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2

5. What is the seaward extent of the buffer zone?
6. Does Ecuador terminate the northern extent of their territorial sea at the seaward extension of the parallel that marks the point where the Ecuador-Colombia land boundary reaches the sea?

Also, could Amembassy Lima please acquire the most recent publication of the Agreements and Other Documents (English version) of the Conference on the Exploitation and Conservation of the Maritime Resources of the South Pacific, Chile-Ecuador-Peru. The latest copy INR/RGE has was issued by the General Secretariat, Lima, January 1967. Please forward to INR/DFR/RGE.

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## ECUADOR-PERU CLAIMED TERRITORIAL SEA BOUNDARY AND LIMITS

The chart "Ecuador-Peru Claimed Territorial Sea Boundary and Limits," delimits the maritime boundaries as imprecisely defined in: (1) 200-nautical mile (n.m.) territorial sea declarations of Peru (1947) and Ecuador (1966); (2) the Declaration on the Maritime Zone, 1st Conference, Santiago 1952; and (3) the Agreement Relating to a Special Maritime Frontier Zone, 2nd Conference, Lima 1954.

The territorial sea declarations of the two countries state that the 200 n.m. territorial seas will be measured from low-tide elevations. However, the Ecuadorean territorial sea around the Galapagos Islands is open to interpretation. The chart delimits what is deemed to be the proper interpretation of how straight baselines are drawn around the Islands by Ecuador. Isla Darwin and Isla Wolf are not considered to be geographically part of the Galapagos Archipelago, hence straight baselines would not be drawn about them. However, the Ecuadoreans may have extended the baselines to include the islands of Darwin and Wolf.

The text of the Declaration on the Maritime Zone is not precise:

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

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

The Agreement Relating to a Special Maritime Frontier Zone states:

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

UNCLASSIFIED

UNCLASSIFIED

-4-

Page 2 of 5  
Encl. No. 2  
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In view of the language of the Declaration and Agreement above, the delimitation of the maritime boundary is open to varying interpretations.

Boca Capones, Point A, marks the approximate terminus of the maritime boundary between Peru and Ecuador. The seaward extent of the maritime boundary is not definite. Point B on the chart is 200 n.m. from Point A; this extent causes no confusion but the seaward extension beyond Point B is indefinite.

The maritime boundary could terminate at the point where the Ecuadorean territorial sea would intersect the maritime boundary as extended; or the boundary could extend to Point C which is the point where the Peru territorial sea would intersect the boundary. In all probability the maritime boundary does extend at least to the point where the boundary would intersect the Ecuadorean territorial sea claim.

The extent of the maritime boundary has a definite effect on where the Peru territorial sea could terminate. Does the territorial sea end at Point C, or does it extend in an arc to the north until the arc intersects the Ecuadorean territorial sea? Thus there is the question of jurisdiction over the area of water bounded by the maritime boundary, the northward extension of the Peruvian territorial sea from Point C to the Ecuadorean territorial sea, and from this point of intersection southward to the maritime boundary.

Further, a question arises if the territorial sea around the Galapagos Islands is terminated on the south at a line that marks the extension of the maritime boundary westward from Point C? This question is raised by Article IV of the Declaration on the Maritime Zone (see above) which states that the parallel marking of the maritime boundary terminates the territorial sea of any declarant country when it infringes on the sea of another declarant country. One interpretation is that the 200 n.m. territorial sea around the Galapagos Islands does not infringe on the Peruvian territorial sea because the limits of the Galapagos' territorial sea are less than 200 n.m. from the Peruvian territorial sea. The other assumption is that the chart as drawn is correct with respect to the extent of the territorial sea around the Galapagos Islands and that there is no infringement on the Peruvian sea. Therefore, the southern limits of the sea around the Galapagos would be terminated by an extension of the maritime boundary into the area of the Galapagos.

Another issue is the extent of the buffer zone. As shown on the chart, the buffer zone terminates at a point 200 n.m. from the landward terminus of the boundary. The questions are: (1) Does the buffer zone extend on both sides of the maritime boundary to the point where the Ecuadorean sea intersects the boundary? If the buffer zone does extend to this point, do its limits curve along the arc of the Ecuadorean territorial sea or is the westward extent of the zone marked by a

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perpendicular to the maritime boundary? If this is so, a small area of the Ecuadorean sea between the arc and the perpendicular would not be in the buffer zone. (2) Does the buffer zone extend to the limit of the Ecuadorean sea on the northside of the maritime boundary and on the southside is the seaward extent Point C or does the buffer zone curve northward along the westside of the Ecuadorean sea in the area that can conceivably be Peruvian waters if the Peruvian sea is not truncated by the maritime boundary.

Thus, it has been shown that there are a number of areas for which additional information is required to delimit precisely the claimed territorial sea boundary and limits of Ecuador and Peru.

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