WAR AND PEACE IN THE AMAZON:

STRATEGIC IMPLICATIONS

FOR THE UNITED STATES AND LATIN AMERICA

OF THE 1995 ECUADOR-PERU WAR

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FOREWORD

One of the more serious dangers to peace and security in Latin America is the territorial dispute between Ecuador and Peru, which broke out into warfare in February-March 1995. In this monograph, Dr. Gabriel Marcella explores the critical historical and strategic dimensions of the conflict. He argues that unless this age-old dispute is settled amicably and soon, it could very well generate a more disastrous war in the future. Dr. Marcella proposes a basis for settlement and provides specific policy recommendations for the United States and the inter-American community.

The Strategic Studies Institute is pleased to publish this report in the hope that it may help facilitate a resolution of this problem through greater understanding and dialogue.

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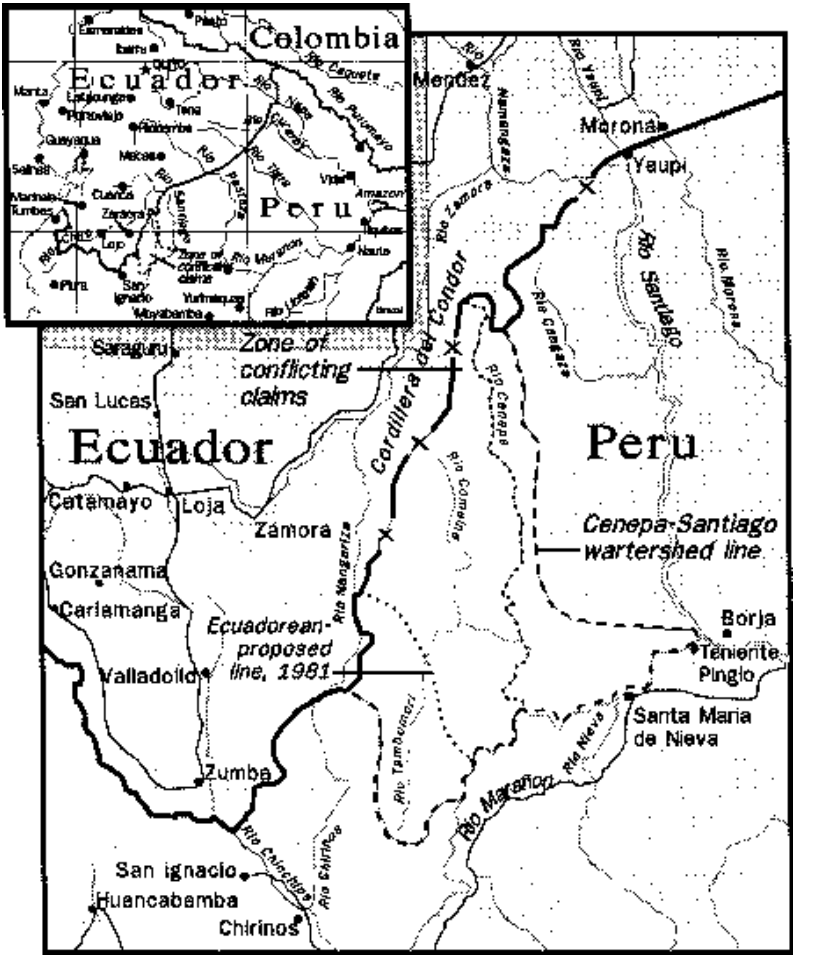
WAR AND PEACE IN THE AMAZON: STRATEGIC IMPLICATIONS FOR THE UNITED STATES AND LATIN AMERICA OF THE 1995 ECUADOR-PERU WAR

War in the Cenepa Basin.

On January 26, 1995 the tranquility of the Upper Amazon yielded to fighting between Ecuadorean and Peruvian troops in the disputed border region around the Cenepa River Basin. Small units of 40-man patrols engaged in combat. At its height, some 3000 Ecuadorean and 2000 Peruvian troops deployed to the area. The Ecuadoreans exploited their short interior lines of communication and their location on the high ground (6500 feet) of the Cordillera del Condor mountain range to direct fire from mortars and multiple rocket launchers against Peruvian soldiers attempting to reinforce their positions. (See Map 1.) Ecuador's Air Force established air superiority and its artillery and jungle infantry dominated the ground. The most serious fighting centered around Cueva de los Tallos, Base Sur, and Tiwintza outposts occupied by Ecuadorean troops located within the Peruvian side of the undemarcated and disputed border.[1] (See Map 2.)

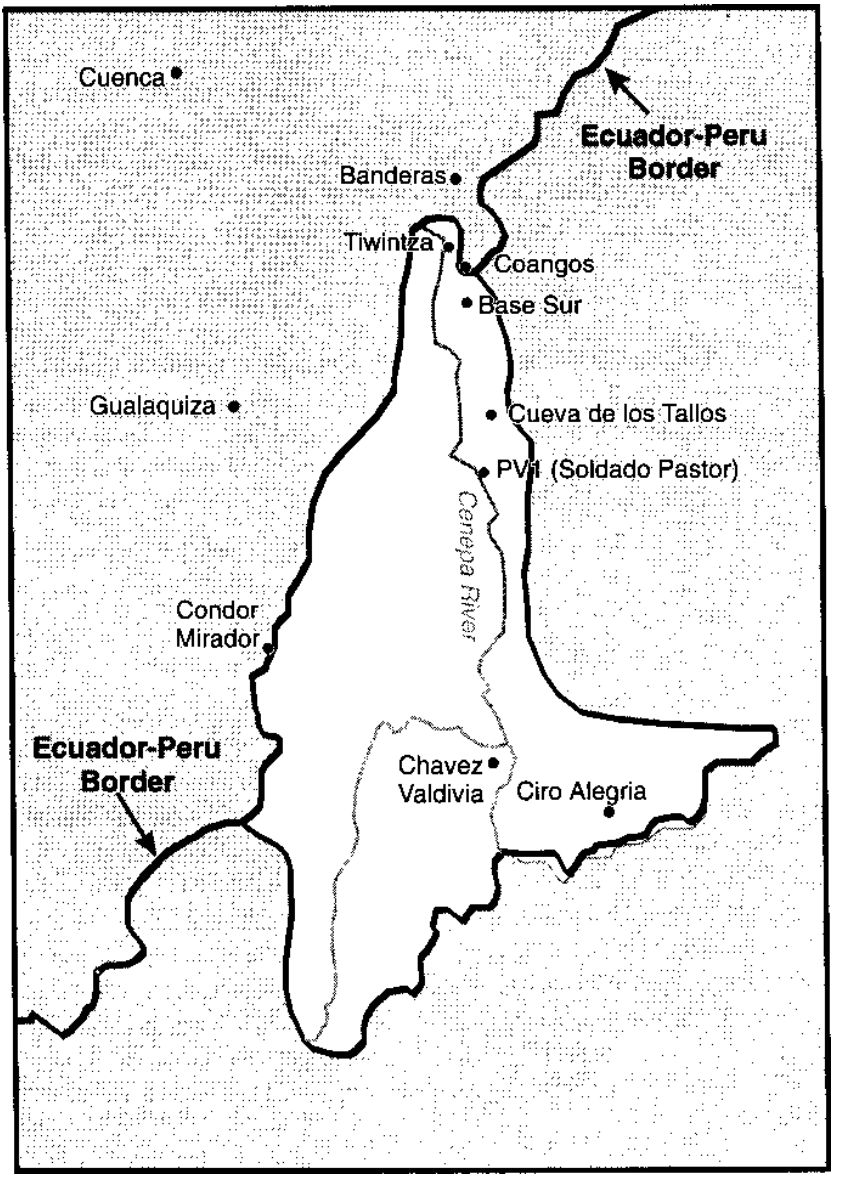
Both sides deployed sophisticated aircraft (Kfir, Sukhoi, Mirage, A37) and Ecuador used modern technology such as global positioning satellites to pinpoint targets in the immediate area of combat. They also marshalled tanks and artillery along the western coastal border, where no fighting took place. Ecuador also mobilized reserves. After sporadic fighting, Ecuador and Peru signed a ceasefire agreement in Brasilia under the auspices of the four guarantor states of the Rio Protocol of 1942--Argentina, Brazil, Chile, and the United States. A second agreement for ceasefire and separation of forces was signed in Montevideo on February 28. The process of separating forces began on March 30. By April 30, approximately 90 percent of all forces had been



Map 1.

withdrawn from the disputed area. The last were with- drawn by May 3.

Discussions in June between the guarantors and the disputants focused on the creation of a demilitarized zone, an agreement for exchange of prisoners, the opening of the border, and the removal of mines laid in the disputed area.[2] A demilitarized zone came into effect on August 4. The 528 square kilometers zone was rectangular shaped, having the strategic symmetry of equivalent territory on both sides.[3]



Map 2.

The limited victory by Ecuador in the Cenepa achieves a new threshold in the age-old conflict: Ecuador inflicted a military defeat on Peru for the first time since the 1829 battle of Tarqui. Moreover, Ecuadoreans successfully

integrated military strategy, operations, and tactics with an assertive information campaign at both the national (diplomacy) and military (psychological operations) levels. This is a significant achievement for the Ecuadorean nation. Moreover, the conduct of the war, however limited in space, time, and objectives, has enormous implications for Latin America and the United States.

Political and Strategic Implications of War.

The 34-day undeclared war shattered the peace in Latin America. But more than peace was broken. A number of emerging views about international affairs, U.S. foreign policy, and modern Inter-American affairs were either shattered or seriously challenged.

The first challenge is to the thesis that *democracies don't go to war with each other because democracy constrains the use of force in both domestic and international affairs and because democracies share the same values.*

We need to reexamine this formulation with respect to Ecuador and Peru, two societies that share a similar heritage but whose political cultures have been deeply affected by territorial loss to neighbors. This is particularly true about the legacy of the June-August 1941 war and the Rio Protocol of 1942. Each had extraordinarily different impacts on the two societies: military triumph for Peru--its first since independence--and a sense of national humiliation for Ecuador. Both sentiments are enshrined in national mythology and help shape and legitimate the domestic and international politics, particularly the civil-military relations and defense strategies of both nations.

The conflict is more than a territorial dispute. It is the accretion of centuries of discord and mistrust between Quito and Lima, combining with competing claims about the discovery of the Amazon, the imprecision of colonial boundaries under Spanish imperial authority, and the application of the principle of *uti possidetis* by the newly

independent nations of the 19th century to delimit national frontiers.

An understanding of the war of 1941 is fundamental for an appreciation of the dispute. The war was quite one-sided. Peruvian forces, under the command of General Eloy Ureta, invaded Ecuador with 15,000 troops against 3,000 poorly led and equipped Ecuadorean soldiers. The purpose of the invasion was to once and for all end the border dispute. Ecuador was totally unprepared for war, while Peru had been preparing for some time. Thus, subsequent Ecuadorean expressions of fear of the threat of Peruvian militarism are based on the conduct of General Ureta and elements of the military leadership. The leading U.S. scholar on the evolution of the modern Peruvian armed forces writes:

> Ureta received orders in June only to hold Peru's present positions and repel any Ecuadoran attack. Nevertheless, the general was unwilling to abide by these instructions. Ureta delivered an ultimatum to Prado (Manuel, President of Peru) that if he were not allowed to initiate operations against Ecuadoran forces in the Tumbes region, then a military revolt against the government would result.[4]

These antecedents are significant because the military institutions of each country have drawn inspiration from the 1941 war. In Peru, the military generation of 1941 provided the leadership and ideas for the reformist officer corps of the 1950s and 1960s--the founders of the modern Center of Higher Military Studies (Centro de Altos Estudios Militares). In Ecuador, the historical pattern of military drafts and territorial loss has deeply affected the military's perception of self and its strategic thinking. Ecuadorean school texts and historical writings assert that the original national territory has been reduced by nearly two-thirds. While this figure is difficult to reconcile with historical fact, it nonetheless resonates powerfully among Ecuadoreans. So does the motto "Ecuador is an Amazonian country and always will be." Note the sentiments of recent Minister of Defense, General José Gallardo:

> The knowledge among the members of the armed forces of the immense territorial loss of our fatherland has created a

> sentiment of decisiveness that never again will the country be the victim of territorial plunder, of aggression against its dignity, its honor.[5]

Two more points about the war are critical for understanding the dispute and the culture of irredentism in Ecuador. The Rio Protocol ended the war and Inter-American solidarity against the Axis was strengthened. But, it achieved a peace "without friendship," in the words of diplomatic historian Bryce Wood. Second, Ecuadorean claims that the Rio Protocol of 1942 deprived Ecuador of half of its national territory are entirely inaccurate. The signing of the Protocol verified the Status Quo Line of 1936 signed in Washington by Ecuador and Peru, minus the loss to Ecuador of only 5,392 square miles.[6] (See Map 3.)

The 1942 Rio Protocol was declared null and void in 1961 by Ecuador. The ostensible reason was the U.S. Air Force’s mapping (in which two aircraft and 14 men were lost in accidents in the dense and misty jungle) in 1943-46 that verified that the Cenepa River was much longer than originally known by Ecuadorean cartography and that it ran between the Zamora and Santiago Rivers. Ecuadorean statesmen have argued that the Protocol’s provision that the boundary follow the watershed between the Zamora and Santiago Rivers is invalid because the Cordillera del Condor, which is not mentioned in the Rio Protocol, runs between the Zamora and Cenepa and therefore could not be the watershed between the Zamora and Santiago. Though boundary markers have been placed along 95 percent (1600 kilometers) of the border, 78 kilometers of the Cordillera del Condor mountain range await final demarcation.

Ecuadorean foreign policy for 30 years actively pursued the nullification of the Rio Protocol, arguing further that an unjust settlement was imposed in 1941-42 by the force of a Peruvian occupation army acting in defiance of international law and of civilian control in Lima. Lately, it has advanced the concept that the Rio Protocol is "not executable" in the 78 kilometers. In domestic politics the Amazon issue has become a national crusade. The January 29 annual commemoration of the Rio Protocol is an

Map 3. The Status Quo Line of 1936 and the Rio Protocol Line of 1942.

Adapted rom Bruce Wood, *The United States and Latin American Wars, 1932-1942,* New York: Columbia University Press, 1966, Appendix.

emotional event for Ecuadoreans. Each January is a sensitive time along the disputed border, with occasional skirmishes between the two sides, as occurred on January 9 and 11, 1995. These were a prelude to the more serious fighting of that ensued on January 26 and in February.

Peruvian diplomacy has insisted on concluding the final demarcation and rejects Ecuador's attempt to:

> invalidate a pact that represents a geographical, historical, and juridical reality, executed in good faith by both countries along 95% of the boundary, with the cooperation of four American nations [Argentina, Brazil, Chile, and the United States] as guarantors who committed themselves to the effort because they found the treaty a just and conclusive solution.[7]

The United States and the other guarantors have consistently upheld the validity of the Rio Protocol and urged the two sides to complete the demarcation.

Until the events of January 1995 are clarified the world will not know who fired the first shot and why. The conventional wisdom is that when two patrols accidentally encountered each other and a skirmish ensued, fighting escalated beyond the routine. Normally, accidental encounters in the jungle have been handled by the respective ground commanders and not allowed to escalate as they did in January.

While the Ecuador-Peru hostilities were limited in space, time, intensity, and casualties, they constitute warfare. Accordingly, if democracies don't go to war against each other, then Ecuador and Peru are less than fully viable democracies. The April 1, 1995, issue of *The Economist* admonished: "The belief that democratic states do not go to war with one another has become a commonplace of western policy. Plausible as it may have been in the past, it is a dangerous presumption with which to approach the future."[8] What this warning also says is that U.S. foreign policy in recent years may have been prematurely triumphant and euphoric about the depth of democracy in Latin America. As a corrective, recent scholarship on Immanuel Kant's concept of the democratic peace

emphasizes the importance of distinguishing full democracies and partial democracies.

Accordingly, it is in the transition from authoritarianism to democracy that the danger exists of resort to war. Writing in the May/June 1995 *Foreign Affairs*, Edward Mansfield and Jack Snyder develop the thesis: "Governing a society that is democratizing is like driving a car while throwing away the steering wheel, stepping on the gas, and fighting over which passenger will be in the driver's seat. The result, often, is war." They add: "The recent border skirmishes between Ecuador and Peru, however, coincide with democratizing trends in both states and a nationalist turn in Ecuadorean political discourse. Moreover, all three previous wars between that pair over the past two centuries occurred in periods of partial democratization."[9] Secretary of Defense William Perry added a significant nuance to the debate:

> Democracies tend to settle internal conflicts peaceably and share respect for human rights. They also tend to settle external conflicts peaceably. But democracy does not guarantee peace and stability. Many of the nations of this hemisphere are still dealing with sporadic internal and external conflict. Most of the external conflicts, such as border disputes, are resolved through mediation. But sometimes the disputes erupt, as the conflict between Peru and Ecuador illustrates.[10]

The view that Latin America is a model of peaceful international relations and the consensus of the December 1994 Miami Summit that the hemispheric movement towards free trade, economic reform, integration, and democratization can proceed without difficulty may be premature. Coming on the heels of the Miami summit and the Mexican financial collapse, the war shocked statesmen in the Americas. Argentine Ambassador to the Organization of American States, Hernán Patiño-Mayer, fulminated: "The integration which is the most ambitious project of Latin America for the purpose of successfully facing globalization as well as the postponed demands of our people cannot tolerate senseless conflicts which endanger the collective effort."[11]

Latin America historically has had one of the lowest rates of defense expenditures in the world. Defense spending declined from 3.3 percent to 1.6 percent of gross national product from 1987 to 1992. Latin American and Caribbean nations spend the least on military budgets and have the fewest uniformed personnel per capita.[12] Lately, Argentina, Brazil and Chile had taken the lead in nuclear, biological, and chemical non-proliferation and regional confidence and security building measures, and in support of international peacekeeping efforts. Even Ecuador and Peru were moving towards greater cooperation, with President Alberto Fujimori proposing to his counterpart Sixto Duran-Ballen cooperative cross-border development initiatives during his January 10, 1992, visit to Quito, the first by a Peruvian president. According to the Peruvian Embassy in Washington, Fujimori presented before the Ecuadorean congress the proposal to conclude border demarcation with the assistance of a technical expert from a third country, the concession of a tax-exempt zone for Ecuador in Iquitos on the Amazon River, the signing of a free navigation treaty for the Amazon Basin, and border integration by 37 development projects. Fujimori visited Ecuador again on August 10, 1992, to attend Duran-Ballen's inauguration and again in December when Duran-Ballen invited him to fish in the Bahía Caraquez.

Still another sign of cooperation was Peru's granting an outlet to the sea for Bolivia at the port of Ilo. Moreover, Argentina and Chile had reached final agreement on their disputed border enclaves. As members of the MERCOSUR common market, Argentina, Brazil, Uruguay, and Paraguay were complementing their economic integration with high-level consultations on strategic issues. Finally, in Central America, the World Court had adjudicated the demarcation of the boundary between Honduras and El Salvador.

Because of these considerations, the war in the Amazon headwaters urges us to reassess our vision of Latin America in the post-Cold War. According to press reports, Ecuador downed nine Peruvian aircraft, four fixed-wing (two

Sukhoi-SU22, one A-37, one Canberra bomber) and five helicopters (other reports indicate that two helicopters were shot down) through a combination of automatic anti-aircraft weapons, shoulder-fired surface-to-air missiles, and Kfir aircraft. Ecuador had one A-37 slightly damaged. The equipment losses and the number of Peruvian non-combatant casualties (300) indicates that Peru was far less prepared for the encounter than Ecuador. Peru's poor performance led to severe media criticism at home.

Such technological sophistication, even if much of it is the technology of the 1960s and 1970s, is unknown in warfare between Latin American countries. There has been, to be sure, very little actual inter-state warfare in recent decades. The El Salvador-Honduras 100 hours war of 1969 employed World War II vintage weaponry. Honduran F-5s dropped bombs on supposed Sandinista forces in northern Nicaragua in April 1988. In the early 1980s Cuban aircraft strafed a Bahamian boat. The Argentine-United Kingdom war over the Falklands/Malvinas in 1982 had, of course, much greater technological and operational sophistication, but that was not a war between Latin American countries. Thus, a new threshold has been crossed. While many Latin American countries have all these weapons and understand the doctrine and theory of their application, the successful application in military operations of relatively advanced weaponry of this sophistication is a first. Moreover, Ecuador's performance in the Cenepa Basin points to the adaptation of "active defense" and "air-land battle" concepts from the Israeli and U.S. armed forces.

In addition, the numbers of killed and wounded have raised the stakes for Peru and Ecuador. Funerals for men and boys killed on both sides were given extensive and highly emotional coverage. The relatively high casualty figures (press reports indicate 27 killed and 80-87 injured for Ecuador, and 46 killed and as many as 300 noncombat-related casualties for Peru) will intensify hatreds between the two countries. Such costs could also turn to popular resentment against both governments.

The war reminds us that there are other territorial conflicts in Latin America that could endanger peace: Venezuela versus Colombia over rights in the Gulf of Maracaibo; Venezuela's claim to over half of Guyana; Guatemala's claim to some part of Belize; Bolivia's aspirations to an outlet to the sea; Nicaragua's claim to Providencia and San Andres islands and the Quitasueño, Roncador, and Serranía banks, which are claimed and occupied by Colombia; and the uncertainty in Buenos Aires and Santiago of congressional approval of the award by the World Court of the Laguna del Desierto area to Argentina, the ownership of which is disputed between Argentina and Chile (Chile appealed the ruling). Yet all of these pale in comparison to the potential explosiveness of the Ecuador-Peru conflict. Military experts, such as former head of the Inter-American Defense Board from 1989 to 1992, U.S. Army Major General Bernard Loeffke, feared that the unresolved Ecuador-Peru dispute was the most likely to lead to a conventional war. During his tenure at the Board, General Loeffke actively pursued efforts to cool tensions between Ecuador and Peru.

There are linkages between the international and domestic environments that affect the conduct of diplomacy and, in the case of the Ecuador-Peru war, the conduct of military operations and the nature of war termination. It has long been a thesis of international affairs that states which lack internal sovereignty--that is, that are not fully integrated into nations and democracies--tend to be overly zealous defenders of their external sovereignty in an effort to compensate for their internal weaknesses.

Both Ecuador and Peru lack the attribute of national integration and both are in transition to democracy. The festering sore of an undemarcated boundary between them adds to internal insecurities. Both also have a potent mix of internal problems, electoral politics, national paranoia about territorial loss to neighbors, and, in the case of Peru, tense civil-military relations that result from President Fujimori's informal treatment of the senior officer corps.

In Ecuador, partly because of its extensive civic action programs among the people, the military is consistently regarded as the most popular national institution. Yet, in recent years there have been calls for the reduction of its profile in domestic affairs. For example, in 1995 the armed forces were scheduled to lose their guaranteed percentage-- estimated at 12.5 to 15 percent--of the tax foreign oil companies pay on their profits. The tax went directly into the defense budget. (Such an arrangement is not uncommon in Latin America: For example, Chile's defense budget partly derives from a percentage of copper export revenues.) Moreover, there were demands that the military allow the privatization of its businesses--the Ecuadorean Army owns or shares some 31 companies.[13] During the 34-day war, the Ecuadorean congress restored the oil revenue guarantee for another 15 years, and discussions of the privatization were put off.[14]

The causes of war are often a combination of domestic, institutional, and international factors. Writing on these causes, Seyom Brown captures the combination eloquently: "The highly subjective factors of ideology, prestige, credibility, and honor are often part of a country's definition of its national interests and affect its assessment of the international threats it faces and the characteristics of military forces needed to counter them."[15] Understanding how these subjective factors played out among decisional elites in Lima and Quito is worthy of further research. Equally worthy is an analysis of the effects of the war on Ecuador's political system, particularly the civil-military relations.

The emerging consensus that civil-military relations in Latin America were moving in the direction of less tension and greater civilian control needs to be reassessed. Civil-military relations are, among other things, the civilian-controlled process which decides how force is employed to defend the nation. Democratic civil-military relations require that civilian authority be in charge of the process and that military operations be conducted in a legal and ethical manner. Warfare puts serious strains on

civil-military relations. We need to examine who is in charge and who went to war--the civilians, the military, or coalitions of the two? Was the start of war accidental, and as a consequence was the military in the lead with the civilian authorities later assuming ostensible leadership? How will the war affect the prospects for democratic civil-military relations? Is it too much to expect a willing subordination by the military to civilian authority in the years ahead? Will the limited triumph by the Ecuadorean military embolden it to claim not only greater resources, but to diminish civilian authority? Will the humiliation suffered by the Peruvian military intensify the strained relations between civilian authority and the military? The answers to these questions are critical for understanding the decisionmaking process and the long-term political consequences in both countries.

Some preliminary observations are in order. In the war in the Amazon, superior battlefield preparation led to tactical victories that enhanced the popularity of the Ecuadorean military. In Peru, by contrast, the search has begun for scapegoats for the failure of intelligence to anticipate Ecuadorean capabilities and for the armed forces' failure to respond effectively to the Ecuadorean presence in the disputed area. President Fujimori responded to these charges:

> For some time there was a detente at the border. This gave us some relief and a chance to fight terrorism. We have eliminated, or almost eliminated, terrorism ... Not just that. As there was a clear detente at our border with Chile and Ecuador, I was allowed to concentrate on fighting terrorism, without overlooking the borders, of course. I ask myself and ask you all: How different would it have been fighting terrorism, we would not have been able to deploy our troops because there would have been a debacle here in the interior.[16]

War, the most complex and challenging undertaking for a government, the armed forces, and society, imposes reflection and learning because of the costs involved. The people of Ecuador and Peru will demand an accounting by the leaders who conducted the war. Such knowledge can lead to greater pragmatism and responsibility on the part

of civilian and military leaders, and perhaps to more openness and understanding of the need for greater civil-military harmony and the subordination of military power to civilian control; or it might embolden leaders to pursue greater military readiness; or, as indicated above, it might cause resentment once the futility of war becomes apparent.

The making of war has other effects on societies. The mobilization of forces, logistical systems, intelligence, command and control systems, and information programs at home and abroad often modifies power relations among societal institutions. In Ecuador, the conduct of the war has significantly raised the prestige of the military. Indeed, the popular Minister of Defense and reported brain behind the Ecuadorean strategy, General Jorge Gallardo, resigned his position in time to qualify for the campaign for president in 1996. In sum, the Ecuadorean military enhanced its already high level of respect for both its primary professional mission of defense of the borders and for its secondary role as a nation-building force. In Peru, the effect was radically different. The military's operational failure resurfaced in the media criticism of President Fujimori's politicization of the senior officer corps.

Finally, the assumption that territorial adjustments in Latin America, heretofore the most peaceful of regions, are not made as the result of the use of force needs to be reexamined. It is clear that Ecuadorean troops were not dislodged from the Peruvian side of the undemarcated boundary. They left in conformity with the ceasefire and separation of forces agreement. Moreover, Ecuador's performance suggests that the military balance--historically in favor of Peru--has shifted substantially. In this respect, Duran-Ballen stated on March 4 that the victory was due to 14 years of military preparations; that is, since Peru defeated Ecuador in the Paquisha incident of 1981.

Ecuador has indeed reduced the long-standing disparity in technology and operational capabilities. This was clearly demonstrated by the previously mentioned efforts to blunt the superiority of Peru's tactical aviation assets. But this

process is dynamic and Peru is likely to seek to regain its superiority. In fact, it already has begun to do so via the creation of a new military zone near the border. There is even talk about rearming. Yet modern military technology permits even a small power like Ecuador, under the right circumstances, such as strategic surprise, to achieve a significant deterrent and warfighting capability for limited political objectives. Such conditions can, despite their size, impose serious costs upon a larger power. Peruvian military strategy will, at a minimum, wish to avoid being ensnared into war where the Ecuadoreans clearly have the strategic advantage. This would appear to be the case in the Cenepa Basin, where Ecuadorean troops can easily reinfiltrate into the Peruvian side of the undemarcated border.

A number of policy questions need to be asked. What are the strategic and economic implications of this for the relative military balance on the West Coast of South America, particularly with respect to high performance aircraft, antiaircraft weapons and equipment, radars, and accompanying logistics? What will be the effect on the threat perceptions of other nations and militaries? Will there be a new cycle of arms modernization as the result? How will this affect perceptions and civil-military relations in countries that traditionally exercise leadership roles--Brazil, Argentina, Chile, Colombia and Venezuela? Or the views of nationalist sectors of society who argue for enhanced military expenditures to defend sovereignty? These questions have strategic resonance throughout the region and are critically important to Argentina, which has in recent years sharply reduced its armed forces and developed a new military strategy to fit the post-Cold War environment, opting for regional security cooperation with its neighbors, participation in multinational peacekeeping, and forging a strong bilateral relationship with the United States.

Prospects for Conflict Resolution.

The lessons of territorial conflict around the globe are explored by Arie Marcelo Kacowicz in the recent book,

Peaceful Territorial Change.[17] This work proposes some hypotheses that may shed light about how to find a solution to the conflict. The most pertinent, with accompanying analysis, are as follows in italics:

• *Peaceful territorial change is more likely to occur when the distribution of power between parties is somewhat asymmetrical, and preferably to the advantage of the status quo power.*

Peru remains the superior power, fully capable of mobilizing its military capability to meet the perceived threat from the north. But an effort of this magnitude will take time, as Peru's armed forces shift from the internal effort against the Sendero Luminoso to traditional border defense. Ecuador is not likely to yield an inch on its claim to an outlet to the Amazon and/or a territorial adjustment. Yet, because it has regained prestige and honor from its triumph, Ecuador may be more flexible in this position than before. In the short-to-medium term, because of the loss of prestige engendered by what some commentators in Lima are calling the biggest military defeat since the 19th century War of the Pacific, Peru's flexibility may be limited.

Ecuador will continue to exploit its underdog status and paint Peru as the aggressor. Ecuador's diplomacy and relations with the media have certainly been superior during this conflict, while Peru's were awkward as it displayed secretiveness and uncertainty. Perhaps no greater contrast in strategic and operational culture and style could be found between two countries in Latin America.[18]

- *Peaceful territorial change is more likely to occur when the parties sustain the same or a similar type of political regime*.

Ecuador and Peru have similar types of government, but Ecuador's has the advantage of greater cohesion and a unity of command uncommon in its troubled history. Both are partial democracies, wherein the military has significant autonomy. For example, because of the sensitivity of the

border issue, Ecuador's defense budget is secret--as are many Latin American budgets in whole or part. In Peru, moreover, President Fujimori has established an authoritarian style of democracy that succeeded in strategically defeating the Sendero Luminoso insurgency and in rekindling economic growth. On April 9, 1995, he was resoundingly reelected to the presidency. One of his first initiatives was to propose an amnesty law, quickly approved by congress, which exonerated any uniformed personnel potentially implicated in the human rights violations during the internal war against Sendero.[19] Nonetheless, there are demands to open up the democratic process in Peru.

Each country can also be portrayed as having internal problems that favor the use of an external threat to divert attention away from domestic issues. But it would be a serious oversimplification to attribute the war to this factor alone.

These circumstances and the passions inflamed by the number of personnel killed and wounded may not favor an early resolution of the conflict. Yet, the commitment by the guarantor states to promote the ceasefire, the separation of forces, and the establishment of a demilitarized zone institutes a new dynamic that augurs well for keeping the conflict from erupting into hostilities.

- *Peaceful territorial change is more likely to occur when there is a consensus between the parties about the implementation of the norms and rules of international law and morality.*

Herein lies the most serious problem. Peru cites international law and affirms the validity of the Rio Protocol of 1942 as the final settlement of the territorial issue, while the Ecuadoreans have pursued the principle of equity which requires the modification (if not the nullification) of the Rio Protocol. Peruvian authorities have historically held that there is no problem, either of law or of equity. A significant breakthrough occurred, however, when President Duran-Ballen accepted the validity of the Rio Protocol as a basis for negotiations. At the same time Quito maintains that there

are "geographic realities" (the Cenepa River) which render the Rio Protocol not executable in the 78 kilometers stretch in dispute. Duran-Ballen's acceptance of the Rio Protocol as the basis for a solution strengthens the hand of the guarantor states and enhances the chances of a peaceful solution.

Law and equity should not be in conflict, they should complement each other and a lasting solution should combine both. Indeed, both governments in recent years appeared to be moving in the direction of a balance between law and equity, until the shooting shattered this process. A return to the equity track is a possibility, but it will require confident and visionary leadership in Quito and Lima and the maturity of time. Article Six of the Rio Protocol provides a potential solution by granting navigation rights to Ecuador to reach the Amazon.

This proposal should be feasible, but Ecuador would have to agree to actively participate in and accept the definitive demarcation of the border in exchange for the right to access to the Amazon. This could take the form of either a corridor and port on the Marañon River that is navigable (to the East of the Pongo de Manseriche), or, more politically difficult for Peru, a readjustment of the boundary which would allow Ecuadorean territory to reach the Marañon at some point west of the Pongo de Manseriche. Peru might eventually accept this concept, but a Peruvian government would be hard put to grant anything beyond free access. To contemplate granting any form of sovereignty over lands within the Peruvian side of the Protocol line would be political suicide for a government in Lima, at least in the short term.

- *Peaceful territorial change is more likely to occur when third parties are involved in the role of good offices, mediation, and arbitration*.

The guarantors of the Rio Protocol perform this role. Their good offices were instrumental in achieving the February 1995 Itamaraty and Montevideo agreements for ceasefire, separation of forces, and the sending of observers

to verify compliance. Ecuador preserves the flexible option of breaking out of what it considers the Protocol straitjacket and elevating the issue to the Organization of American States, the United Nations, and even the Vatican. But its options are now complicated by the recourse to the good offices of the guarantor states to observe the peace. Peruvians reject taking the issue out of the venue of the Rio Protocol guarantors because they reason that it would weaken the authority of the Protocol within international law.

Could both parties advance their cause and find an amicable solution by seeking a venue outside the Protocol--for example the Organization of American States? Certainly, both would take risks, but the risk might actually be greater for Ecuador because it would agree to final adjudication of the dispute on terms that would probably not be dissimilar from those of the Protocol. Final demarcation of the border would immeasurably increase the chances for peace. An undemarcated border is a constant invitation to conflict. It is fundamental to redefine the issue not as territorial, but as an opportunity for bilateral peace and cooperation, for which demarcation is necessary.

- Lastly, *peaceful territorial change is more likely to occur when the parties have been involved in a war within a 10-year period previous to the negotiations on territorial change*.

This is the most sobering dimension. Since 1941 there has been no major war. Ecuador and Peru have engaged in occasional skirmishes, the most serious being the Paquisha incident (in which Peruvian forces evicted Ecuadorean troops from three posts located on the Peruvian side of the undermarcated line) of 1981 and the events of 1995. What is qualitatively different about the January-February 1995 fighting is, as indicated earlier, the intensity, the technological sophistication, and the limited victory of Ecuadorean arms. Unless the spiral of confrontation is stopped there may well be another, but more disastrous war. In a future war, Peru could well attempt to execute a war

plan similar to 1941--occupy the southern part of Ecuador and threaten to take Guayaquil in order to impose a settlement. But Ecuador's new military preparedness could make such an effort very costly for Peru. Moreover, in late April 1995 President Fujimori specifically ruled out such a course of action.

Will the deterrent value of the prospect of a disastrous future war encourage an honorable and peaceful solution? Do these societies have to pay a high price for peace? What will this price be? Higher casualties, economic disruption (estimates of the total cost of the 34-day war for both countries go up to one billion dollars), and civil-military discord? Or will responsible leaders emerge to pull back from the brink of disaster? Will there be a major war in the next 3-5 years, touched off by an accidental encounter between patrols of two armies armed to the teeth and encamped in the impenetrable jungle of the Cenepa River basin? This is a clear possibility because the irrational escalation of shooting incidents in the jungle could lead otherwise honorable leaders to take their nations to disaster.

There is already some evidence that prudence and pragmatism are coming to the fore. Ecuadorean writer Raul Gangotena Ribadeneira of Guayaquil's *El Universo* newspaper expresses the caution:

> It is true that the unfortunate military conflict of 1995 has awakened old resentments, but the over-whelming yearning for a definitive solution consti-tutes a powerful force for neutralizing these rancors.
>
> Being realists, it is necessary that we take into account that the performance of the Peruvian Armed Forces has been called into question. To regain prestige, they are already using the abundant resources generated by the extraordinary economic growth that Peru has been experiencing--almost 10 percent annually in gross domestic product--for military rearmament. As a consequence, at a certain point--not very distant--those Armed Forces will be forced to demonstrate with results the benefits of this lethal 'investment.'
>
> The seeds of a tragedy of great dimensions are being sown, therefore, if the governments once more leave the problem unresolved.

> This would not affect only the contenders of 1995, but would tend to spread, because all of the neighboring countries would be forced to enter the arms race. All of those 'investments' would also have to show results.[20]

Peruvian press commentary focuses on the Ecuadorean threat. London's *Latin American Weekly Report* related:

> Peruvian commentators . . . have reached an unpalatable conclusion: it is impossible to stop the Ecuadoreans infiltrating troops into Peruvian territory in the Cordillera del Condor, as their advantages on the ground are too overwhelming. This means that the potential cost of failure to find a diplomatic solution is almost too awful to contemplate: a permanent state of undeclared war.[21]

Fernando Rospigliosi, a respected Peruvian analyst, sounded more bellicose in Lima's *Caretas:* "The neighboring country, its people and its leaders, must convince themselves that they cannot continue provoking us with impunity, without suffering a resounding defeat, from which they will suffer significant losses."[22] By fall 1995 official statements from Lima and Quito were becoming more conciliatory.

Policy Implications.

The United States has a number of interests at stake: the sanctity of international treaties, the peaceful resolution of conflict, the friendship of two nations that are keys in the war against narcotrafficking, the non-proliferation of high-tech weaponry, and the pursuit of democracy and free trade in the Hemisphere. The United States as a guarantor state is committed to the final demarcation of the border according to the Rio Protocol.[23] We have, under the good offices of Assistant Secretary of State for Inter-American Affairs Alexander Watson and the peacemaking diplomacy of Ambassador Luigi Einaudi, undertaken, along with the other guarantor states and additional friendly governments, a leading mediating role. The mediation has cooled tensions, achieved a ceasefire, a separation and pulling back of forces, establishment of observers from

Ecuadorean-Peruvian security commission to take over responsibilities upon the departure of the guarantor observers. The United States Southern Command is also providing significant logistical support to the observer teams.

These are significant advances, but more is needed to forestall disaster. A definitive demarcation of the 78 kilometers is fundamental. We, in concert with the guarantor states, should undertake a full court diplomatic press with leaders in Quito and Lima and in the Inter-American community to alter the strategic calculus of confrontation and bellicosity.

This entails a process of mutual education and information sharing. We should emphasize the risks of escalation to both parties, and undertake confidence and security building measures, such as demilitarization of the border and bilateral economic development programs at the borders. It is the challenge of building greater stakes in peace. Organizations such as the National Defense University and the United States Southern Command should take on the additional challenge of promoting confidence building measures, such as bringing together both sides for substantive discussions on regional security issues. The United States Southern Command is already deeply committed by providing an 82-person support staff--known as Operation Safe Border--for the international observers who monitor the truce.[24]

The Inter-American community of nations should elevate the issue to greater scholarly and public dialogue. The issue should be analyzed carefully at Inter-American institutions and war colleges, such as the Inter-American Defense College, as a case study of conflict resolution. There ought to be full verification of the events that took place and the locations of forces and settlements in the border area affected by the war. Effective resolution of the conflict requires that the peacemakers understand the emotions and nationalist sentiments involved that affect each country’s willingness to accept compromise. Those involved in trying to help both countries negotiate a final resolution

need all the help they can get in understanding the views and perspectives of both sides, what their priorities and ultimate minimum demands are, what possible options there might be for a solution, and what it would take to get them to reach an agreement.

With respect to U.S. military-to-military relations with Ecuador and Peru, we need to reassess our lines of professional communication. They have been excellent with Ecuador, which has access to the U.S. military for education and training and for building political support. Ties with Peru have been weak since the late 1960s, when bilateral relations were set back by the Hickenlooper Amendment (the result of the seizures of American tuna boats by Peru attempting to assert its 200 miles maritime economic rights) and the U.S. refusal to sell F-5s to Peru. Recently those relations have been subsumed under support for counter-narcotics, the fallout from the *autogolpe* (self-coup) of April 5, 1992, and the U.S. policy of human rights, which has been critical of the performance of Peruvian security forces in the fight against Sendero Luminoso. The *autogolpe* led to the suspension of U.S. military assistance. Relations were set back further by the 1992 shooting by Peruvian jets of a U.S. Air Force C-130 that was conducting routine counternarcotics reconnaissance over Peru. A matter of continuing bilateral dispute is Peru's claim of air space of 200 nautical miles into the Pacific.

At risk for U.S. policy is its credibility with respect to Peru's threat assessment. For years the United States stressed that the threat to Peru was Sendero Luminoso, and not Peru's neighbors. As an example, the Assistant Secretary of State for Inter-American Affairs advised in 1992:

> For, despite the fundamental threat which Sendero Luminoso poses, the bulk of Peru's army is still organized, mobilized, and stationed to deal with the threat of conflict with neighbors like Ecuador and Chile. Final settlement of this border conflict would allow Peru to concentrate its security forces on the real enemy of the Peruvian people--Sendero Luminoso.[25]

We need to amplify our channels of professional communication with the Peruvian military in order to establish a more confident and mutually satisfying relationship.

In any case we are likely to assume a more direct conflict deterrence role than we have in the past. The United States should also promote a broad reassessment of the status of arms modernization programs in the region, with a view towards greater international accountability for weapons purchases. But in the final analysis, the problem will have to be solved by Ecuadoreans and Peruvians, certainly at the level of national leadership but also at the people-to-people level.

The difficult Amazon jungle terrain and ignorance of history are the enemies of peace and reconciliation. This makes it doubly challenging for international peacemakers and mediators that need to be impartial in their work. They need to be knowledgeable and respectful of a nation's interpretation of its history. They should not underestimate the nationalist resentments that may exist in countries that see themselves as victims of historical injustice. The past must be confronted and clarified in order to face the future. The border dispute has totally dominated bilateral relations between Ecuador and Peru, overshadowing the numerous social, economic, political, and environmental topics where there exists a community of interests and a need for greater cooperation.[26]

Ecuadoreans and Peruvians have profoundly different interpretations of the war of 1941 and the Rio Protocol. Indeed, disagreements between Quito and Peru date from the time of the Inca Empire. But they share the purpose of working towards peace, reconciliation, democracy, and economic development.

ENDNOTES

1. The "fog of war" in the jungle made it difficult to distinguish fact from fiction and the value of official claim from counterclaim. Some of the reliable reporting was done by the following: James Brooke of the

New York Times, Gabriel Escobar of the *Washington Post*, Howard La Franchi and Sally Bowen of the *Christian Science Monitor*, Mac Margolis, Adriana Von Hagen, and William R. Long of the *Los Angeles Times*, in addition to the *Foreign Broadcast Information Service-Latin America* (*FBIS-LA*).

2. According to some sources, Ecuador put down some 60,000 mines. See "Withholding of U.S. Military Aid Criticized," *DESCO Resumen Semanal* (Lima), July 20, 1995, in *FBIS-LA*, August 2, 1995, p. 32. General Paco Moncayo, Ecuador's Army Commander, stated on August 2 that only the mines in the demilitarized zone remained to be deactivated. He indicated that mines were also installed by Peruvians in the Upper Cenepa. See: "Gen. Paco Moncayo Reveals Remaining Mines Only in DMZ," *El Universo*, August 2, 1995, p. 45, in *FBIS-LA*, August 16, 1995, p. 39.

3. "Demilitarized Zone With Ecuador in Effect as of 4 August," Madrid EFE, August 1, 1995, in *FBIS-LA*, August 2, 1995, p. 30.

4. Daniel Masterson, *Militarism and Politics in Latin America: Peru from Sanchez Cerro to Sendero Luminoso*, New York: Greenwood, 1991, p. 71. On the role of the military in Ecuadorean politics, see Anita Isaacs, *Military Rule and Transition in Ecuador, 1972-1992,* Pittsburgh: University of Pittsuburgh Press, 1993.

5. Gallardo, "Los Grandes Combates: La Epopeya del Cenepa," *Hoy* (Quito), Special Edition, June 1995, p. 5.

6. The diplomacy and military operations of the 1941 war are discussed in Bryce Wood, *Aggression and History: The Case of Ecuador and Peru,* New York: Columbia University Press and University Microfilms International, 1978, pp. 50-174; and the same author's *The United States and the Latin American Wars, 1932-1942,* New York: Columbia University Press, 1966, pp. 255-342. See also David H. Zook, Jr., *Zarumilla-Marañon: The Ecuador-Peru Dispute,* New York: Bookman Associates, 1964, and William Krieg, *Ecuadoran-Peruvian Rivalry in the Upper Amazon*, 2nd edition, Washington, DC: U.S. Department of State, 1986.

7. Embassy of Peru, "The Peruvian-Ecuadorian Conflict," Washington, DC, February 1995, p. 5. Peru's position is expressed in the following documents: Ministerio de Relaciones Exteriores, *Documentos Basicos Sobre el Protocolo de Rio de Janeiro de 1942 y Su Ejecucion*, 3rd edition, Lima: Editora Peru, no date; Ministerio de Relaciones Exteriores, *The Peruvian-Ecuadorian Border Incident in the Cordillera del Condor*, Lima: Imprenta FAP, 1981; Embassy of Peru, Washington, DC, "Border Demarcation in the Cordillera del Condor," 1995. Ecuadoran historical research has been more extensive. See for

example: Jorge Perez Concha, *Ensayo Historico-Critico de las Relaciones Diplomaticas con los Estados Limitrofes,* 2 vols., Quito: Banco Central del Ecuador, 1979; Alberto Barrera Valverde, ed., *Hombres de Paz en Lucha, el Ecuador ante la Agresion Peruana del 1981*, Salamanca: Graficas Ortega, 1982.

8. "Democracies and War: The Politics of Peace," *The Economist*, April 1-7, pp. 17-18; see also the debate: Christopher Layne, "Kant or Cant: The Myth of the Democratic Peace," *International Security*, Vol. 19, No.2, Fall 1994, pp. 5-49; John M. Owen, "How Liberalism Produces Democratic Peace," same issue, pp. 87-125.

9. Edward Mansfield and Jack Snyder, "Democratization and War," *Foreign Affairs,* May/June 1995, pp. 89, 95.

10. Secretary of Defense William Perry, speech at the annual strategy symposium "Partners in Regional Peace and Security," co-sponsored by the United States Southern Command and the Institute for National Strategic Studies, National Defense University, Miami, Florida, April 26, 1995.

11. Ambassador Hernan Patiño-Mayer, "La Seguridad Interamericana," *La Nacion* (Buenos Aires), February 19, 1995, p. 9.

12. Statistics from United States Department of Defense, Office of the Assistant Secretary of Defense for International Security Affairs, *Security Strategy for the Americas*, September 1995, p. 16.

13. Alberto Acosta, "The Business War," *Hoy* (Quito), February 12, 1995, pp. 4-5, in *FBIS-LA*, March 28, 1995, pp. 40-41.

14. "I Am Not in the Hands of the Military," interview with J.J. Aznarez, *El Pais* (Madrid), March 4, 1995, p. 4, in *FBIS-LA*, March 7, 1995, pp. 76-77.

15. Seyom Brown, *The Causes and Prevention of War,* second edition, New York: St. Martin’s Press, p. 82.

16. "Fujimori Interviewed on Conflict with Ecuador," Lima Panamericana Television, March 13, 1995, *FBIS-LA*, February 14,1995, p. 50.

17. Columbia: University of South Carolina Press, 1994.

18. On this point see the commentary of Manuel Moreyra, "National Agreement and Security," *El Comercio* (Lima), March 22, 1995, p. A2, as reported in *FBIS-LA*, April 3, 1995.

19. "Amnesty Law Criticized, Creation of Truth Commission Urged," *La Republica* (Lima), June 17, 1995, p. 20, as reported in *FBIS-LA*, June 29, 1995, pp. 44-45. See, also, "Peru: The Dark Side of the Boom," *The Economist*, August 5, 1995, pp. 22-23, and Coletta Youngers, *After the Autogolpe: Human Rights in Peru and the U.S. Response*, Wahington, DC: Washington Office on Latin America, 1994.

20. "From Drifting to Shipwrecking," *El Universo*, March 20, 1995, as reported in *FBIS-LA*, March 27, 1995, p. 57.

21. *Latin American Weekly Report*, March 23, 1995, p. 125.

22. *Caretas*, March 16, 1995, p. 21.

23. Lori Davis, "'Safe Border' Troops Settle in at 'Higginsville,'" *Tropic Times* (United States Southern Command, Quarry Heights, Panama), April 7, 1995, p. 7; Shaun Herron, "U.S. Troops Help Create Safe Border," *Tropic Times*, August 11, 1995, p. 1.

24. Assistant Secretary of State for Inter-American Affairs Bernard Aronson, "Peru's Brutal Insurgency," Statement Before the Subcommittee on Western Hemisphere Affairs of the House Foreign Affairs Committee, March 12, 1992, in *Dispatch*, Vol. 3, No. 12, pp. 239-240. For reaction to the *autogolpe*, see Secretary of State James Baker, "The Need to Restore Democracy in Peru," address before the Organization of American States, Washington, DC, April 13, 1992, in *Dispatch,* Vol. 3, No. 16, April 20, 1992, pp. 309-310.

25. The U.S. role as guarantor of the Rio Protocol and its consistent support for a final demarcation are reflected in the following Department of State (DOS) documents: E.L. McGinnis, "Instruction to Rio on Ecuadoran-Peruvian Boundary Dispute," Office Memorandum to Mr. Pearson, ARA, December 20, 1949; DOS Central Files (CF) 722.2315/12-2049; Edward G. Miller, Jr., Reply to Herschel V. Johnson, December 28, 1949, Despatch No. 962, October 28, 1949, DOS CF 722.23215/10-2849; John M. Cabot, letter to Harold H. Tittman (American Ambassador, Lima), August 11, 1953, DOS CF 622.23/8-553; W. Tapley Bennett, Jr., "Peruvian-Ecuadoran Boundary Dispute," Office Memorandum to to Mr. Holland, August 4, 1954, DOS CF 622-23/8-454; "Telegram from the Ambassador in Brazil (E. Briggs) to the Department of State," DOS CF 622.223/4-557, April 5, 1957; "Circular Airgram from the Secretary of State (John Foster Dulles) to Certain Diplomatic Missions," DOS CF 622.233/4-2257, April 22, 1957.

26. This is the theme of the report of the Corporacion de Estudios Para el Desarrollo, *Ecuador y Peru: Vecinos Distantes*, Quito: CORDES, 1993.