

Republic of Ecuador
Ministry of Foreign Affairs, Trade and Integration

[Received 14 March 2011
Division for Ocean Affairs and the Law of the Sea]

Note No. 4998CGJ/GM/2011

Quito, 9 March 2011

Sir,

The Government of the Republic of Ecuador has the honour to request that the United Nations should record and disseminate Executive Decree No. 450 of 2 August 2010, signed by Rafael Correa Delgado, Constitutional President of the Republic, approving and ordering publication of Ministerial Agreement 0081 of 12 July 2010 and Nautical Chart IOA42, annexed thereto, which plots the maritime boundary between Ecuador and Peru and the outer maritime boundary - southern segment - of the Republic of Ecuador.

Pursuant to Executive Decree No. 450, the maritime boundary between Ecuador and Peru has been drawn following the geographical parallel running from the point at which the land boundary between Ecuador and Peru reaches the sea, as the maritime boundary between the two countries, in accordance with the provisions of the Santiago Declaration of 18 August 1952 and the Agreement on the Special Maritime Border Zone of 4 December 1954.

Ecuador has formulated a reservation to the statements made in the letter dated 12 April 2010 from the Government of Peru addressed to the Secretary-General, particularly with respect to Peru's "reservation concerning any map that purports to show maritime boundaries between Peru and its neighbouring States".

I take this opportunity to convey to you the renewed assurances of my highest consideration.

(Signed) Ricardo Patiño Aroca
Minister for Foreign Affairs, Trade and
Integration

His Excellency Mr. Ban Ki-moon
Secretary-General of the United Nations
New York

No. 450
Rafael Correa Delgado
Constitutional President of the Republic

Considering

That article 4 of the Constitution of the Republic of Ecuador establishes that the territory [of Ecuador] includes the continental and maritime space, the nearby islands, the territorial sea, the Galapagos Archipelago, the soil, the continental shelf, the subsoil and the overlying continental, island and maritime space, and that its boundaries are those established in the treaties in force;

That point II¹ of the Declaration on the maritime zone of 18 August 1952, signed by the Republics of Ecuador, Chile and Peru, establishes exclusive sovereignty and jurisdiction to a distance of 200 nautical miles from their coast;

That article 1 of the Agreement on the Special Maritime Border Zone of 4 December 1954, signed by the Republics of Ecuador, Peru and Chile, established a special zone at a distance of 12 nautical miles from the coast, extending to a breadth of 10 nautical miles on either side of the parallel which constitutes a maritime boundary between the two countries;

That Supreme Decree No. 959-A of 28 July 1971, issued by the Office of the President of the Republic of Ecuador, establishes the straight baselines for measurement of Ecuador's territorial sea and indicates, in paragraph (d), the baselines from which the breadth of the territorial sea of Ecuador should be measured;

That, pursuant to Supreme Decree No. 959-A of 28 July 1971, in the southern boundary area, the maritime spaces of national sovereignty are measured from a baseline extending from Puntilla de Santa Elena in the direction of Cabo Blanco (Peru) to the intersection with geographic parallel 3°23'33.96"S., which constitutes the maritime boundary with the Republic of Ecuador;

That on 24 April 2009, at the fourth meeting of the Ecuador-Peru Joint Standing Border Committee (COMPEFEP), the binational cartography for segment 1, which extends from (a) the point at which the land border between Ecuador and Peru reaches the sea at the Capones canal to (b) the Lajas border marker with geodesic coordinates WGS84 for the land border point, where the maritime boundary begins at the thalweg of Boca de Capones, 3°23'31.650"S., 80°18'49.267"W.;

¹ Translator's note: the reference is to paragraph 3 (II) of the Declaration:
http://untreaty.un.org/unts/1_60000/28/18/00054896.pdf.

That article 609 of the Civil Code states that the adjacent high seas to a distance of 200 nautical miles, measured from the most prominent features of Ecuador's continental coast along the baseline established by Supreme Decree, constitutes the territorial sea and falls under national sovereignty;

That, pursuant to Supreme Decree No. 959-A of 28 July 1971, a committee composed of representatives of the Ministry of Foreign Affairs, the Navy and the Military Geographic Institute has studied the plotting of the outer maritime boundaries, measured from the baselines of the aforementioned Decree, and determined their trajectory so that each point on the outer boundary lies 200 nautical miles from the nearest point on the baseline;

That, through Ministerial Agreement 0081 of 12 July 2010, the Ministry of Foreign Affairs, Trade and Integration approved Nautical Chart IOA42, which has been made available to the public on the website of the Naval Oceanographic Institute (INOCAR); and

By the powers vested in him under article 147, paragraphs 1 and 10, of the Constitution of the Republic of Ecuador and article 11, paragraphs (a), (c), (h) and (f) of the Legal and Administrative Statute of the Executive Power,

Hereby decrees:

Article 1. That publication of Ministerial Agreement 0081 of 12 July 2010 and Nautical Chart IOA42, annexed thereto, which plots the maritime boundary between Ecuador and Peru and the outer maritime boundary - southern segment - of the Republic of Ecuador, measured in accordance with the provisions of Supreme Decree No. 959-A of 28 July 1971 and article 1 of the Agreement on the Special Maritime Border Zone of 4 December 1954, is approved and ordered.

Article 2. That this Decree shall enter into force once it has been published in the Official Gazette.

Done at the National Palace, Metropolitan District of Quito, on 2 August 2010, the day of commemoration of the bicentennial of the 10 August 1809 massacre of the patriots.

(Signed) Rafael Correia Delgado
Constitutional President of the Republic

(Signed) Ricardo Patiño Aroca
Minister for Foreign Affairs, Trade and Integration