

ECUADOR

SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
TERRITORIAL SEA	Nov 66	Decree No. 1542 (codified at Civil Code, Book II, Title III, Art. 628)	200nm	Claims territorial sea of 200nm and the airspace above as "national property." <i>This claim is not recognized by the U.S. U.S. protested claim in 1967, 1986 and 1992 and conducted operational assertions in 1979, 1980, 1985-87, 1989-1994, 1999 and 2000.</i>
ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Jul 71	Supreme Decree No. 959-A		Established straight baselines for mainland and Galapagos (repeals earlier law regarding mainland. Baselines around Galapagos had been inferred since 1950). <i>These straight baseline claims are not recognized by the U.S. See LIS No. 42. U.S. protested claims in 1986.</i>
CONTINENTAL SHELF	Feb 51 Sep 85	Legislative Decree Presidential Proclamation	200m	Extended continental shelf out "100nm beyond the 2,500 isobath" along undersea Carnegie Mountain range to include Galapagos Archipelago. <i>This claim is not recognized by the U.S. U.S. protested claim in 1986.</i>
FISHING ZONE/EEZ	Mar 69	Law of Fishing & Fishing Development	200nm	Fishing zone.
MARITIME BOUNDARIES	Feb 75 Dec 75 Mar 85	Joint Declaration of Aug 52 Agreement Agreement		Joint declaration with Chile and Peru delimiting general maritime zone of not less than 200nm from coast. See LIS No. 88. Maritime boundary agreement with Colombia EIF. See LIS No. 69. Maritime boundary agreement with Costa Rica signed.

STRAIGHT BASELINE LEGISLATION

The following is extracted from Supreme Decree No. 959-A of 28 June 1971, prescribing straight baselines for the measurement of the territorial sea. The Ecuadorian straight baseline system, consisting of geographic reference points, includes five points (four segments) along the continental coastline and eight points (eight segments) around the Galapagos Islands (Archipelago de Colon).

WHEREAS, article 628 of the Civil Code establishes that the Ecuadoran territorial sea shall be measured, in both the continental territory of the Republic and the Galapagos Islands, from the straight base lines which will be determined for this purpose under an Executive Decree; and

WHEREAS, a Commission composed of representatives of the Ministry of Foreign Relations, the Navy and the Military Geographic Institute has studied the plotting of such lines and determined their trajectory; and

WHEREAS, such study has been approved by the Ministry of Foreign Relations and the Ministry of National Defense on the grounds that it is in the national interest and fully conforms to the rules of international law which are in force on the matter,

It is decreed:

Article 1

The straight base lines from which the width of the territorial sea of the Republic shall be measured will be constituted by the following-described traverses:

I. On the Continent

- (a) The line will start from the point of intersection of the maritime border with Colombia with the straight line Punta Manglares (Colombia) - Punta Galera (Ecuador);
- (b) From this point a straight line passing through Punta Galera and meeting the northernmost point of Isla de la Plata;
- (c) From this point a straight line to Puntilla de Santa Elena;
- (d) A straight line from Puntilla de Santa Elena in the direction of Cabo Blanco (Peru) to the intersection with the geographic parallel constituting the maritime border with Peru.

II. In the Galapagos Islands

- (a) From Islote Darwin a straight line to the northeastern tip of Isla Pinta;
- (b) A straight line to the northernmost point of Isla Genovesa;
- (c) A straight line passing through Punta Valdizan, Isla San Cristobal, and intersecting the northern extension of the straight line joining the south-eastern tip of Isla Espanola to Punta Pitt, Isla San Cristobal;
- (d) A straight line from this intersection to the southeastern tip of Isla Espanola;
- (e) A straight line to Punta Sur, Isla Santa Maria;
- (f) A straight line passing through the southeastern tip of Isla Isabela, near Punta Essex, and intersecting the southern extension of the line joining the outermost projecting point of the western coast of Isla Fernandina, approximately in its middle, with the western tip of the southern sector of Isla Isabela, in the vicinity of Punta Cristobal;
- (g) From this point of intersection a line passing through the western tip of the southern sector of Isla Isabela, in the vicinity of Punta Cristobal, to the outermost projecting point on the western coast of Isla Fernandina, approximately in its middle; and
- (h) A straight line to Isla Darwin.

Article 2

The sea areas lying between the lines described in article 1 (I) and the coast line on the Continent, and within the lines described in article 1 (II), in the Galapagos Islands, constitute interior waters.

U.S. ANALYSIS

Following is an analysis of Ecuador's straight baseline system, extracted from Limits in the Seas, No. 42, "Ecuador: Straight Baselines" of 23 May 1972. This analysis was done before the UN Convention on the Law of the Sea, however the analysis uses the same criteria later adopted at UNCLOS and thus remains valid.

The straight baseline system consists of 13 points; 5 on or near the mainland, and 8 around the Galapagos Islands. The total length of all the straight baselines is 897 nautical miles. The longest segment, 136 nautical miles, connects Punta Galera (Point 2) and Isla de la Plata (Point 3). The shortest baseline, 37 nautical miles, connects Isla Isabela (Point 12) and Isla Fernandina (Point 13). The average length of the straight baseline segments is 74.8 nautical miles.

SUMMARY

The entire system of Ecuadorean straight baselines is questionable, based upon accepted international legal practices and on criteria established at the 1958 Geneva Law of the Sea Conference. The mainland coast is not "deeply indented and cut into," and it is not an accepted principle of customary international law that baselines can be constructed around archipelagos.

MARITIME BOUNDARY AGREEMENT**ECUADOR - PERU**

The following excerpt from an agreement between the governments of Ecuador and Peru, and the analysis which follows, are extracted from Limits in the Seas, No. 88, "Maritime Boundary: Ecuador-Peru" of 2 October 1979.

IV

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

U.S. ANALYSIS

The Ecuador-Peru maritime boundary and the special maritime frontier zone are illustrated on the map [attached to LIS No. 88]. According to the 1952 Declaration on the Maritime Zone, the maritime boundary extends seaward on the parallel of latitude of the seaward terminus of the land boundary. Hito, or pillar, No. 1, established by the Rio de Janeiro Protocol in 1942 and demarcated by the Ecuador-Peru Mixed Demarcation Commission, is situated at Boca de Capones at 3°23'33.96"S., 80°19'16"W. There seems to be some question as to whether this point defines the latitude of the maritime boundary. An aide-memoire received by the United States Government from the Ecuadorean Government described the boundary in the following manner:

The de jure boundary line between Ecuador and Peru begins in the mouth of the Tumbes River in the Pacific Ocean. Consequently, the parallel which by law should serve as the maritime boundary between Ecuador and Peru has the following latitudinal coordinates: 3°23'33.96"S.

The de facto maritime boundary which corresponds to the Boca Capones parallel, the point at which the 1942 line reaches the sea has the following coordinates: 3°13'33.96"S.