



<b>Country/entity</b>	Ecuador Peru
<b>Region</b>	Americas
<b>Agreement name</b>	El Tratado de Comercio y Navegación
<b>Date</b>	26 Oct 1998
<b>Agreement status</b>	Multiparty signed/agreed
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	Interstate/interstate conflict
	<b>Cenepa War (1995)</b>

This brief conflict was fought between Peru and Ecuador in 1995, over the control of the Cenepa valley on Peruvian territory. There had been earlier military confrontations over this area between the two nations, one in 1941 (the Ecuadorian-Peruvian War), resulting in a border treaty later disagreed with by Ecuador, and another brief confrontation in 1981. The war was initiated by Ecuadorian outposts at the Cenepa River that were discovered by a Peruvian patrol. Peru claimed that the existence of these outposts constituted a violation of Peruvian territory and gave Ecuador an ultimatum to withdraw its patrols or they would be dislodged by force. The deadline passed and Peruvian troops were deployed to the area to remove the Ecuadorian posts, followed by a general mobilization by both sides. Heavy air and ground attack were carried out from the end of January until 28 February when a bilateral ceasefire agreement was signed. In March 1995, the Military Observer Mission to Ecuador and Peru came to Cenepa, which was later turned into a demilitarized zone, to supervise the separation of forces. Furthermore, both governments negotiated the final demarcation of the border, resulting in the Rio Protocol, signed 26 October 1998.

Close  
Cenepa War (1995)

<b>Stage</b>	Framework/substantive - partial
<b>Conflict nature</b>	Territory
<b>Peace process</b>	Ecuador-Peru border dispute peace process
<b>Parties</b>	Ecuador, Peru: Fernando de Trazegnies Granda Minister of Foreign Affairs of the Republic of Peru Jose Ayala Lasso Minister of Foreign Affairs of the Republic of Ecuador

<b>Third parties</b>	-
<b>Description</b>	Constituent Agmt of Acta Presidencial de Brasilia. In this agreement, the two countries set up a regime for the navigation on the rivers and access to the Amazon. They set up rules for customs, transit of goods system, and related.

---

<b>Agreement document</b>	<a href="#">EC_PE_981026_Commerce_and_Navigation_Treaty_tr.pdf (opens in new tab)</a>   <a href="#">Download PDF</a>
---------------------------	--

---

## Groups

<b>Children/youth</b>	No specific mention.
<b>Disabled persons</b>	No specific mention.
<b>Elderly/age</b>	No specific mention.
<b>Migrant workers</b>	No specific mention.
<b>Racial/ethnic/national group</b>	No specific mention.
<b>Religious groups</b>	No specific mention.
<b>Indigenous people</b>	Groups→Indigenous people→Substantive Page 1, Article 8 The navigation between both countries of smaller settler vessels, especially of natives of the Peruvian or Ecuadorian border areas contained in this Treaty, will continue, for the purpose of exchange, without any formalities other than local customs.
<b>Other groups</b>	No specific mention.
<b>Refugees/displaced persons</b>	No specific mention.
<b>Social class</b>	No specific mention.

---

## Gender

<b>Women, girls and gender</b>	No specific mention.
<b>Men and boys</b>	No specific mention.

**LGBTI** No specific mention.

**Family** No specific mention.

---

**State definition**

**Nature of state (general)** No specific mention.

**State configuration** No specific mention.

**Self determination** No specific mention.

**Referendum** No specific mention.

**State symbols** No specific mention.

**Independence/secession** No specific mention.

**Accession/unification** No specific mention.

**Border delimitation** No specific mention.

**Cross-border provision** Page 3, Article 22  
The Government of Ecuador will designate for the administration of each of these centres, a private company registered in Peru. The Government of Peru, through the respective concession contract, will cede the land for the operation of the Centre to the company appointed by the Government of Ecuador, within the scope of this Treaty. The time period referred to in the first paragraph of this article will begin from the date of signing of this contract. This company will finance and execute the construction of the respective centre, which will be subject to the relevant Peruvian standards, on a non-discriminatory basis.

---

**Governance**

**Political institutions (new or reformed)** No specific mention.

**Elections** No specific mention.

<b>Electoral commission</b>	No specific mention.
<b>Political parties reform</b>	No specific mention.
<b>Civil society</b>	No specific mention.
<b>Traditional/religious leaders</b>	No specific mention.
<b>Public administration</b>	No specific mention.
<b>Constitution</b>	No specific mention.

---

#### **Power sharing**

<b>Political power sharing</b>	No specific mention.
<b>Territorial power sharing</b>	No specific mention.
<b>Economic power sharing</b>	No specific mention.
<b>Military power sharing</b>	No specific mention.

---

#### **Human rights and equality**

<b>Human rights/RoL general</b>	No specific mention.
<b>Bill of rights/similar</b>	No specific mention.
<b>Treaty incorporation</b>	No specific mention.
<b>Civil and political rights</b>	No specific mention.
<b>Socio-economic rights</b>	No specific mention.

---

## **Rights related issues**

<b>Citizenship</b>	No specific mention.
<b>Democracy</b>	No specific mention.
<b>Detention procedures</b>	No specific mention.
<b>Media and communication</b>	No specific mention.
<b>Mobility/access</b>	[Summary] The whole of the agreement concerns mobility and access to rivers for the purpose of navigation and trade.
<b>Protection measures</b>	Rights related issues→Protection measures→Other Page 3, Article 19 With regard to navigation safety, protection of the river environment, pollution from ships and collisions, the rules in force in the respective territories will be applied on a non-discriminatory basis, for which the competent authorities of both countries will notify each other on existing standards.
<b>Other</b>	No specific mention.

---

## **Rights institutions**

<b>NHRI</b>	No specific mention.
<b>Regional or international human rights institutions</b>	No specific mention.

---

## **Justice sector reform**

<b>Criminal justice and emergency law</b>	No specific mention.
<b>State of emergency provisions</b>	Page 4, Article 33 General measures which the parties feel the need to adopt to respond to states of emergency may involve the temporary suspension, for the shortest possible time, of the exercise of navigation and land-based transit, on the basis of non-discrimination. The other party will be informed of such measures as soon as they are taken.
<b>Judiciary and courts</b>	No specific mention.

**Prisons and detention** No specific mention.

**Traditional Laws** No specific mention.

---

**Socio-economic reconstruction**

**Development or socio-economic reconstruction** No specific mention.

**National economic plan** No specific mention.

**Natural resources** No specific mention.

**International funds** No specific mention.

**Business** [Summary] The whole agreements concerns the use of rivers for navigation and the regulation of trade.

**Taxation** Socio-economic reconstruction→Taxation→Reform of taxation  
Page 4, Article 28  
Private companies installed in the centres that allocate their production to Ecuador or to third countries will be exempt from all taxes, including income tax.  
  
Page 4, Article 35  
The Parties agree to give each other the most-favoured-nation treatment . If one of the Parties grants Brazil or Colombia higher rights, powers, and facilities, they will be automatically be applicable in favour of the other.

**Banks** No specific mention.

---

**Land, property and environment**

**Land reform/rights** No specific mention.

**Pastoralist/ nomadism rights** No specific mention.

**Cultural heritage** No specific mention.

**Environment**

Page 3, Article 19

With regard to navigation safety, protection of the river environment, pollution from ships and collisions, the rules in force in the respective territories will be applied on a non-discriminatory basis, for which the competent authorities of both countries will notify each other on existing standards.

Page 4, Article 31

In applying the present Treaty, measures for police and monitoring, health, preservation of the environment, migration and, in general, prevention and suppression of offenses under Peruvian legislation, will be applicable to nationals and to goods of both countries without discrimination, and will not in any case impede freedom of navigation and transit.

**Water or riparian rights or access**

[Summary] The entire agreement concerns access to ports and navigation on the rivers.

---



## **Security sector**

<b>Security Guarantees</b>	No specific mention.
<b>Ceasefire</b>	No specific mention.
<b>Police</b>	No specific mention.
<b>Armed forces</b>	No specific mention.
<b>DDR</b>	No specific mention.
<b>Intelligence services</b>	No specific mention.
<b>Parastatal/rebel and opposition group forces</b>	No specific mention.
<b>Withdrawal of foreign forces</b>	No specific mention.
<b>Corruption</b>	No specific mention.
<b>Crime/organised crime</b>	No specific mention.
<b>Drugs</b>	No specific mention.
<b>Terrorism</b>	No specific mention.

---

## **Transitional justice**

<b>Transitional justice general</b>	No specific mention.
<b>Amnesty/pardon</b>	No specific mention.
<b>Courts</b>	No specific mention.
<b>Mechanism</b>	No specific mention.
<b>Prisoner release</b>	No specific mention.

<b>Vetting</b>	No specific mention.
<b>Victims</b>	No specific mention.
<b>Missing persons</b>	No specific mention.
<b>Reparations</b>	No specific mention.
<b>Reconciliation</b>	No specific mention.

---

## **Implementation**

<b>UN signatory</b>	No specific mention.
---------------------	----------------------

<b>Other international signatory</b>	No specific mention.
--------------------------------------	----------------------

<b>Referendum for agreement</b>	No specific mention.
---------------------------------	----------------------

<b>International mission/force/similar</b>	No specific mention.
--	----------------------

<b>Enforcement mechanism</b>	Page 4, Article 37 A Peru-Ecuadorian Trade and Navigation Commission will be established, in charge of resolving disputes that might arise from the application of this Treaty.
------------------------------	--

<b>Related cases</b>	No specific mention.
----------------------	----------------------

<b>Source</b>	USIP <a href="http://www4.congreso.gob.pe/comisiones/1999/exteriores/libro1/2avolum/indins.htm">http://www4.congreso.gob.pe/comisiones/1999/exteriores/libro1/2avolum/indins.htm</a>
---------------	--

---