Country/entity	Ecuador Peru
Region	Americas
Agreement name	El Tratado de Comercio y Navegación
Date	26 Oct 1998
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Interstate/interstate conflict

Cenepa War (1995)

This brief conflict was fought between Peru and Ecuador in 1995, over the control of the Canepa 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 Canepa, 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)

Stage	Framework/substantive - partial
Conflict nature	Territory
Peace process	Ecuador-Peru border dispute peace process
Parties	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

Third parties	-
Description	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.

Agreement document	EC_PE_981026_Commerce_and_Navigation_Treaty_tr.pdf (opens in new tab) | Download PDF

Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	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.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	No specific mention.
Men and boys	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.

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

Power sharing

Political power sharing	No specific mention.
Territorial power sharing	No specific mention.
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

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

Rights related issues

Citizenship	No specific mention.
Democracy	No specific mention.
Detention procedures	No specific mention.
Media and communication	No specific mention.
Mobility/access	[Summary] The whole of the agreement concerns mobility and access to rivers for the purpose of navigation and trade.
Protection measures	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 applied on a non-discriminatory basis, for which the competent authorities of both countries will notify each other on existing standards.
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	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.
Judiciary and courts	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 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

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

Transitional justice

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

Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.
Reparations	No specific mention.
Reconciliation	No specific mention.

Implementation

UN signatory	No specific mention.
Other international signatory	No specific mention.
Referendum for agreement	No specific mention.
International mission/force/ similar	No specific mention.
Enforcement mechanism	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.
