Border War between Ecuador and Peru

-Can there be Positive Peace without the Indians?
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Maps

Map over the conflicting border line (Palmer 1997:120).

Map over the border between Ecuador and Peru (Radcliff 1998:277).
1 Introduction

“We owe them peace” was the intriguing comment an Ecuadorian ministerial representative gave me when asking her of the indigenous peoples in the border conflict between Ecuador and Peru\(^1\). This simple note strongly provoked my interest in the subject of peace building in Ecuador and Peru and gave me insight into the mentality of peace being something ‘we’; the political elite in Quito, could make for ‘them’; the indigenous populations affected by the war. It is an interesting comment on whether peace is something states owe to their peoples, and what else they might owe.

1.1 Solving the Border Conflict

In 1998 a peace agreement was signed for what has been mentioned as the world’s longest never-ending war, in which the world’s longest multilateral peacekeeping mechanism was enforced (de Oliveira 1999:141, Palmer 1997:110). Ecuador and Peru had settled their century long dispute over the details concerning 78 km of border in the Western Amazon region called the Orient just east of the Andes mountain chain. The negotiations after the war of 1995, with Argentina, Brazil, Chile and the United States as mediators are praised internationally for being a good and germane process (Marcella and Downes 1999). Also the peace agreement, the result of the diplomatic efforts, is worthy of international attention as it turns hostility between two states into shared responsibility over an area of natural reserve (Transcend 2001). The final result of the conflict thus became somewhat more than just an absence of war; it was a clear statement of attitudes and will to create a culture of peace and cooperation. Still, strikingly absent from all versions of the history of the conflict, is the perspective and participation of the people living in the frontier in the Amazon. The fact that these people are mainly indigenous, already marginalised in their relations to the state, adds another factor to the constitution of the issues.

When a conflict like the one between Ecuador and Peru is solved, the first step is to suspend military hostilities. Thereafter, politicians and diplomats engage in shaping the formal settlement of the war. Representatives of the governments are situated in the capitals of Quito and Lima, both which are far away from the isolated Orient in distance, but also culturally. Although the conflict has been going on for so long, and has been the status quo even longer than the independence of the nations, it has not affected those living outside the

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\(^1\) Sofia Zaragocin represented the Ecuadorian ministry responsible for indigenous issues at the 2003 summer session of the UN Working Group on Indigenous Populations.
Orient directly. Those living in the tropical forests of the Orient, have not always known that the land they inhabited was disputed by governing entities they hardly knew. Nevertheless, they have experienced a military presence and the instability of two countries fighting over the territory on which they live. The Indians of the area are also those who will be affected most, or most directly, by settlement of the dispute and a clear and definite demarcation of the border.

1.2 Contextualisation of the Problem

Although still being marginalised and invisible citizens in their home countries, Indian movements have gotten increased international attention during the last two decades (Stavenhagen 1999, Thornei). It is therefore relevant and pertinent to analyse their role in national as well as international arenas. However, this should not be done without also critically questioning Indian identity, legacy and justification of demands. Primarily, Indian movements have asked for recognition and land. Indigenous movements in Ecuador are known to be efficient and articulate, and increasingly politically engaged (Lucero 2001, van Cott 2003, Brysk 2000b:255). Still, lowland Indians are underrepresented within overarching federations. Thus, there is a duality of power provision versus dispossession in inter-indigenous as well as state-indigenous relations. A pivotal guiding presumption is that this could be addressed through granting indigenous populations status, that is a set of rights and duties, which would ease their integration into state and national society.

Regarding the aspects of positive peace, a central tenet is that positive peace is also an inclusive peace. Thus an attempt to positive peace cannot exclude those who were the injured party to the war. Positive peace is a theorised ideal that the empirical case of Ecuador and Peru will shed light on. One can assume that involvement of local and indigenous populations inhabiting the territories in which the border is now finally demarcated would be crucial to the way the development and friendly cross-border relations of the region. We can presuppose that the character of the settlement of the conflict is decisive for the quality of its outcome (Kegley and Raymond 1999:7). Thus, a qualitative and positive peace presupposes a qualitative negotiation process. In this paper we will look into both the process and the peace.

1.3 Research Question

The research question therefore becomes; Can there be positive peace without the Indians? A more elaborated version reads: How does the integration of Indians into the peace process in Ecuador and Peru influence the prospects for development of positive peace?
At any point in time, one can examine a state’s prospect for a more qualitative peace. There are many factors that influence peace building, none of which should be underestimated. Nevertheless, it is more apparent that the state has an opportunity to lay the foundation for positive peace in a moment of turning from conflict. When a nation leaves the state of war, especially when this has been a permanent situation since the founding of the state, it offers the possibility to celebrate peace with another country with an increased effort at peace within the society as well. To ask for the role of Indians in the peace building after the conflict between Ecuador and Peru, one therefore has to scrutinise the conflict and peace negotiations of Ecuador and Peru and compare these to the preconditions for positive peace.

However, our question is also that of Indian integration, and a relevant question is that of what relations Indians had to both the conflict and the peace, and the implications this has for their contribution to the development of positive peace. Preceding this, learning about the Indian identity and their relation to the national societies and demands to the states is necessary. What are the conditions for Indian participation in politics? From this, we will end at the question of whether peace is something that can be given to a people, or if it has to be built in a joint effort by the whole society.

One can also turn the question around and ask what Indians have inherently and what they need to acquire as resources for catalysing positive peace. If the indigenous are not involved in the state’s processes, is this because of reluctance of one of the parties? What would be different if the Indians had another role in the conflict and the following peace process? Could a different peace process lead to another agreement? The framework of integration, in negotiations as well as in society, is important for my understanding of this topic. Phillips (2001:iii) on governing ethnic relations state that “[B]oth principles and policies should be worked out with the fullest possible involvement of all relevant groups.” Thus, the Indians should be involved and taken into account both during and after the peace process.

1.4 Method, Material, Source Criticism and Limitations

In researching for this paper, I have not come across any study that has had this same particular focus. Therefore, it has been up to me to find material that is both generalising and more specific about the Ecuador-Peru case. When trying to write theoretical and empirical parts together, it is important not to use the theories or general information on an issue, to make assertions as to how the same aspect is treated in Ecuador or Peru. At the same time, it
is difficult to argue the link between case and theory if there are not substantive accounts on the exact situation in the relevant region.

It is difficult to judge whether peacefulness come as a result of an agreement, or whether the agreement is a consequence of more peaceful political and military attitudes, or perhaps both simultaneously. Similarly, the category of ‘Indian’ or ‘indigenous’ is also problematic because it is at the same time an etic and emic denotation of an identity that has been created for them. To call the indigenous people ‘Indians’ is a pragmatic simplification that does not show the true diversity of the Indians. The Shuar communities is an example that I return to, but, nevertheless, it is meaningful to see the autochthonous people as one group since they tend to articulate similar problems and are seen to be in common situations.

There is no abundance of written material available on this topic. Therefore, the selection of material has not been difficult; I have read anything obtainable! The presentation of the case in this study draws primarily on historic, geographic, military and diplomatic accounts for what the conflict was like. Also, presentations, press releases, and articles available via internet sites of Amazonian Indian organisations have been trustworthy sources. When it comes to balancing the two countries, it is obvious that Ecuador has been a dearer object for research on indigenous issues, but I deem that findings from Amazonian Ecuador are most often applicable to Amazonian Peru.

For theoretical approaches and general knowledge on issues of negotiations, state consolidation, indigenous movements and demands, there are numerous texts on a variety of aspect or dimension of it. It has been important to draw on several sources for extracting each field’s relevant thoughts. The consequence of the great diversity of theoretical frameworks applicable to this case is reflected in the length of the list of references. It has been necessary to see the conflict, and its yet relatively short aftermath, in light of many dimensions to be able to fully understand it, and possibly point at a less discovered aspect of it.

Positive peace is a very broad field involving all aspects and institutions of society. It is a challenge to distinguish what is necessary to explain and discuss for this paper, from everything else that is also interesting. The balance between empiric descriptions and theoretic tools of analyses, and between the perspective of the conflict in itself and both general and local indigenous issues, is what in the end shapes the discoveries and arguments of the essay. I could have dug further into the legacy of the conflict, or explored the maze of international institutions and legal agreements. Yet, it has been my assessment that the paper I now present is complete although there could always be something more added.
2 Theory

There is no one single theoretical framework that will be applied as a framework to the question of the Indians in the Ecuador-Peruvian peace. Instead, I will use various theoretical terms as tools when analysing the subject. Most of them will be presented along the way in the paper, but some of them shall be established already. The theory on positive peace and different ideal types of negotiations will be established, as well as the concepts of borders and citizenship as identity that limit the territory and population of a state.

2.1 Positive Peace

The concept of peace is both easy and difficult to define. The simple definition is peace as an opposite of its negation ‘war’ or ‘violence’. In Galtung’s (1969) definitions, that coined the term, this is negative peace. Negative peace should not be discarded, because it is a necessary step on the way to positive peace. Positive peace is the goal for which peace efforts should be guided, in academia as well as in politics and militarily, according to Galtung (1969:183). However, positive peace requires that there is no violence, military and direct violence, as well as indirect and structural violence (ibid: 171). For positive peace to prevail there should, theoretically, be no discrimination or social injustice. Thus, social dimensions become part of the security agenda and eventually dominates over military aspects of security (Buzan 1993). Simplified, one can also explain negative peace to be the peace between states, and positive peace to be of societies.

When one section of society is oppressed by another, this is an expression of structural violence (Francis 2001:9). In such a society, violence always lies as a latent potential. To completely eradicate this can be seen as a utopian task, but to limit social injustice and discrimination is never impossible (Phinney and de Hovre 2003, Phinney; personal communication). Involving local population, whether indigenous or not, is essential if one aspires a peace agreement to lead to sustainable positive peace. All relevant actors and affected should be genuinely included in order to prevent future discontent and misunderstanding. In a democratic state system where one acknowledges everyone’s equal right to access and participate in politics, it is an act of structural violence to deny or prevent these rights for anyone. Thereby, power symmetry, participation, decision-making and equality of life chances, become issues of peace studies because they assure everyone’s right and ability to take part in peace building (Galtung 1969:186). There are striking similarities between theories of positive peace and democratic governance, but one should be careful when suggesting that democracy is a necessary political system for positive peace to prevail.
To maintain peace with another country, a state has to convince the other that it will not start a war (Jervis 1988:695). To maintain peace within a country, the same can be said about the relation between the government and its people. In a liminal and insecure period, where there is a conflict waiting to escalate, this also prevents initiatives and investment from the part of the citizens. To make steps on the way to a more positive peace, one has to have some confidence that this peace represents a kind of progress. The collective motivation for peace is at stake, and self-centredness on behalf of the citizens as a consequence of their low expectation of the future, discourages development. Violence, as the opposite of peace, can be defined as that which increases the distance between the actual and the potential of a person (Galtung 1969). Positive peace gives citizens and society a chance to realise their full potential, and violence that hampers the realisation of the potential, is a threat to positive peace. As long as the conflict remains potentially salient (Little 1987:592) with a continuous high level of grievances, it is impossible to establish peace.

A clear peace process can therefore also be a transitional period for people of a country or region in conflict, to adapt to a new reality. Peace negotiations obviously are important to discuss political differences, but the effect it has on marking the transgression from conflict to peace for ordinary citizens should not be underestimated. In a post-violence society, where oppression has ceased, the commitment to peace and reconciliation is of fundamental importance to the sustainability of the less violent atmosphere (Francis 2001:9, 11). Peace implies creating a reality in which mutuality exists, where no party is more deserving or more rewarded than any other. It does not necessarily imply the military, economic, or political equalization of all conflicting parties, but it does necessitate the mutual fulfillment of the various parties’ needs, aspirations and rights (Bavly 1999).

Little (1987:591) suggest that long standing disputes have persisted because they were not important enough to receive the effort a peace process and such attention would give. On the other hand, he points out, a conflict arising out of a dispute that survives regime changes and socio-economic epochs, that is thus almost inherent in a society, can be more easily managed than those arising abruptly. In the case of Ecuador and Peru, the dispute has had different salience at different times, depending on the general political situation of the countries, and their dissatisfaction with their positions. It has clearly survived political changes, and its conflicts have not been so grave that they could not be managed. One could say that the Ecuador-Peruvian conflict has not been more of a disadvantage to domestic socio-political development, than the governments have wanted it to be. It is believed that both governments in populist manners have attracted tension away from internal problems, to the
conflict, as it suited their politics best (Mauceri 1991, Levitsky 1999). 1998 was therefore the year for Ecuador and Peru to transform a seemingly sustainable conflict, into hopefully sustainable peace.

2.2 Distributive and Integrative Negotiations

To evaluate the negotiations and show possible explanations for why the parties finally reached an agreement, we will employ the framework of distributive and integrative negotiations. These are ways of categorising negotiations, coined by scholars to refer to ideal types of negotiations. Actual negotiations, such as those between Ecuador and Peru after 1995, can usually be characterised by both distributive and integrative features. The term ‘distributive negotiation’, also referred to as ‘competitive’ or ‘bargaining’ by some writers, indicates a negotiation based on scepticism and secret state interests. This scenario fits a realist view of politics where one should not be too open about one’s intentions and interests, but instead manipulate one’s competitor. One should opt to win as much as possible on the expense of the opponent, in the way that both Ecuador and Peru initially fought for the whole of the Orient and saw no way of sharing it between them.

Integrative negotiations, on the other hand, are open and open-minded. The participants collaborate to reach a compromise, or ideally a situation in which both would find that they win more than they lose. Such negotiations are problem solving, and focus on identifying and expanding the zones of agreement or areas of common interest. Integrative negotiations thus look at broader aspects of the problem in question, and might find less conventional, inventive and creative solutions. Power politics thus becomes less important, as one moves well beyond principled negotiations with emphasis on position. Integrative negotiating is the norm in conflict resolution institutions such as Transcend where the aim is to reach sustainable solutions. (Kegley and Raymond 1999:21, Starkey, Boyer and Wilkenfeld 1999:1,111-115, Transcend 2001)

2.3 Borders

After all, the war between Ecuador and Peru was initially about where the border should be drawn. It is not exceptional to fight over borders, but although borders are not defined in detail, they do not usually cause such grave and prolonged conflict (Tudela y Varela 1997). Borders can be seen as barriers to be crossed, or as opportunities. They clearly limit a state’s consolidation of power. Within the border, the state is sovereign, and outside it the state has no significant strength (Herbst 2000:28, 35). Borders mark the end of national
territory and division of people, and thereby also point out where certain national cultural symbols lose their value. Therefore, borders, although they might not always follow cultural or ethnic landscapes, shape social identity and makes a space for negotiating hegemonic systems (Johansen 1999:166). Along the border questions of loyalty and identity might be less clear and fade out, or, conversely, more strongly articulated as a contrast to the neighbour than further away from the border (Wilson and Donnan 1998:1, 12-13).

The map is the most powerful image of the border and represents a logo of the national space (Radcliff 1998:277). Not only in times of war, but on a day-to-day basis, geographies are represented in descriptions particular to the cultural and nationalistic setting. Maps, along with the flag, are therefore important points of reference for the nation as an imagined community (Anderson 2003). Since the map provides an inventory of a country’s resources and population, it is great dishonour to misrepresent another country’s map, as has been the case in the Ecuador-Peru dispute. Ecuadorian text books indoctrinate school children and present them with maps that showed a bigger Ecuador than was reality (Radcliff 1998:281). This rooted the popular claim for a bigger, Amazonian Ecuador.

Patrickson (1996:4) reminds us of the distinction between boundary and frontier. According to him a boundary is that which provides a hinder for further movement, it is a physical line that cannot easily be trespassed. A frontier, on the other hand, is a region without settlement that can be used for expansion, also called borderland (Fredericks in Johansen 1999:166). It denotes the area at the limit of a country, but not the limit in itself. When it comes to the border, a line that separates two countries, it can follow geographical lines in the terrain, or take notice of cultural variants. In the case of Ecuador and Peru where there have been so many borders, and they have not always corresponded with the extension of any state, the frontier as the margins of the border(s) covers the whole disputed land. One can therefore hold that all Amazonian Indians of Ecuador and Peru are frontier-Indians, and consequently conflict-Indians.

### 2.4 Citizenship

Citizenship is closely connected with the border as it limits who belongs to the state and over whom the state has jurisdiction. Citizenship articulates a sense of common identity in nationhood and belonging to a political territory (Herbst 2000:231-232), and denial of citizenship, as has been the case for indigenous people in Latin America (Foweraker and Landman 2000:3, 27), is an effective method of socio-political exclusion from the imagined community of a nation (Anderson 2003). It is a membership that expresses a person’s, and a
people’s, national identity, and thereby also his status and dignity (Harvey 1999:25), at the same time as it is a bureaucratic mechanism enforcing a social contract that regulate and institutionalise social life for the citizens. Depending on how attractive a citizenship is, what set of civil and political rights and duties it signifies and what kind of interaction between the individual and the state it determines (Brysk and Shafir 2003), it is more difficult to acquire it and more beneficial to those who obtain it. In cases where there is a significant discrepancy between what the citizens need and what the state provides, whether because the state does not fulfil its tasks or because it is difficult to overview the citizens, one can talk about a ‘citizen gap’ (ibid). The citizen gap between Indians and the states in Ecuador and Peru has been evident, even when indigenous have had citizenships.

Although a citizenship has usually been of one kind for all who were entitled to it, there is today talk about differentiating citizenships where ethnic, rural or other social groups would benefit by some positive rights to minimise the citizen gap (Brysk and Shafir 2003, Harvey 1999:31, Myntti 2000:116). At the same time, the universalisation of human rights implies that every person has the right to a minimum level of rights no matter what his nationality happens to be. Unfortunately, there is no automacy between having a right and practising according to such a right. The set of rights and responsibilities conferred by a citizenship is nothing static, but when it is modified through time and circumstances it has to appear just (Yashar 1999:96). To further learn about the role indigenous people could play in their states and societies, during and after conflict, one has to keep in mind that the states have not complied with their part of the social contract they engage in with citizenships for the Indians of the Orient. Again, we can reflect over what a state ‘owes’ to its people. It is clear that with the demarcation of the border, one can expect that national identity can be defined more easily and that suitable citizenships, whether standard or differentiated ones, be granted the Indians.

2.5 Summary

To have a foundation for the remaining text concerning positive peace we have defined and discussed the term positive peace. Further, we have looked at the difference between distributive and integrative negotiations for later seeing the peace negotiations in this light. The concepts of border and citizenship are important when understanding the importance the war had for Ecuador and Peru, and the Indian quest for a formal identity as citizens within these borders.
3 Indians in Ecuador and Peru

The misunderstanding that led Columbus to call the natives of America ‘Indians’ is a well known anecdote. Still, we use this one category to denote the people whose ancestors discovered and lived in the New World long before any Europeans arrived. Ecuador and Peru are among the Latin American countries with the highest proportion of indigenous persons. Depending on how censuses count, one can estimate that indigenous people account for between 30-40% of Ecuadorians as well as Peruvians ( Minority Rights Group 1997:86, 108). Ecuador is renown internationally for having strong indigenous organisations, while Peru has a weaker tradition of indigenous movements (Brysk 2000a and 2000b, Thorne:nn).

To establish the relation the Indians in the Orient had to the conflict and to the forthcoming peace we will look at the topic of indigenous identity and movement, as well as their demands that are accompanied by a suggested set of rights. The Indian demand of self-determination will be a main focus because it is the general demand in which the right to participate in the peace process is centred for the Amazonian Indians.

3.1 Indians in the ‘war zone’

Of this high proportion of Indians in the populations, relatively few are among the Amazonian Indians inhabiting the sparsely populated region referred to as the Orient. In both countries lowland Indians, such as Ashaninka, Aguaruna, Huambiza, Achuar, Shuar, Shiwiar, Huarani, Siona, Secoya and Quechua\(^2\) have struggled with colonialists, missionaries, rubber tappers and oil companies, and their form links across borders (Brysk 2000b:13, 111, MacDonald 1992:30, Minority Rights Group 1997:86, 108, Macas 1995c). It is estimated by the Ecuadorian indigenous organisation CONAIE that more than 400 communities are located in the frontier area with Peru (Macas 1995c). About a half of these were in direct contact with the war zones (Macas 1995a). Since there were not many ordinary nationals living in the region, indigenous were most directly affected by the conflict. Several Shuar, Achuar, and Aguaruna communities counting a total of 110 000 members (\(^3\) Brysk 2000b:141, Lama 1994), were forced to flee during the war. They lost their homes, crops and animals, and also had casualties in the fighting (Brysk 2000b:141, Macas 1995c). At any rate the indigenous peoples located in these zones remained in permanent insecurity until the conflict was solved (Macas 1995b).

\(^2\) The Quechua are originally from the Andes, but during the Inca empire groups were resettled in the Amazon to ensure Inca dominance, loyalty and to prevent rebellion against the empire (Brysk 2000b:40).

\(^3\) Retrieved 101203 from http://www.usfq.edu.ec/1PARQUE/aspsoc.html#Anchor-SHUAR-37141.
Ecuador saw that strengthening of the Shuar communities could protect their territory against Peru. The Shuar had a sense of Ecuadorian identity, and Ecuador hoped their patriotism and nationalism could get stronger. The Shuar settlements were important strategic buffers towards Peru (Brysk 2000b:141), it was thought, as they could report on Peruvian moves and trespassing of the border. The Federation newspaper said “Ecuadorians live here also and make an authentic and legitimate defence of our Ecuadorian frontier… there are more Shuar centres than military posts at this frontier.” (Hendricks 1991:69) At the same time, this dilemma of national versus tribal loyalty and identity was part of the reason why the Shuar established their foundation as early as 1964 (Brysk 2000b:68, 140, Hendricks 1991:53). Some young Shuar men joined the army (Radcliff 1998:284, 286) but made clear that they fought the Peruvian president Fujimori and not their fellow Indian brothers (Brysk 2000b:142). Further, Shuar representatives denounced the war and stated that it was an absurd fight of whites and mestizos, and that the Indians were only protecting their ancestral land (ibid:143).

The setting up of an international border which resulted in the separation of Shuar meant that they could no longer freely move around in their areas. Armed forces and missionaries forced them to build trenches against each other, and prevented them from crossing the border. A representative of the Shuar organisation FSCA explains it like this in 1992:

“One day, as in 1941, there was a war between two peoples who we had never known before, they were Ecuador and Peru. Later they divided our lands without taking us into account and obliged us to call our families Peruvians, and ourselves Ecuadorians. They put up border markers and they called it boundary and established military settlements.” (Radcliff 1998:287)

As we see from the Shuar representative, they had been ignorant about the war, its parties and causes, and the activities of conflict became what included them into the countries fighting each other. Patrickson also reminds us that a majority of the indigenous groups were not informed of the conflict, and could not understand why outsider fought over their own territory (1996:15). The Orient had practically always been outside of the states’ administrative control and abandoned by the governments because of its physical isolation that made it almost inaccessible (Brysk 2000b:141, Patrickson 1996:3, 28, Herbst 2000). This failure to govern the Amazon was still apparent in the 1990’s when directors of government
agencies and outside analysts agree that the state has no presence and ‘shines by its absence’ (Yashar 1999: 82.84, Brysk 2000b:108-109).

3.2 Indian Identity

Identity is always created in relation to something intimate, collective and external, and ‘the Indian’ was first established by the European conquistadores as an ‘other’; they were ethnic groups distinct and contrasted from the rest of society (Nelson 1999:181, Maybury-Lewis 191:207, Warren and Jackson 2002:11). Until then, each ‘indigenous’ group called themselves by a separate name, and had no reason to feel any kinship with opposing ‘indigenous’ groups (Brysk 2000b:57, Urban and Shezer 1991:12). Since then, however, it has come to denote a non-dominant sector of society exhibiting historic continuities and territorial belonging (Nelson 1999:296, Myntti 2000:110). One can argue that internal structures as well as international political processes of debating, drafting and adopting conventions, such as the ILO convention 169, that define indigenous individuals and communities as beneficiaries, are part of the process that reconstitutes the indigenous identities in opposition to an ‘other’. The category is strengthen every time someone accepts the use of it.

Conversely, policies have also sought to replace the term ‘Indian’ with a strictly national point of reference for identity, and that way tried to shape their sense of identity (Thornei nn:4). Due to a citizenship gap and as long as Indians have not felt all that Ecuadorian or Peruvian, it has been difficult to implement. Still, the word ‘Indian’ might have derogatory meanings, and people prefer to call themselves by their home village or community of villages. Because of the stigmatisation of Indians, and the fact that ethnic identity in Latin America is as much a socio-cultural question4 as a purely racial one (Eckstein 1989:23), ‘Indianness’ tends to decrease in opposite proportion to a person’s urban and economic integration. On the other hand, among certain urban groups it is a trend to take on a patchwork of traditions and symbols and thereby try to become Indian (Abercrombie 1991:96, 100, 111, Jackson 1991:131). From this we understand that being Indian has a variety of meanings, it both separates and brings together, and that these meanings are constantly renegotiated and reconstructed both by self-identifying Indians, and by academics, policy makers and the like (Nelson 1999:286). The concept of being Indian is not essentialist or objective, but syncretic, hybrid and subjective (ibid:130, Harvey 1999:12). What constituted a

4 There are for example examples of missionaries and other whites going Indian, and even becoming chiefs of their communities (Brysk 2000b).
person’s self-identity varies, as well as it varies how a person chooses to stress and signalise the identity in interaction with others, and how this is accepted by the community the person wants to belong to (Graham 2002:183).

Indian identity has been imposed from outside, and been connected with their primitive life styles, priority in time of occupation of territories, cultural distinctness and marginalisation (Myntti 2000:110). Indians have been seen as exotic, and there has been a certain aesthetic fascination by their way of dressing, dancing, and living. Traditions, narratives and history have been invented to create unity within and explain the authenticity of indigenous groups to the outside (Urban and Shezer 1991:10). This kind of folklorisation and rhetoric of a timeless culture and connection to land, has been a central strategy for strengthening Indian bonds, or even creating them from where they did not exist before (Nelson 1999:304, Warren and Jackson 2002:9). Both Ecuadorian and Peruvian national cultures have adopted some of the features of their Indian heritage, such as celebrating certain festivals, but this has in many ways further marginalised Orient-Indian identity in relation to Andean-Indians since the urban Indian elite has projected Andean symbolism much more actively.

For an identity to have legal importance, it has to be clearly defined and recognised by the legislative power. Most states, as well as the United Nations, have a definition of who or what community can be counted as ‘Indian’. These definitions are often based on language, region of living or of origin, and kinship ties, but also on clothing, religious affiliation and habits. During the border conflict, as there was insecurity as to where the border lay, the population at the frontier were unable to take for granted what nationality they belonged to, and therefore which of their multiple identity as Shuar, as Indian, but also Ecuadorian and Peruvian respectively, were more important (Wessendorf 2001). Likewise, it was difficult for Ecuador and Peru to know who were their citizens, and neglect of the people was an easier option. People felt displaced by not knowing where they belonged and to whom they owed loyalty (Radcliff 1998:285). This did not contribute to strengthening their national identity. At the same time, the common experience of the war and marginalisation and exclusion from society that Indian communities had in common created a basis for an Amazon pan-indigenous unity.

The Shuar now consider themselves one indigenous group, although there are significant cultural differences between the distinct villages and communities. The demarcation of the boundary also meant that they are not affected by similar national policies. When organising themselves, there was a lack of identity, both as legal recognition and as
sense of belonging to a collective (Brysk 2000b:86 and personal communication). Thus, the Shuar for themselves had to consolidate their internal identification at the same time as requesting recognition by the state when organising themselves in 1964 (ibid:68). Because of the common problems such as a complicated relation to the state, and helped by an international orientation, nowadays the reach of this collective identification is even broader, in pan-indigenous alliances and federations (ibid:34, Warren and Jackson 2002:1). However, not all indigenous groups share the same conditions or traits, and cooperation is made difficult by ethnocentrism as well as quest for power and domination that creates tensions within such overarching organisations (Eckstein 1989:24).

3.3 Indian Demands

“Our goal is simply to live in dignity” was a Shuar leader’s clarification of their demands (Brysk 2000b:59), or as the leader of CONAIE said “It [the final border delimitation] has to take into account the criteria, rights and aspirations we as indigenous peoples have.” (Macas mn, my translation) The main demands Indians have, that are common struggles for indigenous groups both nationally and internationally in forums such as the UN, but also characteristic for those of the Orient, is that their status be recognised so they can access arenas of participation in national politics and gain some autonomy and self-determination over their communities and territories (Nelson 1999:291). Issues linked to rights of language and education are also important for Orient-Indians as well as other peoples (Jackson 1991:133).

Indians demand their right to have a recognised identity as individual citizens and as an ethnic community within a nation-state. In international law the indigenous are seen as national minorities (Kymlicka and Norman 2000:18), while they aspire a status as more than a mere minority, and thus want a broader, and somewhat different, set of rights. They claim a right to be different and want these differences to be respected and protected so they can be handed over and kept by coming generations (Nelson 1999:180). The indigenous have benefited from being seen as minorities, and if they get another legal status, they might expect to also lose some of these advantages in return for other rights, such as that of self-determination (Minority Rights Group 1997:700).

“It might be argued, therefore, that the struggles of popular movements for dignity, voice, and autonomy are precisely attempts to constitute the “people” as a political actor; that is,
a people with the right to participate freely in public debate and uphold the right to have rights.”

“The various currents within the national indigenous movement may have different notions of autonomy, but they are united in their opposition to any form of political system that continues to deny them full and equal representation.” (Harvey 1998:35, 238)

As Harvey expresses it, this is a struggle for being a political actor with the representation in and ability to change the political system. This will be how they are able to practice their status. Indians want to participate in local, national and international political debates through access to representations at the political arena (van Cott 2003). In addition to basic human rights, and rights granted with their national citizenships, they also demand collective rights for their communities. These involve rights of autonomy, self-determination and self-government to be able to structure their societies in their traditional ways, and to control the development and transfers of Indian territories (Jackson 2002:88). The meaning of territory as an environmental context is important to the formation of indigenous claims (Nelson 1999:283, 305). Shuar identity is closely related to the landscape they live in. Having lived in the region for long, they are dependent on it, and destruction of their natural environment therefore also threatens their cultural identity (Buzan 1993:55-56). Therefore the Shuar are also willing to fight for their landscape and wanting themselves to be in control of it.

Living close to the nature, the concept of border is not something vital for the Indians. They have lived in that landscape since before the arrival of European conquistadors. Borders are important to mark the limits of a nation-state, and it is important for the consolidation of power and creation of identity within that state. Yet, the Indians of the Orient have not had a conventional relation to the nation-state. Their existence and demands have alternately been unknown, ignored or suppressed through history. Since they were never recognised or integrated as subjects to the conflict, neither were they taking active part in its resolution. Many indigenous groups fight for registration and recognition of their ancestral land, and borders can represent limits of their possibilities for managing their land. Border divisions should be revised with regard of the indigenous and their territories, not to make additional infringements on their rights of land use and movement (Lama 1994). The demarcation of the Ecuador-Peru border did not take Indian concerns into account, rather one can understand if the governments saw the demarcation as a way of impeding Indian land claims. With sub-national partly autonomous political structures, the Indians can govern their land, and

5 “[T]iene que tomar en cuenta los criterios, derechos y aspiraciones que como pueblos indígenas tenemos.”
influence how it is being used. With regard to the oil discoveries in the Amazon some indigenous communities have been very active in demanding shared benefits, or even had observation posts to prevent any intruders from oil companies (Brysk 2000b:170, MacDonald 1992:27-28). Since oil is an important economic variable in both countries, the governments are interested in maintaining the control of those resources.

3.4 Indian Rights

Indians demand human rights on the same basis as others (Brysk 2000a). The United Nations’ organs dealing with indigenous issues lie under the Human Rights Committee. Particular claims of indigenous rights have come about from the fact that they are prevented from having full human rights, and the collectivist way of thinking of many indigenous cultures (Scheinen 2000:186). Therefore, they also ask for rights not just as individuals, but as communities. Their demands of recognition and participation in relevant processes are founded in international political and legal documents that we will briefly mention here.

Already in the 1940s, the United Nations set up a Sub-Commission for Prevention of Discrimination and the Protection of Minorities. The Working Group on Indigenous Populations is a subsidiary organ of this commission and came about in 1982 (Daes 2000, Minority Rights Group 1997:695). With the Working Group, indigenous have gotten a political space in the international arena, and they are good at using it for their purposes (Thornei nn:3). Questions concerning indigenous populations regularly feature agendas of various other UN organs as well, but their international legal status is still limited, as statuses of other NGOs (Minority Rights Group 1997:695).

3.4.1 ILO 169

The International Labour Organisation, ILO, adopted convention 169 concerning Indigenous and Tribal Peoples in Independent Countries in 1989. The convention entered into force in 1991, and by 2001 14 countries had ratified it and a number of other countries had it under active consideration (ILO 20016). Still, it is important as a norm (Myntti 2000:129) that followed convention 107 from 1957 about the Protection and Integration of Indigenous and Other Tribal and Semi-tribal Populations in Independent Countries (Minority Rights Group 1997). Although not binding documents, they are important points of reference when

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6 Lamentably, it has been impossible to access convention 169 on the ILO website, http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C169 in any way during the period of this work. I therefore have to rely information from 2001 from another source within ILO. It does not note if Ecuador or Peru has ratified it.
indigenous claims are raised. It has also been praised for the high level of involvement of Indians in the drafting of the declaration (Nelson 1999:295). Convention 107, inter alia, protects Indians from being removed from their land, and ask that traditional ownership of land be recognised. The more recent convention elaborates on the right to land that they occupy or otherwise in use by the peoples in concern.

As previously noted, for the definition and creation of an Indian identity, political debates and documents have been important. Article 1 in ILO 169 defines indigenous as peoples who

“[descend] from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions”,

and adds that self-identification as indigenous shall be a fundamental criterion.

There are several articles in the ILO 169 that are relevant to the Indian role in peace building. ILO 169 secures Indians rights to partly determine and govern their societies. Article 6 commits governments to “consult the peoples concerned […] when considering legislative or administrative measures that may affect them directly”. Further, in article 6 and 7, it is the responsibility of governments to make sure that the indigenous can participate freely and to the same extent as other sections in all levels of decision-making processes that concern them. At the same time, Indians shall have the right to decide their own priorities and exercise control over their land and resources, economic social and cultural development, and take part in formulation, implementation and evaluation of development plans, article 15. When there is interaction between the government and the indigenous peoples, special respect has to be paid to the relationship Indians have with their land, article 13. Also, interestingly in our case, article 32 secures the facilitation of “contacts and cooperation between indigenous and tribal peoples across borders.”

An obvious flaw in the ILO 169 is that it does not specify what duties the indigenous have in relation to the state and government. There is no mention of what Indians are obliged to contribute with, or that the Indians should consult the state that they form a part of. The difference between exploitation and mutual respect is meaningful, but one has to be careful when accusing states that do not comply with all aspects of the ILO 169 for not paying attention to their indigenous peoples. There should not be automatics in the international
community granting Indians what they demand on the single basis that they are a political and ethnic minority without questioning if such measures are necessary for their sustainable living and what consequences it would have for the state system.

3.4.2 Self-Determination

The Shuar federation aims at “self-determination of the Shuar groups within the concept of a pluralistic state.” (Hendricks 1991:68) This shows that the concept of self-determination is changed from being associated with secession and formation of independent states (Myntti 2000:87, Heraclides 1991:22). Nowadays, the concept has broadened and includes the right of a recognised group to collectively participate in democratic governance and influence one’s political, social, economic and cultural situation and development for the future. Self-determination is still related to the sovereign nation-state, and it is up to the state to interpret and enforce citizenship and recognition of groups within the state (Brysk and Shafar 2003). Thus, a state can freely determine which groups inside the state that will be self-determining, and what issues they can determine themselves.

Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights provide that “All peoples have the rights of self-determination.” (IWGIA) Nonetheless, there are opposing views on whether indigenous peoples should be incorporated in the Human Rights’ notion of ‘people’, with its connotations to citizens of an administrative and governing state and legal implications (Nelson 1999:296-298), or if they are ‘populations’. It has been claimed that ‘population’ fails to acknowledge the combination of individual and group rights (Daes 2000:68). The question of identifying a group as a ‘people’ is a main challenge when dealing with indigenous rights, such as when drafting the ILO 169, and especially their claim to collective ownership and management of territories (Brysk 2000b). Following this, there still lacks a clarification of who has the mandate to declare someone a ‘people’ and of what mandate a ‘people’ has for determining its conditions (Henriksen 2000:132). From this, aspects concerning rights to autonomy over land, such as to clarify what rights indigenous have to land, and what land they have rights to can more easily be agreed on (Levy 2000:300). Because the term self-determination has been so related to secession, although this has not been a serious attempt by any indigenous population, it has made governments sceptical and protective of their monopoly on projecting power. ‘Autonomy’ and ‘self-government’ has been coined to embody some of the same degrees of non-interference by the state, but they are not totally interchangeable concepts (Myntti 2000:114).
Self-government, as a space in which indigenous communities have some autonomy, is a system where indigenous peoples are seen as semi-sovereign states or domestic dependent nations that do not conduct foreign affairs (Kymlicka and Norman 2000:26, Levy 2000:305). It also has to be negotiated with the state if autochthons juridical systems can be applied (Drzewieniecki 1995). As it seems today, neither nation-states nor indigenous groups see the state-inside-a-state as a viable model for giving indigenous groups certain autonomy. Sovereign states are not willing to give up all of their control over indigenous groups (Nelson 1999:308, Daes 2000:79), and the Indians, as well as the relatively weak states, are not in a position where they can accumulate the necessary resources for a successful transition to self-government. What they demand is a level of permanent internal self-determination with the rights as described in the ILO 169 (Myntti 2000:103-105). Self-determination is the concept that best covers the indigenous demand to political access and participation, at least in what concerns them, as long as there is no will nor pre-conditions for semi-seceding. Once again the question is very much about identity, and a system of differentiated citizenships could institutionalise some of the ambiguities regarding self-determination.

3.5 Indian Social Movements

Indigenous organisations and movements have been an increasingly active player on the international scene (Thornein:16). In 1992 Rigoberta Menchu Tum received the Nobel Peace Prize for her commitment to the Mayan uprising, this confirmed that the Indian struggle is that of all people to live in peace. Another powerful recognition of support to Indians that further motivated their emancipation, was when the UN General Assembly decided in 1993 to launch a decade of Indigenous Peoples (Nelson 1999). The kind of attention that has been given to indigenous issues, such as the Chiapas in Mexico and Mayans in Guatemala, has also shaped and set standards for how new organisations are administered.

There are big differences between how influential and important Indian movements are nationally, but they are important as non-governmental institutions and for reinforcing identity claims. Some Indian movements, such as Amazonian CONAIE, have been especially efficient in articulating their demands (Thornein:1, 3). Ecuador is well known and commended for its large indigenous organisations, and have a tradition going back to the 1960s with indigenous groups getting organised to protect themselves, and to fight for a bigger place in national policy making (ibid). Peru, on the other hand, has had a weaker civil society, and also weaker Indian movements (Levitsky 1999). In Peru, Indians are identified
more as peasants, and thus lack a strong self-identification as indigenous. Dominating movements have instead been the Sendero Luminoso and other guerrilla-like groups.

Just as there have been different trends in states’ relations to Indians, indigenous relations to states have also followed common lines. Peru has implemented indigenist policies trying to assimilate Indians to becoming ordinary citizens. This has been a general trait of Latin American politics, resulting in two discourses among the Indians. Katarismo is an indigenous ideology where alliances with other groups are sought. Katarismo-oriented groups collaborate with other ethnic minorities, and often also with environmental and human rights organisations internationally. Thereby the difficult discussion of who qualifies as an authentic Indian movement is unimportant as long as there is a mutual gain. It also has a political effect to unite and forge links based on common ideologies and goals (Jackson 1991:135). Indianism, however, is a more racial ideology that rejects any cooperation with non-indigenous groups, or with organisations of other Indians. (Harvey 1998, van Cott 2003).

Others, however, use the term ‘indianism’ as a communitarian paradigm that places collective identity as more important than individual identity. Still, the aims of indianism is to go back to the traditional way of Indian living, and a strong rejection of the modern is therefore necessary. (Cuadra 2001:63).

Indigenous movements are not always initiated by the indigenous themselves. Anthropologists, missionaries and others living with them and sympathising with them have been catalysts for their organisations (Jackson 191:144). These sympathetic outsiders have also been an asset to the movements in shaping their organisational structure and helping them use a language that will actually be understood (Warren and Jackson 2002:16). Indigenous organisations have attracted environmentalists and other solidarity movements, and in Ecuador even the military, for cooperation (Lucero 2001). One reason why the indigenous so effectively have entered international politics, is that they are very conscious on using a vernacular and symbolism that appeal to their audience (Graham 2002:210). They balance a diplomatic way of speaking with powerful connotations to what is perceived as ‘Indianness’ such as kinship with Mother Earth and brotherhood with people of other nations (Ewen 1994).

3.6 Summary

The definition of a socio-political Indian identity is difficult and involves many aspects. One has to keep in mind that identity is shaped as a contrast to something else, but also as an expression of belonging. Indians in Latin America, and so also in Ecuador and
Peru, have strong organisations, and there is pan-Indian cooperation that has also become important internationally during the last decades. This recognition of Indian status is important for them to voice their demands, and to claim both the right to human rights and communitarian indigenous rights. Issues of self-determination are important for Indians and correlate with the principles of international conventions, such as the ILO 169 and we have therefore explored the possibilities of this, in light of the demand of Amazon Indians to have autonomy over their territory. When it is established that Indians can govern their land, it follows that they should have a say in the settlement of the border conflict in their territory.

4 The Border Conflict between Ecuador and Peru

A century long history of grievances should never be an excuse for not solving problems of the present, but to solve them as best as possible, certain knowledge of the historic setting of the conflict is essential. In this regard it is even more important to understand the narratives of history, even if anachronistic, that both of the two countries have created and retell to make their claims to the disputed land. I will therefore present a brief summary of the most important historic events and processes, and also indicate what is the Ecuadorian, or conversely, Peruvian, truth (Ulloa 1997:61). Firstly, we will look at the situation of 1995 when the last war before the peace agreement was fought. Subsequently, the historical background and interests of the involved countries will be discussed.

4.1 The Conflict in 1995

The five week long war between Ecuador and Peru in 1995 was a politically tense conflict over a little piece of border that warranted a major international dispute (Jervis 1988:693). After the exertion of the boundary demarcation following the Rio Protocol of 1942, Ecuador unilaterally suspended the demarcation in 1950. This was also at the time when it first argued not to be bound by the Rio Protocol. (Palmer 1997:114) This undemarcated area was difficult to access (Brysk 2000b), thus difficult and also less necessary to place landmarks in, and can be characterised as hinterland (Herbst 2000:152). After all, the parties had agreed that they would no longer dispute the demarcated 95% of the border, and had defined the points between which the last 78 km would be drawn (Washington DC).

Ecuador argues that at it should at least have navigable access to the Marañon river (Woods 1978:154), an appendix to the Amazon, if not directly to the Amazon river. The Santiago river flows as a side river from the Marañon river, going northwards before turning west, and south again to make the Zamora river. The disputed area covers only some hundred
square kilometres of the area between the rivers Santiago (in Peru) and Zamora (in Ecuador). This is where the Cordillera del Condor divides the landscape in its eastern and western parts. The Cenepa river is not an arm of the Santiago river, which makes the issue more complicated in geographical terms. Ecuador thought that the appearance of the Cenepa River should mean that the border would follow the natural line of the river. While Peru claimed that it should follow the back of the Cordillera del Condor. This way, Peru possesses all of the Cenepa valley, although the upper part of the rivers lies in Ecuadorean territory (Patrickson 1996:15-16).

There is no agreement on how the conflict ignited on 26th January 1995. Ecuador might have had some interest in attacking Peru when it was already weakened from struggling against the guerrilla group Sendero Luminoso (Palmer 1997:115). Nevertheless, although Peruvian military personnel were fighting the Sendero Luminoso, there was no comprehensive counterinsurgency plan, and the bulk of them were guarding Peruvian borders (Mauceri 1991:100, 104). There are some indications that Peruvian troops already from the end of 1994 were entering Ecuadorean territory (Radcliff 1998:278). Ecuador could also have wanted to attract international attention to a war, and hope to get sympathy for this new kind of situation at the border (Marcella and Downes 1999:2-3). On the other hand, Peru had long had the upper hand in the military aspect of the conflict, and could except to win when finishing the affair once and for all. Peru had at some occasions earlier rejected negotiations and rather prioritised a military solution (Woods 1978:182).

In many war situations it is difficult to find out exactly who is defending and who is the offender depending on how this is done. There are tendencies to overestimate the opponent’s hostility and expect the worst when moves are made, while at the same time degrading one’s seeming threats. This is also a process of self-justification where one is optimistic about strengthening one’s bargaining position. (Jervis 1988:675, 678, 688). In the conflict between Ecuador and Peru, small losses were serious because they could start off a self-perpetuating circle where the enemy would gain the advantage of your loss. This fear of losing something to one’s enemy is, as we have explained, integral to the mindset of distributive negotiations, and appears almost inherent to war.

Before the war, there was some political communication between Ecuador and Peru, and the military was asked to withdraw. However, neither of the governments had authority enough to command the military and they were forced into hostile attitudes (Woods 1978:176), which further marginalised the diplomatic endeavours. After five weeks of war, and 100-300 casualties, it seems that Ecuador was the victor (Radcliff 1998:289), at least in
its own mind. It launched a well-integrated military campaign that Peru was unable to confront (Bowen 1995, Palmer 1997:119) This might have put them on a more equal basis to Peru, and made their relationship, at least at the military level, more symmetric, and thus opened for reconciliation.

4.2 Long-term Historical Background

Peru was reached and thereby discovered by conquistadores in 1524. It was a colony under the Spanish crown, and each administrative unit had a viceroy under command of the Spanish king. Peru was an important centre for the conquistadores, both the former Inca capital Cuzco and what now is the Peruvian capital Lima served as nucleuses of the Spanish rule in Latin America. In 1539 the Governor of Peru, Gonzalo Pizarro of Cuzco issued an expedition to the eastern parts behind the Andes. The Spanish national, lieutenant Fransisco de Orellana was to lead the expedition. They passed through Quito to rest and collect provisions on their way (Woods 1978:10-12, Washington D.C. 1995). From Quito, they fought their way through the jungle, and reached the Amazon on 12th February 1542. Ecuador argues that the expedition started in Quito, and that Ecuador has the rights over the land, although it was a province of the viceroyalty of Peru until 1739. A common slogan reads: “Quito is the city that discovered the great Amazon River, and this is why Ecuador has been and will be an Amazonian country.” (Woods 1978:10-12) At the same time Peru asserts that “To say, then, that the discovery of the Amazon was an Ecuadorian historic event is a meaningless claim.” (Ulloa 1997:24, my translation).

While Peru was a single administrative area, Ecuador was part of Nueva Granada which consisted of what today is Venezuela, Colombia and Ecuador. Peru got its independence in 1821, and Ecuador had to wait for nine more years. However, Peru had been defined as a powerful nation and had some level of autonomy even under Spain, prior to its declared independence, leading it to believe that it is a significantly more mature state than Ecuador (Ulloa 1997:23). Peru was also the dominant during the Inca empire which reached to Ecuador from Cuzco, and resettled loyal Peruvian Incas among rebellious and newly subdued Ecuadorian Indians.

Decolonisation in Latin America happened in the early 19th century, long before the African decolonisation and the establishment of the principle of self-determination in the international legal system (Heraclides 1991). The guideline for establishment the territorial
integrity of independent nation-states in Latin America was the concept of ‘uti possidetis’; ‘as you possess’, (following: ‘ita possidatis’; ‘so you shall continue to possess’) (Ulloa 1997:100, Peruvian Ministry of Foreign Affairs, Pritchard 1998:9). This implies that as a colony gains independence, the borders from the colonised period are taken over without much discussion. In Latin America this meant that borders of the viceroyalties became the borders of the new nations. In principle Ecuador possessed the Orient, but Peru had already settled in the area. This should also foreshadow the further tactics of the countries, where Ecuador claimed its historic right, Peru was the country present and exercising political power over the region (Patrickson 1996:13, Woods 1978:14, Ulloa 1997).

As long as the Orient was a remote and unimportant region for the capitals of Quito and Lima, an exact demarcation of the border was not of much importance (Patrickson 1996:3, Palmer 1997:116). There was no popular demand to clarify property rights in the region (Woods 1978:21). That is why, as long as it was a relatively passive border, it was not a topic of dispute. The state did not have administrative control over the area, and it did not miss it either. The physical integration of state and territory was still not assumed to carry much importance, and the state therefore concentrated its power to more densely populated areas. Sooner, as it became clear that no two countries can be in control of the same territory, or believe so, the conflict was there. The discovery of natural resources made the region more important for both the opposing parties. (Patrickson 1996:3, 28, Herbst 2000)

Originally, it was a question of possessing the whole area, but, as both countries argued their case, it got clear that it was more a question of where the border would divide the territory into an Ecuadorian and a Peruvian part (Woods 1978:42). After both countries were declared independent, there were some legal doubts about whether certain political provinces at the frontier belonged to Peru or Ecuador. Protocols signed between Peru and Gran Colombia, to which Ecuador at that time belonged, were used as legal arguments, but Peru claimed that they were void since they were not signed by the independent state of Ecuador. The territories were settled according to the principles of uti possidetis; the boundaries of the colonial period would be kept after independence. From this, a treaty was agreed on in 1832. However, in 1860 and onwards, there were further disagreement about the validity of treaties. The parties asked the king of Spain to arbitrate in 1887, but Ecuador left the process in 1910 before any judgement came (Rudolf 1992:41).

The US got a role as a mediator already in 1924, when the parties met in Washington DC. This process led to the 1936 status quo agreement concerning the actual possessions of the countries. Apparently, Peru was the overall winner in this, since it had strategically, but
slowly, settled and exercised power over regions for long. As late as 1862, while Quito saw the Orient as part of its territory, and sent missionaries there, the missionaries returned with the message that the Peruvians had occupied most of the area (Patrickson 1996:10). Ecuador had abandoned a part of their land that had such a symbolic importance for its national self-esteem and pride (Woods 1978:54). This exemplifies the different strategies of legal claims versus effective presence in and governance over the territory.

The status quo line did not satisfy either of the parties. Peru quickly stated its official interpretation of the line, which in effect denied Ecuador all the advantages it could have had from the agreement (ibid:5) and engaged in an arms race (Franko 1999:131). Some years after, in 1941, war broke out again. Both countries had troops at the frontier, and there were clashes, more than mere ‘incidents’, between them. It is difficult to judge who was the aggressor, since both provoked and blamed the other. Peru tended to get less international sympathy, as it was the bigger and military stronger power. Ecuador easily took on the role as a victim. It was the smallest country, had a weaker army, and about to lose a third of its original territory (Patrickson 1996:13). The impartial mediator of the US also tended to support the Ecuadorian case, since there was an implicit agreement that they might get some access to the archipelago of Galapagos in return, although Ecuador also felt that the US became more understanding towards Peru (Ulloa 1997:5, Woods 1978:89, 148).

4.3 The Conflict after the Rio Protocol

The Protocol of Peace, Friendship, and Boundaries, most often referred to as the Rio Protocol, was signed on 29th January 1942 in Rio del Janeiro and later ratified, under the facilitation of Brazil, Argentina and the US. It defined the border with the basis in the status quo line, setting lines according to the landscape of the frontier. An important aspect of the protocol was that it also named the three facilitating countries as guarantors with a responsibility to make sure the parties would solve any further disputes peacefully. After the protocol, an Ecuadorian-Peruvian Border Demarcation Commission worked to demarcate the border. By 1950 they had demarcated about 95% of the 1600 kilometres long border, and only 78 kilometres between the landmarks of Cunhuime Sur and November 20th was left uncertain (Radcliff 1998:279, Rudolf 1992:85). Ecuador unilaterally decided to suspend the further demarcation, and left therefore a watershed between the rivers Santiago and Zamora without markers (Palmer 1997:112, Washington DC). Of the undecided 78 kilometres the Brazilian arbitrator Braz Aguiar declared that the border should follow the natural lines in the easiest and most direct way. Nevertheless, Peru still claimed that the line should be direct, while
Ecuador wanted a line to follow the mountain Cordillera del Condor in the middle of two rivers (Academia Diplomática del Perú 1996:93-94, 139).

As early as in 1945, president Prado expressed Peru’s desire to have a politics of mutual cooperation between the countries (Academia Diplomática del Perú 1996:163). Only two years after, in 1947, the US Air Corps flew over the Amazon and found the river Cenepa at the mountain chain Cordillera del Condor (ibid:209, Palmer 1997:113). This river was not known before, and led to a discussion on whether the borderline should follow along it, or along the terrain that was previously known. Ecuador declared the Rio Protocol to be meaningless and non-binding, since it was signed under false premises and without full information about the demarcated area (Donoso 1982:479). Ecuador also pointed to the principle of uti possedetis which was violated, and that the protocol was signed in duress under political pressure from the US (Palmer 1997:111, Donoso 1982:479, Rudolf 1992:42, Pike 1977:266). Peru, however, kept referring to the legal document of the protocol and held that it was valid, although their opponent no longer recognised it (Tudela y Varela 1997).

There was a relative peace between the two countries until 1981. This year is remembered for the war of the military post of Paquisha (Radcliff 98:274). Some skirmishes and armed clashes happened in the early eighties, especially in relation to the annual celebration of the peace protocol in January (Rudolf 1992:85, La Franchi 1995). Others argue that such incidents were mere trivialities, and that one cannot expect there to be no exchange of arms when troops from conflicting countries are left for a long period of time so close to each other in the deep rain forest (Little 1987). At a meeting of the Organisation of American States in February of 1981, however, the situation was denounced and Ecuador and Peru were encouraged to sign a cease-fire (Washington DC).

4.4 Ecuador and Peru’s Interests in the Conflict
Relative to the low number of people living there, the Orient is of great importance for the Ecuadorian economy. Only a small percentage of Ecuadorians live in the Orient, and there is a significantly higher number of Peruvians living there (Woods 1978:22). For both nations the Amazon represents fertility, abundance and potential, yet is seen as uncivilized (Radcliff 1998:283). It is for its strong symbolic importance in national historic narratives that both countries have been so entangled in the conflict. Both sides view their history through nationalistic filters heavily influenced by domestic politics and portray themselves as victims of the aggression of the other (Marcella and Downes 1999:2, 6). To have a stable enemy like that can have positive influence on national unity, and at least an ongoing conflict justifies
why domestic spending is not sufficiently prioritised. The Indians living there have never interested any of the countries, which further shows their marginalised role in the war.

The forests of the Orient are difficult to access (Brysk 2000b), and were never really governed by neither Quito nor Lima (Yashar 1999:82-84, Herbst 2000). To facilitate trade and exportation of raw materials from the Orient in an expanded infrastructure, Ecuador claims navigable access to the Marañon river, via one of the rivers Santiago, Morona or Pastaza (Woods 1978:154, Donoso 1982:478). Peru has access directly to the Amazon river, but would not let Ecuador hinder its way to the Pacific sea.

The biggest industries are oil, rubber, and wooden materials, all which leave great areas of land deforested and threaten the environment of the indigenous. Some colonialists entered to extract kautshuk, a raw material for rubber (Patrickson 1996:22), but otherwise it was not until the oil discoveries in the 1960’s and 1970’s that the governments saw the region as a potential source of income (MacDonald 1992:27). With the oil discovery, another potential for economic exploitation of the region emerged and added a new dimension to the conflict. Indigenous communities have resisted the expansion of oil drilling, and claimed the right to manage the resources of their land. If the indigenous communities gain territorial autonomy, they can leave the oil, or access and extract it according to their standards, and thereby profit from it. In this respect, it is vital to understand that this poses a challenge to the governments, where they fear giving territorial autonomy to the indigenous communities, because this could have negative consequences for the national oil industry and consequently destabilise the countries again.

Peru had a political interest of diverting attention away from the Sendero Luminoso and other internal problems. Politics in Peru were characterised as populistic, it is focused on the persons candidating rather than on party programs, and when the war broke out in 1995, Peruvian presidential elections were forthcoming (Levitsky 1999). President Fujimori had incentives to launch a war to increase the sentiment of national unity (Gerlach 1995). He entered the line of heroic warriors, and won the re-elections, but was accused of fabricating reasons for going to war (Arana-Ward 1995). Thus, the elite had incentives to promote conflict causing national myths instead of mitigating them (Mansfield and Snyder 2002:304). Peru has had strong claims that the Rio Protocol should still be considered valid. Their legal position through settlement and occupation of the region, also counts strongly (Tudela y Varela 1997). Peru also referred to judgements of border cases of Cambodia and Thailand were political presence and control of territory was decisive for defining the border, to argue its case (Academia Diplomática del Perú 1996:297).
The main argument from Ecuador has been that it is an Amazon country since Orellana’s discovery of the great river (Donoso 1982:473, Radcliff 1998:280). The letterhead of the Ecuadorian military says, “Ecuador is, has been and always will be an Amazon nation.” (Marcella and Downes 1999:5) The tendency is that Ecuador refers to historical legal documents whereas Peru has shown more actively that it is capable of consolidating state power of the Orient. That their claims refer to such different points, has been one of the difficulties when figuring out ways of settling the conflict that could satisfy both.

4.5 Summary

We have seen that the conflict in the Western Amazon has a long history that complicates it. Because of the symbolic importance of the Orient for both Ecuador and Peru, it has not only been a question of where the border should go, but also of control over natural resources, and most of all over national integrity. Through the times there has been several attempt to settle the dispute, but the parties have not been able to agree. By seeing how the war in 1995 was launched, and how it affected the Indians, we have established the ground on which we can expect that the Indians were seen as a party to the conflict, and therefore involved in the negotiations of it.

5 Towards a Peace Agreement

In this section we will look at what made possible the agreement on a settlement of the conflict. How was it possible that after so many years of dispute, and so many faoiling attempts to solve it, Ecuador and Peru finally managed to conclude their conflict? We will also look at the integration of the Indian perspective in the peace solution, and ask whether a process that was less integrative could have led to a similar settlement.

5.1 Getting to the Negotiating Table

Ecuador and Peru had attempted to solve the border dispute in several ways. From time to time one of the parties invited a third party to mediate or arbitrate, but equally often, one of the other country protested and backed out of negotiations (Palmer 1997:117-118, Ulloa 1997:54). Both Spain and the US had been involved as mediators. Argentina, Brazil and the US offered their friendly services to the conflicting parties in 1940. Ecuador accepted this, but Peru was cautious and put conditions for the use of good offices (Woods 1978:83). At the Rio Conference, which led to the Protocol, Chile joined as the fourth member of the group of third party states (ibid:155).
Both countries were hesitant to the idea of open first track negotiations by policy makers (Bavly 1999). They would alternate in retreating from talks or declaring treaties or certain interpretations of treaties void. Peru desired to solve the conflict, but thought at the same time that this could be done more efficient by military means (Woods 1978:182). Stubborn principles, such as that of wanting to be an Amazon country, were acted upon, but could never explicitly be used while arguing claims to the territory. When it was stated as a claim, there seemed to be no will for compromising. Diplomats and soldiers in both countries fought to recuperate all of their lost Amazon land. Thus, we can recognise the negotiations previous to the war in 1995 as competitive and mainly distributive.

Because of undemocratic politics and the domination of the military over politics, the conflict between Ecuador and Peru had been so protracted and difficult to solve (Palmer 1997:133). Even when the diplomats thought it best not to show aggression, the military would act according to its own estimation of the threat. Peruvian president Fujimori, who later scandalously fled the country, paid a friendly visit to Ecuador in 1992 (ibid:114). There he proposed four common objectives, and showed willingness to negotiate with these in mind. These objectives were to finish the border demarcation, agree on a solution for free navigation, generate a framework for economic integration, and build confidence between the countries (Obando 1999:103). As an act of reciprocity, the Ecuadorian president visited Lima some time after, but did not respond to the invitation to negotiate.

Both countries were heavily affected by internal political crises that made it more difficult set resources aside for solving external problems. At the same time giving increased attention to external problems would keep critical voices away from commenting on internal affairs. Politicians’ eagerness to each be remembered as a nationalist additionally hampered peacefulness from both countries (ibid 1999:101). During the negotiations there were internal political-diplomatic-military crisis situations in both Ecuador and Peru. The president was impeached, as well as the taking of hostages at the Japanese embassy in Lima by the revolutionary movement Tupac Amarú, respectively (Palmer 1997:130). In spite of these tumultuous internal situations, however, the negotiations proceeded, and eventually succeeded.

5.2 Four Guarantor Countries as Mediators

The Rio Protocol states that the four guarantor countries should provide military observers, article 3, solve doubts and disagreements, article 7, collaborate with the demarcation, article 9, and more generally that these activities should be continued, article 6,
until a solution has been reached (Marcella and Downes 1999). Thereby the role of the four countries was formalised. One can even say that the Rio Protocol places more emphasis on the guarantors than on the conflict and its parties. Thereby the protocol does not offer a peace agreement, but rather an understanding of the mutual will to proceed with substantive negotiations. One can see this shift from disagreeing on negotiating, to signing that negotiations should go on with the help of third parties, as turning from distributive and slightly towards integrative negotiations.

The guarantor states took care of the immediate military problems first, and then asked the parties to come to the table and negotiate (Watson 1995). They initiated a three-stage peace process stabilising the military situation and establishing a demilitarised zone prior to defining a common procedure and advancing to substantive negotiations (Palmer 1997:122-123). It was important to institutionalise negative peace before starting substantial talks (Marcella and Downes 1999:4). Since the mediators encouraged the parties to deal with such ‘simpler’ and practical issues first, any pressing actual situation was not ignored by diplomatic inaction (Starkey, Boyer and Wilkenfeld 1999:118). In this way, active mediators could shape the process and influence what was the substance of the negotiations (Berridge 1994:13).

Mediation is useful to a dispute that is complex and protracted, and is in a stalemate from which the parties do not seem able to communicate without outside assistance (Berkovitch, Anagnosen and Wille 1991:8). Mediation is more efficient if the parties are not prepared to escalate the conflict, and if they previously have attempted to solve the crisis with their own effort without reaching any conclusion. Furthermore, this implies the important point that mediation is not an alternative for solving a problem unless both parties are willing and consent to inviting a third party to help. But, it is more likely that a third party will be involved if the conflicting parties are bitter and unable to meet each other directly (Berridge 1994:13). From this, one can see that Ecuador and Peru were ready and mature for negotiations. After long conflict of lower or higher intensity, the countries were no longer interested in war as much as in peace, but they needed help to start communicating with each other (Ulloa 1997:54).

A third party action can be defined as “any action taken by an actor that is not a direct party to the crisis, that is designed to reduce or remove one or more of the problems of the bargaining relationship and, therefore, to facilitate the termination of the crisis” (Young in Starkey, Boyer and Wilkenfeld 1999:33). This is very much the role of mediators, to facilitate communication between the parties. The mediator should be impartial to the conflict
He will attempt to change the disputants’ behaviour, choices and perceptions (Berkovitch 1991:2). As a mediator, one views the situation from a different angle, and can attempt to contextualise it less as a conflict also for the disputants. This can assume a somewhat manipulating role, but it is always a question of moderating misperceptions for the sake of a valuable outcome.

Berkovitch further points out that inclusion of a third party adds another element into a dyadic relationship, and that this therefore changes the direct power relationship between the parties (ibid). The tension of a situation where there is evident asymmetry between the parties can ease or seem less critical in a new triadic relationship. Whereas mediation can be seen as a situation of reciprocal influence (ibid:6), in the process, the mediator, more than the mediated, take the role of guiding the others and exercising some kind of power over the conflict. The mediator is a tactician attempting to bring about change both in the opposing parties and in the matter of conflict (Bavly 1999). If the third party intervention does not contribute to or facilitate conflict resolution and instead further aggravates the conflict, it is obviously not desirable as help for the parties (Marcella and Downes 1999:11). Thereby, focusing on settling the terms for mediation and defining expectation, goals and roles, is an important first step to substantive negotiations.

Mediation must be kept distinct from arbitration, another method that was used to try to solve the Ecuador-Peru conflict. Whereas arbitration is a legal process in which the third party comes with a binding decision, almost a judgement, mediators can come with advice and draw attention to seemingly fair solutions, or restrict oneself to providing assistance during negotiations (Starkey, Boyer and Wilkenfeld 1999:34). What the mediator chooses or is allowed to do depends on the context and circumstances, and his mandate. In many cases, as in ours, the mediator will agree on the procedure for the negotiations together with the parties (Palmer 1997:122). A mediator can also take on a rhetorical role of asking the right questions, or take a more systematic approach of identifying common interests to possibly increase the zone of agreement (Starkey, Boyer and Wilkenfeld 1999:110, 118).

To decrease the risk for one party disrespecting the mediator, it is important that a person amenable to both is chosen carefully and that he makes the negotiators feel well in the talks (Palmer 1997:127). To ensure open and fruitful negotiations, the mediator should also, at least in the beginning, emphasis the importance of confidence between the parties, and reassure them of the good will of all involved (Berridge 1994:14, Starkey, Boyer and Wilkenfeld 1999:116). The guarantors dealing with the conflict were serious and committed. The persons employed were highly regarded and competent professionals who did their
utmost for finding a viable solution (Palmer 1997:127). They were also flexible and able to understand and act in a cultural setting different from their habitual one (Wright).

The US had long showed interest in its ‘back yard’ of Southern America. It had been involved in 1921 with the Chile-Peruvian dispute over Tacna and Arica (Pike 1977:201). It sought to be influential in the hemisphere, and was interested in gaining access to ports, as well as rights to put military bases, in the Ecuadorian islands of Galapagos (Ulloa 1997:5, Woods 1978:89, 148). However, it seems that the US diplomats that would work most closely with this conflict, were able to see beyond their country’s interests. Argentina has no border with either Ecuador or Peru, and was therefore the most impartial of the South-American countries involved. Brazil has its own interest in the Amazon, but has not wished to expand that far westwards. One can also see Brazil as a very capable of judging in matters about the Amazon, since it possesses most of the rain forest area itself. Brazil also see themselves as apt for engaging in peace processes and aiding neighbouring countries as part of their long term foreign policies and responsibility of a regional power (de Oliveira 1999:141). Chile, on the other hand, had a conflict with Peru about their frontier. Also in this case the question of access to ports was central. Chile’s conflict with Peru was officially settled in 1921, but there was still significant hostility between the countries (Pike 1977:201).

However, what the four guarantors did to shape the negotiations had a bigger impact on making them significantly more integrative. The guarantors are praised for being selflessly committed to solving the issues at stake. They assisted politically, diplomatically, and cartographically, but of crucial importance was also their military presence through the Military Observer Mission Ecuador-Peru; MOMEP. MOMEP has been praised for allowing military experts to take care of the military issues, and keeping them separate from politics (de Oliveira 1999:150). Still, it was after the war in 1995 that the guarantors affirmed their commitment to solve the dispute and become more assertive (Marcella and Downes 1999:7). However, the positional dispute (Radcliff 1998:279) within the realm of politics persisted and had to be dealt with.

5.3 Negotiations become Integrative

At a point during the mediations in 1996, after establishing the procedures for negotiations, when the four guarantor countries explicitly asked that both Ecuador and Peru compile a written list over ‘remaining substantive differences’ to be submitted to the mediators and exchanged with each other (Palmer 1997:124). I argue that this can be distinguished as the specific point in time where the negotiations turned from being
dominantly distributive, to becoming more integrative. At this point, the mediators asked the parties not to hide, but rather to clarify, their intentions (Berridge 1994:10). The counterclaims were still to be discussed, and both countries could expect to forfeit some of their specifications. Nevertheless, by enforcing transparency between the parties, distrust, misunderstanding, and misperception could be minimised. This also expressed recognition that the conflict was more than just a territorial dispute, but that it also had strong national-historic symbolic meaning (Marcella and Downes 1999). Ecuador and Peru each wrote a document with their claims, their unquestionable positions, and their willingness to compromise. The relationship between Ecuador and Peru could thereafter reach a more harmonious stage when they were able to have more accurate perceptions of each other (Jervis 1988:680). The parties could therefore feel more relaxed in their relation to the guarantors and to each other, and the mediators could commend the parties for the actual progress that had been made, and inspire to continuation of the process.

These lists of claims and concessions also provided the mediators with information from which they were able to make out what were the major zones of agreement, where acceptable outcomes overlapped, and disagreements. They could identify common interests or possibilities of movement away from initial diverging positions. By engaging in collaborative negotiations, using interest-based bargaining techniques, the mediators can link or broaden concepts of interest and see a general pattern of the possible solution. By understanding the importance and salience of the various issues, there could be a way for the mediators of finding common ground and possibilities for compromises. The actors perceive certain things to be at stake (Starkey, Boyer and Wilkenfeld 1999:79, 83, 110), and if the mediators come with a suggestion that does not violate any of the most important claims, this might lead to the drafting of a peace proposal. Thereby, in 1996, both parties were willing to negotiate, but any concrete acceptances of concessions were not articulated (Bonilla 1999:84). It took yet another two years before the mediators came with a suggestion for a peace agreement based on the positions of Ecuador and Peru. After the mutual concessions were made, the countries were able to see their national dignity ennobled by being able to go through such a negotiation process without letting concessions represent grave losses (de Oliveira 1999:50).

The thesis of the democratic peace, according to Kant since democracies constrain the application of force (Marcella and Downes 1999:215), has gotten much attention, and one should ask whether the fact that the two countries were somehow democratised had a positive impact on the negotiations. Democratic countries sooner or later should develop greater transparency, and they should also allow for greater influence by the population on the
politics. The ‘demos’ can therefore work to expand and shape the perspective of political space (ibid:223). Thus, if public opinion turns against the high costs of military alertness in a longstanding dispute that drains prospects for financing social development, politicians are more likely to take this demand seriously, at least as they are always preparing for the next elections. However, it is likely that also military and politicians made a realistic assessment of the cost of further conflict, and saw it worth to solve (ibid:214). When the indigenous mobilise, they also become a group that can exert effective political pressure in a democratic system.

Both Ecuador and Peru were transitional, or partial, democracies, but it seems that this only complicated the solution of the conflict further (Palmer 1997:134). A country in transition is more vulnerable to internal and external changes and conflicts, and might lack policy coherence and predictability (Mansfield and Snyder 2002:302). One should keep in mind that deliberately settling a dispute is as much part of the actual transition to becoming a peaceful and democratic state as a consequence of a terminated transition. Both Ecuador and Peru acknowledged that their future depended on the kind and quality of peace they were able to settle (Gallegos 1999:201). Vulnerability to outside influence can also be a force that insists that it is time for peace, and as Little (1987:591) paradoxically notes, the longer a conflict has lasted, the closer it is to an end;

“The more longstanding a dispute (structural in the sense that it survives regime changes and socio-economic epochs alike), the more likely it is that the conflict to which it gives rise can be managed. This may reflect a learning process, but it is more likely that those disputes which persist do so because their resolution is not essential.”

5.4 Peace Agreement of 1998

The Brasilia Agreement, drafted and suggested by the guarantors, was signed in October 1998, and marked the start of peaceful and friendly relations between the two neighbours (Ecuadorean Ministry of Foreign Affairs). Since the signing of the agreement, the relation between Peru and Ecuador has been nothing but “excellent”, characterised as “friendliness, understanding, dialogue, political cooperation and frontier integration” by the Peruvian Ministry of Foreign Affairs. It seems that a win-win solution was possible thanks to third party ventures, political and military will of reciprocity and consensus, although neither of the sides achieved their maximum demands (Marcella and Downes 1999:223, Marcella 1999:234).
Before writing the comprehensive proposal for an agreement, the guarantors each had commissions working to suggest possible solutions in four main areas; commerce and navigation to ensure Ecuador’s navigational access to the Amazon, mutual security agreement to prevent conflict, border integration for economic development, and the initial cause of the recent conflict itself, namely the demarcation of the border (Marcella 1999:231). The agreement therefore defines the point between which the border shall finally be drawn, and included monitoring of military aspects such as arms investments and weapons proliferation. This transparency of military affairs is an important aspect of consolidating confidence between the parties (Francis 2001:18, de Oliveira 1999:151). Programs of disarmament of the border, and the establishment of demilitarised zones, are important to convince the neighbour that one is interested in maintaining peace (Jervis 1988:695).

What is referred to as the creative and unique part of the Brasilia agreement is the establishment of a protected ecological zone, a natural park, in the demilitarised area. The western Ecuadorian and eastern Peruvian part of the common ecological zone will each be ruled under national law, respectively, but border each other and will be managed in cooperation. Additionally, Ecuador is granted one square kilometre of Peruvian ground as a private property. This is the area of Tiwinza, which is an important point to Ecuador due to its role in the 1941 war. However, while Ecuador can access Tiwinza freely by one public road linking the property to Ecuador, this should not affect Peruvian sovereignty. The government of Ecuador has the rights as the proprietor of the land, but cannot station police or military forces there. Thereby, Ecuador has no grievances because of Tiwinza being outside of their reach, but Peruvian right to rule its territory is not challenged.

The agreement also states that “Members of the native communities of the region will be able to transit freely between the two ecological zones.” (Marcella and Downes 1999:247). This recognises that there are natives in the area, and that these should have a special opportunity to cross the border for maintaining contact with their people (IPS 1995). This is also in accordance with principle in article 32 of the ILO convention number 169 that indigenous peoples should be able to maintain their contacts across borders and it is important for each Shuar who will not be denied contact with their people on the other side of the border. The establishment of the ecological zone implies that the governments have a responsibility to protect the landscapes of the indigenous, and thereby also protect a crucial part of the identity of the indigenous. Still, the agreement does not set any standard for who should count as ‘member of a native community’ or regarding how ‘freely’ they should be able to transit. Problems regarding citizenship, rights of ownership, receiving of social
benefits, and paying of taxes, have to be dealt with in cooperation between the natives and the governments and can become a challenging concern.

A peace act as the Brasilia agreement in itself does not make peace, but lays a foundation for it. Following the peace settlement several national and bi-national plans were worked out. There is one overarching project coordinated by both Ecuador and Peru called Plan Binacional, simply the Bi-national Plan.

“The Ecuador-Peru Bi-national Plan for Border Region Development is called upon to demonstrate that peace, cooperation and mutual confidence are essential elements for promoting development, good governance, democracy, respect for human rights.” (Presidents Lucio Gutierrez, Ecuador, and Alejandro Toledo, Peru, International Advisory Meeting 2003:3)

The implementation of the plan is still partly monitored by the guarantors, which demonstrates their commitment to positive peace. The programs include development plans, expansion of infrastructure and building of roads, private investments in the region, external financial assistance from international institutions (both grants and loans), and plans for cultural mapping and tourism (International Advisory Committee 2003). There are still problems to be dealt with, such as explosive remnant and land mines, underdevelopment, lack of state governing, and exploitation of natural resources, but the two countries have used of their ‘scant resources to improve the living conditions of the Orient’ (ibid:3), and the planners realise that these are both short and long term issues that do not produce results overnight. Since both the plans and their implementation are relatively new, there has still not been any comprehensive evaluation of the results.

5.5 Integration of the Indians in the Negotiations

Even though Indians such as the Shuar are, or at least see themselves as, the traditional owners of the disputed land, they were not consulted regarding how to settle the territorial disagreement (Lama 1994). Indians did not have a decisive role in the peace negotiations or were given significant consideration in the actual agreement. Representatives of the increasingly important Ecuadorian pan-Amazonian indigenous organisation CONFENIAE tells that

8 Public information about the comprehensive bi-national plan is available from Peru http://planbinacional.ree.gob.pe/dominonosf/planbinacional.nsf and Ecuador http://planbinacional.gov.ec
“Never once has either government consulted the indigenous nations that live in the disputed area, even though it is the indigenous nations that are most affected by this dispute. As indigenous people we feel that we should be consulted and allowed to participate in the peace process and we are sure that our wisdom would make a positive contribution in resolving this conflict.” (CONFENIAE 1998)

Just after the war in 1995 Amazonian Shuar and Ashuar Indians from Ecuador and Aguaruna and Huambiza Indians from Peru arranged a meeting to which the international non-governmental organisations such as the International Red Cross, Amnesty International, the Human Rights Committee of the Organisation of American States, and other Amazonian organisations were invited. At this meeting they came with a proposal of making a bi-national indigenous and ecological reserve in a demilitarised frontier zone. The indigenous suggest that this park should be under indigenous administration. (IPS 1995) When conflict transformer and peace professor Galtung met the Ecuadorian president in 1995, he also suggested a bi-national zone with a national park (Transcend 2001). Both these meetings were attempts of track two negotiations, were non-governmental and non-interested actors with ties to policy-makers, take part in the diplomatic process, and hopes that their involvement will have some effect (Starky, Boyer and Wilkenfeld 1999:54, Bavly 1999). Track two diplomacy had a potential for becoming a way for those who are otherwise excluded from a political process to find a common ground from which to lobby the decision-makers (Marcella and Downes 1999:223). Although the indigenous were not formally involved in the negotiations, it seems that they had some power to influence since the ecological zone became such an integral part of the border solution.

Although the idea of the natural reserve passed through, the bi-national plan can still be criticised for not involving the Indian perspective. Only one research project is proposed that concern the Indians, and that is a mapping of autochthonous festivals and other cultural events of the Indian communities, to be used for tourist-industrial purposes. On the other hand, illustrated by the inclusion of ‘native communities’ in the Brasilia agreement, Indians have become a political subject during the 1990’s, and again one can ask how marginal their role would have been if they were not a social and ethnic movement with international reach (Brysk 2000b:20).

Many academics recommend that the states see the indigenous as an advantage instead of problems. In the field of conflict resolution, it could be rewarding to draw on traditional
ways of indigenous conflict resolution. Since the disputed territory is inhabited by Indians, their ways of managing the sharing of a vast natural area among sparse communities, could contribute to further integration of the negotiations. These qualities include emphasise on reciprocity, compromise, reconciliation, and equilibrium. (Drzewieniecki 1995). As long as the Indians of the Orient were excluded from the conflict they were victims of, the integrative approach is not yet meaningful. Integration among the opposing parties should not be undermined as it is obviously critical for reaching a solution to the disagreement. One can even judge that the Indians were a third party to the conflict since they were not allied with neither government. In this sense there are parallel conflicts, one between politicians of neighbouring state, and another between both these states and their native population.

The parallel conflicts can also be seen as the conflict over the actual frontier land versus the fight to maintain national pride and political survival. In this scenario, the political and military elites are interested in the Amazon not for its natural resources or inhabitants, but for being remembered as the one who expanded the country’s size on the map. This understanding has also become rooted in the parochial political culture of the countries and has been exclaimed patriotically in press and school material (Radcliff 1998: 278, 281). Thus, the reality of the conflict regarding the daily lives of some hundred thousand indigenous has been irrelevant, and their integration into solving the conflict would have been meaningless since they are only involved in the conflict on a very little scale. Furthermore, this perspective does not recognise the Indians as party to the conflict in any way, only as victims who happened to be in a war zone. Indigenous life situations are ignored and unimportant as a legacy of the past, and their claims to political access will be seen as unfounded criticism by the state.

While the Brasilia agreement settles the political cartographic dispute, the bi-national plan, with its focus on economic integration and development, is a sign that there is also will to look for solutions of the citizenship gap problem. There is an ambition that the Orient region shall no longer be forgotten as a remote hinterland of little interest or value. The attention that now is given to the region might have as a consequence that autonomy as a lack of government control will decrease for indigenous communities, at the same time as their chance to mobilise for rights of self-determination in certain issues, will increase as their presence and identity are recognised by the state. From this position the Indians can negotiate a formal contract of autonomy and self-determination, and still form part of a pluri-ethnic state. The present confirmation that Indians have a place in national politics and development
might indicate that this can also be the democratic practise of Ecuador and Peru, and that the indigenous have a place in decision-making and around future negotiation tables.

5.6 Summary

We have found that the mediation of the four guarantor countries was crucial to solving the conflict. With the involvement of the guarantors, Ecuador and Peru changed their attitudes towards negotiations and opened for a political space in which integrative negotiations could continue from distributive rounds. The Indians were excluded from the negotiations, perhaps because they could not be regarded as parties to the political conflict, but it seems that track two diplomacy by local indigenous organisations in cooperation with international actors, provided the mediators with an idea to the shaping of the Brasilia Agreement of 1998. It is not possible to say if negotiations could have succeeded earlier if the political will had become more integrative earlier, or whether the change of conditions was a consequence of the fact that it seemed that the conflict would come to an end along that line of mediation. Nonetheless, the main finding was of the solution of the conflict, and the bi-national projects that are planned. Although Indians were not highly involved in the peace negotiating stage, they can be relevant actors in the implementation of the development plans.

6 Positive Peace Including Indians

Can there be positive peace without the Indians? We have established that the Indians did not have an integral role in the peace negotiations. However, they see themselves as having resources and experiences that could benefit the peace process, as well as claiming the right to participate in shaping decisions that concern them. The guiding assumption is still that indigenous participation is crucial for development of positive peace. To justify this, it is necessary to ask what are the conditions for Indian integration, and what will be the implications of this, both from Indian and state perspective.

6.1 Indians in the States

States are units for social organisation, and might have to be reorganised if the content of its social dimension changes (Gellner 1986:6). Thus, seeing the Indian issue as a substantive social issue that is pressing within a state, one can expect reformation in state policies, such as accommodating legal standards for indigenous rights, as the indigenous get more integrated (Nelson 1999:287). When Indians count up to 40% of the citizens and are increasingly politically aware, their votes are powerful in even a populist democratic political
system. The interaction between indigenous and the state always depends on the context of the decision-making, and the integration of the indigenous represents a change in context (Rubio 1995:213-214). It is in the interest of the state to regulate the paradoxical relation between state sovereignty and indigenous autonomy, as it fears loosing realms of its power (Nelson 1999:308). The state will also be interested in enforcing nationalist ideology to bind Indian loyalty and make Indians identify themselves as nationals as well (Billig 2001:19). To manage this, the both Ecuadorian and Peruvian governments have to broadcast power over the Orient more effectively (Herbst 2000). The socio-physical presence of such institutions that could have been the link between the indigenous and the state in the Amazon, where citizens could have an arena of acting on their political membership through citizenships, were weak and have a definitive potential for consolidation (Bickford 1999:91).

When developing and implementing state policies it is difficult to find a balance between too much equality; assimilation, and too little equality; discrimination (Nelson 1999:289). Even thought there might be policies and rights aimed at the Indians, they have tended to be inactive because of lack of political will and resources to implement them. Policies such as indigenism have aimed at incorporating Indians into the state and implied a denial of indigenous identity (Urban and Shezer 1991:6, Benjamin 1996:202) and in effect systematically excluded Indians until they became invisible citizens (Stavenhagen 1999). During indigenist times, in 1920, the Peruvian government issued a law to recognise communities. The law specified how communities should be organised for them to be recognised. It was irrelevant to social organisation among Indians, and did not improve their situation (Drzewieniecki 1995). The Peruvian Office of Indian Affairs was established in 1937. Later, Ecuador followed with a similar institution, and soon a law recognising Indian communities (Pike 1977:262-264). Common for such institutions were that they treated Indians as ‘savage innocents’ in need of paternalistic care and guidance, and failed in empowering them (Warren and Jackson 2002:21). Following this line, in 1991, Ecuador agreed to recognise that some territories belonged in a special way to indigenous groups. However, this did not influence the border conflict. Neither did the Indigenous Affairs offices solve practical difficulties, such as a rule of proficiency of Spanish for being competent to vote that excluded non-Spanish speaking Ecuadorians from voting during elections although they had citizenships (Lucero 2001).

When Indians are not integrated into the state, one should look for the reasons for this both within the state, but also among the Indians. There has been a lack of group coherence among Amazon Indians, and this is very important when dealing with the state as one entity.
Such a group needs to prove its distinctness from the rest of society and have common interests and objectives (Bickford 1999:90). It has been up to the Indians to organise themselves and challenge the state, but at the same time, the indigenous require that the state recognise their identity as individual citizens and as communities. Since indigenous movements have had the capacity to act internationally and in strategic coalitions (Thorne 1995:10, Rubio 1995), they have been able to circumvent the state and work transnationally (Gallegos 1999:203), but this has also weakened their claim to the right to influence nationally.

The state, as the social organiser and administer is responsible for ensuring appropriate procedural measures to enable effective participation and informed consent of indigenous communities in matters of concern to them, and the indigenous are responsible of receiving information and create a participatory political culture from below. There should be forums where indigenous can express their opinions, and that these opinions are given due consideration where the indigenous do not have direct access to the decision-making process. (Myntti 2000: 118, 122, 125-127, 129) Meaningful and effective consultation and consideration of indigenous communities is a way of securing the sustainability of their way of life, as well as securing that they do not need to rebel against the state (Scheinen 2000:187, 193). Development programs should not overrun, but be sensitive to Indian demands, and involve them in the dialogue with the government representatives. It is likely that the states will reorient themselves away from marginalising the Indians, when the conflict is over and the emphasis is on long term bilateral cooperation (de Oliveira 1999:142).

6.2 Positive Peace Building

From the initial quote of this paper, one can wonder whether the Ecuadorian state sees peace as something that they can prepare and give to the Indians. Peace does require political and military support (Mauceri 1991:104), but the civil society below the state also has an integral role when it comes to forming and implementing peace. Gallegos (1999:202) even notes the importance of starting Ecuador-Peruvian peace consolidation in border towns and founding it first in the conflict areas. This way, peace consolidation will start in the periphery of the countries, precisely where the indigenous reside, instead of being imposed by the capitals. As such, security policies will also be rooted in what the citizens need when they look to the state for protection as a part of the process of reducing the contradictions between state and social security (Buzan 1993:57).

As Lester B. Pearson reminded us, to make peace the parties have to know each other; “How can there be peace, if we do not understand each other? How can we understand each
other, if we do not know each other?” Dialogue is therefore both a means and an end of positive peace in Ecuador and Peru. It is a means because through dialogue it is possible to learn about the interests of the indigenous, other groups and the state and take them into consideration, and also an end in itself to increase communication between the parties. For Ecuador and Peru and the indigenous to cooperate without exploitation or domination, they need to have a close dialogue in which the terms of their relationship can be renegotiated (Daes 2000:79). The bi-national plan mentions that its implementation should be done in respect for the rights of indigenous groups and local inhabitants of the Orient region (International Advisory Committee 2003:4), and good communication is necessary to ensure this. Some development programs in the bi-national plan also stress that contact between indigenous communities is crucial (ibid:19). This is not further specified, but could be interpreted in relation to the right to cross borders to keep in touch with one’s indigenous kin as stated in the Brasilia Agreement. The bi-national plan further emphasises the interdependence between the two countries, in economic, as well as other aspects, and thus creates a buffer against future war-like situations (Obando 1999:99, Mares 1999:92). The countries have also understood that for a sustainable future of the Amazon, this also has to be an area of cooperation involving even Brazil (Mares 1999:230).

Media is also an important tool that can be used both when justifying war and mobilising for peace. National newspapers on both sides wrote nationalistically about the conflict, exaggerating the hostile sentiments and justifying the respective country’s position (Ulloa 1997:42). As citizens living outside of the war zone did not experience in the conflict, their knowledge about the conflict was limited to what they learned from news reports (Gerlach 1995). The media campaign was even more successful in the capitals than in the countryside where illiteracy is high. In the frontier, TV and radio signals might be from across the border and further confuse as to which country one belonged to (Radcliff 1998). In 1997, as a part of the general peace building in the countries, Ecuadorian and Peruvian press representatives met in Lima to agree on a standard behaviour of informing, not frightening or spreading propaganda to the public (Gallegos 1999:205). They agreed to avoid nationalist rhetoric that could be hurtful to the peace process (Kegley and Raymond 1999:233). Media has also largely ignored indigenous issues, and can be used when the popular demand wants indigenous integration.

6.3 Future of Positive Peace in Ecuador and Peru
The development of positive peace in the Amazon countries relies on the states’ and societies’ ability to consolidate a political culture of participatory democracy, and keep eager to implement the bi-national plan and live up to its intentions (Mansfield and Snyder 2002:301). Since positive peace is an inclusive peace that takes social dimensions into account, it is important not to leave anyone out of the process. In general, it can be said that all beneficiaries of positive peace should take part in the shaping of it. For the development programs of the bi-national plan to succeed, they have to be planned in collaboration with the indigenous as beneficiaries. This is also a question of self-determination, about which the Committee on Elimination of Racial Discrimination declares that “there exists a link with the right of every citizen to take part in the conduct of public affairs” (in Myntti 2000:105). For example, it is important that tourism in the Orient is managed by the Indians, instead of turning them into museum expositions (International Advisory Committee 2003:22).

The kind of peace that is possible depends on the kind of war that preceded it. We have seen how a minor border dispute grew and had large implications for those involved and affected by it. Even though the Indians were not initially starting the war, they became entangled in the conflict. To some degree, they had been ignored by their governments, and had lived in relative autonomy external to the life of the rest of the nation (Jackson 1991:146, Maybury-Lewis 1991:227). The peace process provided the Indians with an opportunity to formalise their ties to one or the other state, and thereby their claims to the state also changed. We have seen that they demand a recognised identity, and that this was not so necessary in earlier time, while now, being more integrated as citizens, the need to institutionalise their relation to the state and their self-determination and autonomy. The challenge is to use the formal border not as a hindrance, but as a catalyst for ‘promoting a culture of peace and cooperation’ (International Advisory Committee 2003).

6.4 Summary

Positive peace as the absence of social injustice and structural violence cannot be consolidated without an active state. However, positive peace is not just built from above, but imply the participation of the national society. Integration of the indigenous alone is not sufficient, all parts of society must be included. Yet, since the Orient Indians were distressed by the war, and would be affected by a border establishment, but also since they are and should be recognised as citizens of Ecuador and Peru, they should have a central role in the peace process. When aiming at peace, the states should open for and expect the same mobilisation as when going to war. Ecuador and Peru should cooperate with the Indians to
create policies and institutions that would ensure an effective dialogue. Media is an important catalyst both for mobilising and the dialogue between state and society. For engaging in such a dialogue, there has to be mutual respect and recognition of both Indians and the states as partners.

7 Positive Peace With the Indians

In the introduction we asked if there can be positive peace without the Indians, and learning about positive peace as a peace that integrates all society, we find that there cannot be positive peace in Ecuador and Peru without involving the indigenous. The integration of Indians into the peace process in Ecuador and Peru will have a very important impact on the development of positive peace since positive peace negates social injustice, and excluding them from building peace would be unjust and discriminatory. If the positive peace should involve all of the society, Indians cannot be excluded. We have seen that the Indians demand status as political subjects within their countries, and the right to participate in decision-making that concerns them, but that they also claim rights to self-determination and autonomy over their territories. The Indian leader Macas suggests that Indian land and resources be managed by the indigenous living in the Orient in order to preserve and develop peace once it is well-established (1994).

It was difficult to solve the border problem because it was closely connected with national pride derived from interpretations of history, and also involved issues of natural resources, in particular oil. When politicians and the military had agreed on a cease-fire, this was an important step towards peace. The negotiations of this were integrative on the diplomatic level, which opened for a creative win-win solution of the conflict, but failed to integrate the Indians. The Brasilia agreement, and the following bi-national plan, however, go further and express the states’ determination to work towards positive peace. With these documents, the indigenous and their situation and demands are acknowledged, which gives hope for their social and political involvement in the future. Most important is that the states, when no longer in war, can solve this parallel conflict with the marginalised Indians. There need to be policies and institutions that ensure the implementation of policies, and make sure that they are meaningful and effective. Social development programs, such as those in the bi-national plan should be planned, implemented and evaluated in cooperation between the state and the indigenous, and with mutual respect. This might have the consequence that both the states and the indigenous have to reinterpret their identities and renegotiate their relation if they are to coexist without controversies.
The settlement of this conflict, originally about the border, was only possible as a result of a realisation of the parties that it is more important how states meet, than exactly were they meet (Wilson and Donnan 1998:21). National borders are powerful symbols that political leaders can manipulate and fight over for their own purposes (de Oliveira 1999:141), but how leaders threat their population is also increasingly important. Lowering the citizenship gap within the country, and in particular giving due attention to indigenous demands and the norms of Indian rights, should be the objective of Ecuadorian and Peruvian politicians, instead of personal dignity and aims of expanding national territory. With demarcated borders, the territorial limitations of the states in the Amazon are clear, and their responsibilities can be defined. If peace is the responsibility only of the state, to ask for Indian integration becomes irrelevant. However, if positive peace is the outcome of several sets of dialogues and the successful implementation of new policies, it also involves an active society. When Zaragocin finds that the state owes peace to the Indians, it can be read as the state owing to the Indians to settle the dispute fought over their territory, that the states owe them a negative peace on which positive peace can be built in cooperation.

The case of Ecuador and Peru has shown that long-standing and bitter disputes can be settled and that the politico-military mentality of ‘never say never to war’ can change to ‘never say never to peace’. Ecuador and Peru have committed themselves to a long-term process of developing positive peace with each other and with their pluri-ethnic populations. To continue successful implementation of the bi-national plan, both Ecuador and Peru will need support from the guarantors and others. Ecuador has experienced a serious economic decline (Lucero 2001), but is taking the indigenous issues serious (Economic and Social Council 2003). Peru has had a more positive development with the election of Alejandro Toledo, an urban, over class Indian, as president in 2001. Both countries reduced military spending, and reorient their finances for peace and development (Peruvian Ministry of Foreign Affairs). When realising that there cannot be positive peace without the Indians, the states have a stronger incentive to grant the Indians citizenships that recognise their special status, and act according to these. Even though the Indians were not party to the conflict, they must be party to the peace if it is to be a positive peace.
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