p. 10.

Ecuador's flexibility coincided with a winding down of Peru's belligerence. Fujimori publicly advocated the need to find a negotiated solution to the two nations' disagreements, reigning in his armed forces that were contemplating a renewal of military conflict. Indeed, Fujimori anticipated the shift in the negotiations by offering Ecuador commercial installations in the Amazon on the eve of the November 24 summit in Brasilia²⁵. This offer was identical to the one he had made in the course of a truncated peace initiative in the early 1990s.

Between November 24 and November 28 1997, the negotiating delegations met with the representatives of guarantor countries to bridge the differences between the positions of the two countries. The guarantors seized the initiative so as to press through a broad reformulation of the negotiation process. They replaced the original agenda that had focused on five demarcatory disputes with one that laid out four wide ranging issues: a navigation and commercial treaty; frontier integration; the demarcation of controversial areas of the border; and a bilateral security regime²⁶. The parties were now expected to arrive at accords in each of these areas, yet as before the validity of any of the agreements depended on the settlement of all the issues. The new format sought to instill momentum into the negotiation process by allowing concessions on in one area to be compensated by gains in another, impeding intractable stalemates over the naturally zero-sum question of territorial sovereignty. The possibilities for trade-off were vastly expanded under the new system. Ecuador might relent on the demarcation of the Cordillera del Condor issue in exchange for concessions on commercial access or frontier integration projects etc.

The major consequence of the recasting of the peace process was the revision of Ecuador's sovereign corridor aspiration. At the guarantors bidding, the sovereign corridor proposal was diluted, being replaced with the guarantors' suggestion that the proposed Commercial and Navigation Treaty grant Ecuador broad commercial access to the Amazon including free transit and commercial zones. Such a revision of the

²⁵ See "Contrapropuesta del Peru," Saturday, November 22, 1997, *El Hoy*, sec. 1, p. 1.

²⁶ "Firman acuerdo en Brasilia," Thursday, November 27, 1997, *El Hoy*, sec. 1, p.1.

sovereign corridor was to the surprise of the Peruvian foreign ministry well received by the Ecuadorian delegation. The rapprochement between the two Andean nations, however, turned out to be short lived.

On the last day of the November meeting in Brasilia, the two countries were unable to come to an agreement on the details of another part of the guarantors' scheme: the agenda for the demarcation of the controversial segments of the border.²⁷ The latter called upon the two countries to submit their demarcatory disputes to the non-binding opinion of technical experts from the guarantor countries. At the last minute, however, the Peruvian foreign ministry did not agree to permit the inapplicability question to be reviewed by the commission of experts, seeking to narrow the scope of the technical review process to the question of how the demarcation of the Cordillera del Condor would be effected.

While the Ecuadorian negotiators did not really expect that the inapplicability demand would lead to a major revision of the border, they did want it to be probed by a third party. For if it were not, Ecuadorians would feel that the peace process had been an incomplete one as it would have left a major question unanswered. Peruvian opposition to the demarcation issue, moreover, led Ecuador to back track on the sovereign access issue.²⁸ Between early December and mid-January the Junta Consultiva de Relaciones Exteriores in Ecuador issued statements to the effect that Ecuador remained committed to both the inapplicability and sovereign corridor aspirations.

The stalemate engendered by Peru's intransigence on the question of inapplicability was settled in highly secretive meetings held in Buenos Aires in mid-January, 1998. The guarantors pressed Ecuador to recognize two existing landmarks in the southern Cordillera del Condor (Cunhuime Sur and Nayumbe Teisha) which it had long regarded as void and to accept the relevance of the Fallo Dias de Aguiar for the demarcation, an instrument which backed Peru's claims. More significantly, the guarantor countries

²⁷ "Negociación queda sin cronograma," Saturday, November 29, 1997, *El Hoy*, sec. 1, P. 1

²⁸ "Sigue en pie salida al Amazonas," Wednesday, November, 3, 1997, *El Hoy*, sec. 1, p. 10.

backed Peru's contention that the inapplicability question ought not to be submitted to the expert's review. After a heated discussion, the Ecuadorian delegates agreed to a save-face solution that left it to the discretion of the panel of experts whether or not they would review the inapplicability question all be it within the constraints mentioned above.²⁹

Between the definition of the negotiation agenda in 1996 by Galo Leoro and the major compromises of the January 1998, Ecuador's negotiation strategy had moved from the search for historical justice toward catharsis and then face saving. The sovereign access question had been originally presented as a just reparation for a historical wrong. Then it was proclaimed with fanfare, as a way of effecting a catharsis, an airing of longstanding grievances that would bring relief. Finally, it was reworked into a very modest proposal giving Ecuadorian companies privileged access to free zones deep in the Peruvian Amazon. The inapplicability issue went through a similar evolution. It was initially pursued as a way of seriously revising the Rio Protocol border. Later the negotiators sought to have it evaluated so that the process would attain closure and finally it was kept formally on the agenda with little chance of being probed.

After announcing that the new format of the peace process, the government of Ecuador made a determined effort to justify the shift. It attempted to sell to public opinion the idea that Ecuador's Amazonian identity was vouchsafed by the proposed Commercial and Navigation Treaty. The highpoint of the propaganda campaign was president Alarcon's speech to the nation that proclaimed that the new arrangement would guarantee Ecuador's "Amazonian character" by providing for a broad access to the Amazon that encompassed both navigation rights and commercial installations.³⁰ The foreign ministry, meanwhile, sought to present the new scheme as one consistent with the original goals, contending rather idealistically that commercial access could be given a sovereign content. This would come about by conceptually parsing the components of

²⁹ The details of the Buenos Aires meetings were revealed on March 8 in a confidential meeting for the editorialists of major newspapers at the Ministry of Foreign Affairs. The solution reflected the Peruvian position as outlined by Jorge Morelli weeks before the Rio de Janeiro meeting. See "La cuestión territorial con Ecuador, *Revista Peruana de Derecho Internacional*, 105, August-December, 1997.

³⁰ "Garantizado acceso al río Amazonas," January 23, 1998, *El Hoy*, sec. 1, p. 3.

sovereignty and seeing how many of them could be introduced into the regime of access to be developed by the treaty.

Yet as the gap between the initial expectations and the results was so glaring, the expectations themselves had to be called into question. Beginning in February 1998, the foreign ministry started to tell the truth about Ecuador's relationship with the Amazon and about the Rio Protocol. In information sessions with the press and other sectors of civil society, it pointed out that Ecuador had not exerted sovereignty in the Amazon at any time in its republican history. At the same time, it admitted that the Rio Protocol had transferred to Peru very little territory that Ecuador actually possessed. In view of this history, the free zones Ecuador would receive with the signing of the peace would--it was emphasized--bring Ecuador closer to the Amazon than it had been since the colonial period. This strategy of demystification came to be called the *baño de verdad* or truth bath.

Ideological displacements

The careful management of the curtailing of the initial aspirations appeared to have worked since there was little public outcry about it. Yet the lack of opposition cannot be attributed solely to the political skills of the foreign ministry. There were other factors that facilitated the public's acceptance of the revision of Amazonian aspirations.

One explanation for the ease with which Ecuador allowed its opening bids to be pared down is globalization. Since 1992, Peru and Ecuador had participated in the formation of a regional free-trade bloc known as the Andean Community. The integration process set a high premium on inter-state cooperation and rendered boundaries less meaningful as they no longer framed markets. While open regionalism was a major force in ending the bitter conflict between the two countries, it does not by itself explain the tepid reaction to the curtailing of Amazonian irredentism. Ironically, the major cause of the waning of Amazonian irredentism was the war of 1995.

As regional integration accelerated, the two countries unexpectedly went to war over disputed territory in 1995. Both the military goals of the belligerents and their mobilization of public opinion reflected the traditional perspective on the territorial issue. Ecuador waged the war with the inapplicability and the sovereign corridor objectives in mind. The Ecuadorian media, likewise, mobilized the public by invoking all the classic themes of territorial nationalism. “The nation’s patrimony” had to be defended from “Peruvian expansionism”; Peru was perpetrating a fresh “aggression”; “Ecuador stood alone”, abandoned by the international community etc. With few exceptions public opinion backed the war, exulting in the news that the Ecuadorian military forces held their ground.

The war recodified the territorial issue, endowing it with a new content. The 1995 war partially displaced the historic loss of Amazonian territory and the Rio Protocol as the focus of the sentiments of hostility, loss and hope that they had generated. Those sentiments were now also symbolized by the “great victory” of 1995. The new version of territorialism like the old had a key aspiration: the establishment of sovereignty over the posts defended by the Ecuadorian armed forces in the 1995 war. While the latter aspiration overlapped with the inapplicability argument it was really very different. Above all, the new version was born of victory and not of loss and so was triumphalist.

The recodification of territorialism was not directed by the state or the media; it was rather a spontaneous collective response to the 1995 experience. The new view of the territorial issue was stronger at the time of the negotiations than the older view as it was grounded in a recent event and not a remote one; and it referred to an experience that the younger generations had had direct access to.

Although the new interpretation of the territorial issue tended to displace the older view, the 1995-1998 negotiations were initially designed on the basis of the latter not the former. The negotiating teams of both countries and the guarantors were all convinced that the key issue was the sovereign access aspiration. None of the actors directly involved in the peace process took notice that Ecuador's perception of the territorial issue

had partially shifted away from the problem of Amazonian sovereignty to the retention of the sites Ecuador had held in the 1995 war. That displacement made possible Ecuador's downscaling of the sovereign access aspiration, as that aspiration had lost some of its emotional charge.

It is surprising that the key actors on all sides failed to notice the change, for the victory of 1995 was one of the reasons Ecuador was willing to sit down at the negotiating table. In the course of the war, Ecuador had recovered its honor reversing the humiliation of the 1941 defeat. It had held its own against its historic adversary. This had two consequences for the launching of negotiations. a. Ecuador had wreaked revenge against the Peruvians on the battlefield and so was satisfied on that score. b. As it had recovered a large quotient of honor in the war, it did not have to seek honor by means of an overwhelmingly favorable outcome to the negotiation process. This allowed it to be more flexible than if had gone to the negotiations without a military victory.

The recodification of the territorial issue did not become fully evident until May 1998 when the negotiations came to a halt as result over the possibility that the new boundary line would leave the sites of the military bases defended in the war on the Peruvian side.

The Second Crisis: the question of national honor

The second crisis in the negotiation process developed over the possession of the demilitarized zone where the military bases Ecuador had defended in 1995 war were located. The crisis arose at the beginning of May 1998 when the technical commission (*comisión jurídica técnica*) of the guarantor countries made known their opinions or *pareceres*, regarding the various demarcatory disagreements. Their opinion about the Cordillera del Condor, the key demarcatory dispute, engendered a crisis in the negotiations and brought the two countries to the brink of war in August 1998.

The commission of experts to the surprise of both Ecuadorian and Peruvian diplomats had reviewed Ecuador's inapplicability argument. Yet it declared the claim invalid. According to the experts, the Rio Protocol had intended the boundary line to connect two points (the San Francisco canyon and the union of the Santiago-Yaupi) by a line that would run through the waterparting between the Zamora and Santiago rivers. According to the experts, between any two geographic points there can only be one waterparting. Hence it did not matter if the Cordillera del Condor was not the true waterparting between the Zamora and Santiago basins, because it was only required that it be the waterparting between the two points mentioned in the treaty to be the definitive line.³¹ The rebuttal of the inapplicability claim was accompanied by the confirmation that the Dias de Aguiar sentence had intended the boundary line in the Zamora-Santiago area to run through the crests of the Cordillera del Condor. These two opinions implied that the area that the Ecuadorian army had defended in the 1995 belonged to Peru and would be left on the Peruvian side of the border when the definitive line was traced. Among the sites left behind would be Tiwintza which for Ecuadorians had enormous emotional significance, since it was defended tooth and nail against a Peruvian onslaught in 1995.

The Ecuadorian foreign ministry immediately realized that the boundary line defined by the experts would provoke a furious reaction in Ecuador which would most likely spoil the peace process. This was not because the line ran against the inapplicability claim or dashed lingering hopes for a sovereign corridor, but because it left the area defended in the 1995 on the Peruvian side. The foreign minister Ayala Lasso immediately flew to Washington where he warned Luigi Einaudi, the American representative in the negotiations, that the experts' opinion concerning the demarcation line would damage the peace process by forcing Ecuador to reject the dictum, opening up an unbridgeable gap between the positions of the two countries. Einaudi reportedly responded that the opinion had been adopted on strictly technical grounds and so was irreversible.

³¹ The content of the *pareceres* was announced in a confidential meeting for editorialists at the Foreign Ministry in early May. It was first divulged in the press on July 28. See "La oreja de la discordia,

Ayala Lasso's concern was fully borne out. Once the Ecuadorian military was informed of the expert opinion regarding demarcation, it instructed the president to order the foreign ministry not to accept it. The rejection of the opinion by Ecuador brought the negotiations to a halt, generating a stalemate that would not be overcome until October, 1998.

The problem of the loss of the sites of the military bases was cast as one of national honor. The military contended that national honor would be undermined if Ecuador were to accept the demarcation dictated by the technical commission. While the military never worked out the association, its logic may be deciphered.

Ecuador's good performance in the 1995 war was its sole military triumph in the history of the one hundred-fifty year border conflict with Peru. The victory of 1995 had clearly generated a sense of pride among Ecuadorians that had not diminished in the three short years that had elapsed since the war. To forfeit the military bases that were held in the course of the 1995 war was to render Ecuador's victory futile. It was also to render meaningless the sacrifice of the fifty or so soldiers who died defending those sites. The possibility that the victory might not be acknowledged challenged national honor because national honor is above all the recognition of one's worth by others. By ignoring Ecuador's good performance in the war in the definition of the border, the international community and Peru were slighting Ecuador.

The problem of a challenged sense of national honor went back to the 1940s. Ecuador had felt that the humiliation suffered in the war of 1941 was an affront to national honor. In fact, the humiliation arising from defeat was the real injury that Ecuador had suffered in the 1940s. The notion of usurpation of rights through illegal aggression was a screen designed to cover up Ecuador's sense of self-pity and resentment over the defeat, a way of blaming Peru for Ecuador's own failings. In the following years, it was generally believed that Ecuador would recover its honor only if it recuperated some of the lost

"Tuesday, July 28, 1998, *El Hoy*, sec. 1, p. 1.

Amazonian territory.³² In the 1995 war, Ecuador, however, recovered its honor by its reputable performance on the battle field. Yet in the 1995-1998 negotiations that newly acquired sense of dignity was being challenged anew by Peru and the guarantor countries.

Peru's stern opposition to Ecuadorian sovereignty in the Alto Cenepa was not based solely on its perception that it was legally entitled to it, but was also a question of honor. The Peruvian military had concealed its poor showing in the 1995 conflict, claiming to have dislodged Ecuador from all its bases in the Alto Cenepa, including the key one, Tiwintza. For Peru to turn over the military sites to Ecuador would be to reveal the truth about the 1995 war, undermining the reputation of its armed forces. Peru's efforts to secure Tiwintza led it play various tricks with the cartography of the Alto Cenepa, contending that Tiwintza was not a specific site but a broad area where its soldiers had indeed penetrated in 1995. And it came up with its own spelling of Tiwintza, Tiwinsa so as to emphasize that it was Peruvian not Ecuadorian territory.

Once the guarantors realized the depth of Ecuador's sentiments toward the possible loss of the sites of the military bases, they looked for a way out of the stalemate. As in the case of the issue of Amazonian sovereignty, they did not believe Ecuador had a right to the Alto Cenepa. Their memory of the war was rather different from that which prevailed in Ecuador. According to the guarantors, Ecuador had crossed over into Peruvian territory and could not claim to have won the war, since Peru had managed to take one of the military bases (Cueva de los Tayos) and had saturated the zone with troops.³³ Yet the guarantors realized that an agreement on demarcation would be reached only if Ecuador's need for recognition regarding its victory was addressed. Thus they elaborated a number of proposals, in June of 1998, that sought to pay homage to Ecuador's good performance in the 1995 without altering the demarcation provided for by the technical opinion. These proposals sought to give Ecuador access to the area of the military sites known as the Alto Cenepa.

³² See "Posiciones Adoptadas," p. 42.

³³ This was confided to me by a very reliable source within the Ecuadorian foreign ministry.

The key proposal was the binational ecological park, a reserve that would straddle the projected demarcation. While half of it would be on Peruvian territory and the other half on Ecuadorian territory, the park would be coadministered by the two countries and would be free from any signs of partition. Ecuador would gain access to the sites of the military bases in so far as those sites would fall under the joint administration of the park. A related proposal was that of the "peace monument." The guarantors envisioned that a monument might be built in the binational park that would conserve the memory of the war dead of both countries and at the same time celebrate peace. Such a monument would fulfill the objective of recognizing the valor the Ecuadorian soldiers and the glory of the Ecuadorian Armed Forces. The complex symbolism of the park would be transmitted not only by the monument but also by annual commemorations held in the binational park.³⁴

These highly imaginative proposals were unfurled at a presidential summit in Brasilia in late June 1998 attended by Henrique Cardoso, Fabian Alarcon and Alberto Fujimori. Beginning in June 1998, Brazil's president Henrique Cardoso had decided to take a more active part in the Ecuador-Peru negotiations so as to cast Brazil as the power-broker in the region, as part of Brazil's bid to acquire a seat on the UN Security Council. Cardoso shifted the terms of Brazil's role in the negotiations. Prior to Cardoso's direct involvement, Brazil had sought to enforce the Rio Protocol, as a way of insuring stability in the Amazon region by preventing the revision of borders in that geopolitical area. Cardoso, in contrast, emphasized Brazil's ability to resolve regional conflicts, a priority that led it to pressure both Ecuador and Peru into making concessions.

The Brasilia presidential summit in early June 1998 was marred by the so-called "gaffe", the leaking of a highly sensitive document that revealed the guarantors' agenda regarding the Alto Cenepa stalemate. The leaked document endorsed the creative proposals mentioned above and revealed that Ecuador had rejected the experts' opinion on demarcation in the Cordillera del Condor. The Peruvian press responded to the 'gaffe'

³⁴ These proposals were contained in a confidential document leaked to the press in Brasilia: See "El documento polémico," Wenesday, June 3, 1998, *El Comercio*, sec. 1, p. 3.

by expressing outrage that the guarantors were in favor of a proposal that would dilute Peruvian sovereignty in the Cordillera del Condor. The Peruvian media's reaction made it impossible for Fujimori to seriously consider the guarantor's' proposal. Thus Fujimori fell back on an earlier scheme proposed by Peru: the creation of contiguous parks along the newly demarcated border, a stance that Alarcon found unacceptable.

In Ecuador, the "gaffe" set off a public debate as to whether the country should accept the technical opinion or insist on the retention of the military sites for the sake of national honor. The liberal press (especially *El Hoy*) contended that Ecuador had already recovered its honor with the 1995 and so did not need the military sites to vouchsafe national honor. The business elite insisted that the material benefits of the peace far outweighed considerations of national honor.³⁵The foreign ministry encouraged the view that national honor lay in social justice or "governance" and not in the retention of territories defended in war. It also hinted that Ecuador lacked juridical rights to the Alto Cenepa. These enlightened views were gradually eclipsed by a consensus in favor of holding out for Peruvian concessions on the Alto Cenepa question. In the end, the goal of retaining Tiwintza was much harder to debunk or appease through face saving concessions than the sovereign access to the Amazon. The memories of the 1995 victory were still fresh as were emotional investments in the symbolic sites.

By late July the military's position took hold. The newspapers and politicians came out in favor of "peace with honor," which meant settling the dispute over the Alto Cenepa in a way favorable to Ecuador. This shift emanated from the newly elected president Jamil Mahuad who won the second round of the presidential election on July 15 and was to take office on August 10, 1998. Steeped in Harvard University negotiation theory, Mahuad was convinced that emotional factors were important and that negotiations had to generate mutual satisfaction. He thus signaled to his collaborators that Ecuador would assume a more aggressive stance that sought to escape the straight jacket of international law. This change helped forge a new consensus that brought together those who took a moderate and conservative stance on the territorial issue. The consensus view in favor of

peace with honor, however, called for the creation of a park without limits (parque sin límites) rather than full sovereignty over the contested zone. The park without limits would be a neutral area administered by park authorities from both countries. The intent of the neutral zone would be to deny both countries sovereignty over the Alto Cenepa. If Ecuador could not keep the Alto Cenepa, neither should Peru, was underlying premise of the new consensus. Yet if there was a consensus in favor of denying Peru sovereignty over the Alto Cenepa, there was also a consensus that the pay off of peace was huge.

As positions hardened on both sides, Peru began to move troops into the eastern side of the Cordillera del Condor, especially in the area south of the demilitarized zone. It seemed to be executing the endorsement of Peruvian sovereignty contained in the guarantors' technical opinion.³⁶ Ecuador responded by moving troops into the same area, so that by late July 1998, the two sides had established military detachments only a few meters away from each other. The guarantors attempted to demilitarize the zone, but that only deepened the crisis. For Peru reacted to the guarantors' suggestion by giving Ecuador an ultimatum that it had to clear its troops out of the eastern side of the Cordillera del Condor. Finally, a deal was brokered by the guarantors that provided for joint demobilization of forces along the contested border.

At the about the same time, around August 10, Jamil Mahuad assumed the presidency of Ecuador. He opted to strive for Peruvian concessions on the question of the Alto Cenepa, rather than fully submit to the technical opinion of the guarantor countries. According to his reading of the demarcation issue, the "emotional factor" i.e., Ecuador's association of the Alto Cenepa with its honor, had to receive some acknowledgement.³⁷ Mahuad soon forged a close personal relationship with Fujimori and the two committed themselves to finding a solution to the border problem. Thus began a phase of direct "presidential diplomacy" that eventually engendered a peace accord that among other things settled the border issue. In this phase, Mahuad and Fujimori both counseled each other as to what was in each other's best interest. So as strengthen his direct relationship to Mahuad,

³⁵ "Camaras piden firmar la paz," Saturday, July 18, 1998, *El Hoy*, sec. 1, p. 1.

³⁶ "Tensión diplomática," Monday, August 8, 1998, *El Hoy*, sec. 1. P. 1.

Fujimori marginalized his legalistic foreign minister Eduardo Ferrero, who ended up resigning.

Many of the details of what occurred at the various presidential meetings between September of 1998 and the middle of October 1998 are still a matter of speculation, yet the broad outline is discernable. After several meetings, held in numerous Latin American capitals (from Montevideo to Panama city), the two leaders began making headway in late September of 1998. In a meeting held in Brasilia, on September 28, Jamil Mahuad accepted that the technical opinion that provided for demarcation along the Cordillera del Condor had to be part of the border solution.³⁸ In a meeting in Washington, on October 5, Fujimori acceded to granting Ecuador private property over the key military site known as Tiwintza so as to address Ecuador's sensibilities.³⁹ Yet the solution arrived at by the two presidents was still too controversial to be accepted by the militaries and the congresses of both countries. For that reason at the October 7 meeting in Brasilia, Fujimori and Mahuad asked Henrique Cardoso to present their understanding as a third party decision. The guarantors assented to the two presidents' request at a meeting in Washington with President Bill Clinton. As part of the deal between the presidents of the two Andean nations and the guarantors, the guarantors requested that the congresses of the two countries declare their support for a binding third party decision.

Jamil Mahuad then had to persuade the Ecuadorian congress and the military to endorse the arbitration process. In doing so, he stressed the uncertainty of the results. The theme of uncertainty was a necessary fiction. Mahuad knew that the guarantors would only confirm the terms of demarcation that he had worked out with Fujimori, but if he avowed the existence of a prior agreement, the stratagem would not work.

The Ecuadorian military and congress endorsed the supposedly open ended arbitration without much resistance. The surprising ease with which Mahuad persuaded these actors

³⁷ "Mahuad tomó la posta de la paz, Tuesday, July 28, 1998, *El Comercio*, sec. 1, p. 1.

³⁸ "Presidente ecuatoriano afirma que estamos cerca del desenlace," Saturday, September 27, 1998, *El Comercio* (Peru), sec 1, p. 1.

³⁹ "Ferrero revela entretelones," Monday October 26, 1998, *El Hoy*, sec. 1, p. 2.

to accede to an arbitrage on demarcation stemmed from the consensus that peace was eminently desirable. The arbitrage option allowed the Congress and the military to act on behalf of the national interest without compromising their images as defenders of national honor. For instead of capitulating to Peru over a symbolic good, they gave the impression of submitting to the dictates of blind justice.⁴⁰ So as to distance themselves from an unfavorable dictum, Congress hedged its support for the arbitrage by attaching a resolution that called on the guarantors to decide on the basis of Ecuador's juridical titles, the history of the conflict, and geographical determinism.

Fujimori, in contrast, stressed the certainty of the outcome, hinting that the results of the arbitrage would be favorable to Peru. His new foreign minister Fernando de Trazegnies pointed out in the Peruvian Congress that the formula for demarcation would include the ratification of the technical opinion and a symbolic concession to Ecuador.

The arbitrage decision came on October 23 and was immediately conveyed by both presidents to the public.⁴¹ Mahuad emphasized that Ecuador's honor was intact, as Tiwintza lay in Ecuador's hands. Public reaction was euphoric as the goals of peace and honor had seemingly been reconciled. Yet in the next few days the public was disappointed to discover that Ecuador held Tiwintza only as a property in Peruvian territory. While property rights over Tiwintza fell short of the public's expectations, that concession was enough to demobilize a backlash against the acceptance of a demarcation formula that left the Alto Cenepa in Peruvian hands. In Peru, there were some protests over the Tiwintza concession, especially in the Amazonian province of Loreto, but on the whole the population seemed to think that Peru had fulfilled its aspirations in the peace process: the enforcement of the Rio Protocol.

The package of peace accords was signed by Mahuad and Fujimori in an emotional ceremony held in Brasilia on October 26, 1998. At the ceremony Mahuad told the story of his maternal grandfather who had gone to the front to fight in 1941 and gave a canteen

⁴⁰ See "Limandole las garras al Condór, Thursday, October 22, 1998, *El Comercio* (Peru), sec. 1, p. 1.

⁴¹ "Hacia la firma de la paz," Saturday, October 24, 1998, *El Comercio* (Peru), sec. 1. P. 1.

used by a combatant in the war over to Fujimori. Mahuad's symbolic act highlighted the taming of the memories of 1941, since the story of the war could be told without animosity, and a symbol of the war could be conferred as a gift to the former adversary. On the whole Mahuad's symbolism revealed a willingness to forgive and forget.⁴²

After the peace was signed on October 26 in Brasilia, a debate over its significance broke out in Ecuador. Some argued that Ecuador had sacrificed its legitimate territorial rights and aspirations because of pressure from the guarantor countries and the exigencies of globalism.⁴³ The concessions made by Ecuador, according to this perspective, amounted to one more sacrifice in a series of "holocausts" (Ecuador's term for territorial losses) that the Ecuadorian nation had faced over the course of history. Such views were especially common among the professional class in the coastal city of Guayaquil. Others contended that if Ecuador had come out of the peace process with no additional territory, it was because its aspirations were unfounded. Ecuador--they observed--had no claim to lands either in the Amazon or beyond the Cordillera del Condor. Those who defended the outcome of the peace process also questioned Ecuador's historical memory. They pointed out that Ecuador had crossed over into Peruvian territory in 1995 and so it was not surprising that the guarantors had rejected its claim to the Alto Cenepa. They also emphasized that Ecuador had lost the Amazon in legal and real terms as early as 1802 with the transfer of that area to the Viceroyalty of Peru by the Royal Cedula of 1802.⁴⁴

The debate over the significance of the peace then turned into a bitter controversy over whether Ecuador had to rewrite its history and revamp the teaching of history in the schools in view of the peace accord. Some contended that what was needed was a history that downplayed the sense of territorial loss whether in the Amazon or in the Cordillera del Condor and that discouraged hostility toward Peru.⁴⁵ Such a history might ignore the territorial issue altogether or view Peru's early nineteenth century occupation of the

⁴² "Ejercemos la paz desde hoy," Tuesday, October, 27, 1998, *El Hoy* sec. 1, 1-5.

⁴³ See for example Eduardo Galárraga "El doloroso camino de la paz," Thursday, October 29, 1998, *El Comercio*, sec. 1, 4.

⁴⁴ See, for example, "La paz pero también la verdad," Friday, October 30, 1998, *El Comercio*, sec. 1, p. 4.

⁴⁵ See Claudio Mena Villamar, Perú y Ecuador: una nueva historia, Wednesday, October 21, *El Hoy*, sec. 1, p. 2.

Amazon basin as a morally neutral process of geopolitical change. Others were scandalized by the efforts to downplay Ecuador's Amazonian rights or Peru's putative crimes against Ecuador.⁴⁶ The armed forces weighed in on the side of historical conservatism, arguing that Ecuador's cause had been a just one and should be remembered as such. A government appointed commission to deal with the question of the rewriting of history was unable to reach a meaningful consensus.

While nostalgic voices are still heard, the recasting of identity, memory and national honor is irreversible. Between the shift in consciousness that took place in the course of the negotiations and the current need to adapt to the new conditions of integration with Peru, it is certain that Ecuadorians will adopt a more universalistic set of memories, and identities that do not involve an enemy, or conflicting claims. One possible substitute for the ideology of Amazonian Ecuador is a regional memory that emphasizes the history of Andean interaction combined with a regional identity that highlights membership in the Andean economic bloc. A more likely prospect is that Ecuador will face a boom in substate identities and memories, especially among the coastal and indigenous populations.

Conclusions

The Ecuador-Peru negotiations offer important lessons on how to deal with emotionally charged issues in the context of conflict management. It points to both the force and malleability of emotional constraints to a mutually beneficial peace. Above all, the Ecuador-Peru case suggests a variety of mechanisms for successfully disarming the resistance to reconciliation generated by identity, memories and notions of honor rooted in histories of conflict. These mechanisms can be summed up as follows: a. To begin the negotiation process by addressing emotional needs as if they were the principal objectives. b. To make a show of pursuing those objectives until the last moment. c. To formulate face saving measures that pay homage to emotional needs so as to assuage them. d. To engage in a parallel process of debunking the myths that ground emotional

⁴⁶ Jorge Salvador Lara, "Renegar de nuestra historia," Monday, November 16, *El Comercio*, sec. 1, p. 1.

needs. e. To transfer responsibility for concessions that compromise emotional needs to third parties so that they may be viewed as a product of necessity and not as morally reprehensible acts.

A related lesson of the Ecuador-Peru negotiations is that the benefits of globalism do indeed lead to a weakening of violence prone identities. In the end, what drove Ecuador toward peace with Peru was the promise of the immense pay off of economic integration. Yet the transition from a backward looking and emotional definition of national interest to a forward looking, rational definition cannot be too abrupt. Particularistic claims have to be treated with respect. Mediators or enlightened local elites cannot simply tell peoples with historical inter-state conflicts that they are better off "just forgetting about them." Forgetting is a process that requires both a final homage to memory as well as an effort to replace memory with history.

A final lesson of the Ecuador-Peru case is the usefulness of a democratic foreign policy. The only way to reach a peace accord in the Ecuadorian case was by engendering a broad consensus over the curtailing of traditional territorial aspirations and reconciliation with Peru. An agreement reached behind the back of civil society would have generated a backlash. The constituents had be informed of the controversial results and turned into participants if such a crucial change in national destiny was to be achieved. Why should this be so? In a democracy or liberal nation all citizens come to feel they have stake in national territory, identity and honor. Hence if redefinition in those areas is to be accomplished consultation is indispensable. Ultimately, consultation proved a boon to the negotiators since civil society finally pressured congress and the military to support the culmination of the peace initiative.

The Ecuador Peru case corroborates the related claims that democracy, and globalism promote peace. But it also brings home the point that if historical conflicts are to be overcome, they have to be addressed on their own terms.

