

Constitutional Agreement on the Binational Peru-Ecuadorian Commission on Mutual Confidence-Building and Safety Measures

The Government of the Republic of Peru and the Government of the Republic of Ecuador

Reaffirming their commitment towards peace between the two countries;

Reaffirming their full respect for international law and the principles enshrined in the Charter of the United Nations and in the Charter of the Organization of American States;

Bearing in mind the declarations coming from the Regional Conferences of Santiago and San Salvador on Mutual Confidence-Building and Safety Measures;

Committed to the first article of the Protocol of Peace and Boundaries between Ecuador and Peru, 1942;

Determined to expand and enrich bilateral relations in terms of mutual confidence-building and safety, and to increase cooperation, stability, security, and peace between the two countries;

Welcoming the conclusions and recommendations contained in the Final Report of the Peru-Ecuador Working Group responsible for designing, in the military field of August 26th, 1997, a bilateral confidence-building mechanism between the two countries, as well as the agreements reached in the round-table talks between the High Command of the Armed Forces of Ecuador and Peru.

Determined to put into practice the Bilateral Confidence-Building Mechanism in the Military Field between Ecuador and Peru;

In pursuance of the Brasilia Declaration of November 26th, 1997, and the Timetable for its Implementation (January 19th, 1998); and,

Taking into account the agreements reached by the Fourth Committee on Mutual Confidence-Building and Safety Measures, established in the timetable of January 19th, 1998;

Have decided to:

Constitute the Binational Peru-Ecuadorian Commission on Mutual Confidence-Building and Safety Measures in the following terms:

Article I

Scope

The Binational Commission on Mutual Confidence-Building and Safety Measures will be permanent, and constitute the highest body in this matter. Within the framework of the methodology of the bilateral mechanism, it will decide upon and assess the convenience of any confidence-building and safety measures, mainly in the military field and, if necessary, in other closely related fields, in a well-defined, dynamic, sequential, and incremental process, subject to feedback over time.

Article II

Purpose

To generate and progressively build up mutual trust to encourage peace and safety between Ecuador and Peru.

Article III

Principles

The Binational Commission on Mutual Confidence-Building Measures and Safety will be guided by the following principles:

1. Respect for international law, good-faith compliance with treaties, peaceful settlement of disputes, as well as respect for the sovereignty of States and of international borders, non-intervention and prohibition of the use of threat or force, in line with the principles of the Charters of

the Organization of American States and the United Nations, i.e. the basis of peaceful coexistence and safety among States and the framework for developing confidence-building and safety measures;

2. The implementation of Mutual Confidence-Building and Safety Measures as a manifestation of the political will of States to promote peace and safety, must take place in line with the geographical, political, social, cultural, and economic conditions and needs of each country, in a manner that each considers most appropriate; and,

3. The strengthening of mutual trust as a comprehensive, long-term, and gradual process, through an effective communication, information, and coordination system aimed at developing and deepening mutual confidence-building and safety measures and that considers the progressive incorporation of compatible components that are not strictly military.

Article IV

Objectives

1. To reduce and eliminate mistrust, whilst strengthening trust and safety by diminishing the risk of hostilities caused by misperceptions surrounding the intentions of each state towards the other;
2. To ensure the continuity, development, and augmentation of the existing bilateral commitments regarding Mutual Confidence-Building and Safety Measures and;
3. To promote bilateral reflection on different approaches relating to the concept of safety in a regional and/or hemispheric context;
4. To increase understanding and cooperation between the Armed Forces, as well as knowledge and mutual understanding amongst their members; and
5. To contribute to the stability and development of the bilateral relationship of both countries, and, where possible, to a better understanding between their societies.

Article V

Functions

1. To implement a bilateral mechanism for confidence-building in the military field between Ecuador and Peru, identifying sources of distrust in the said field; to make decisions and to follow-up on these;
2. To evaluate the bilateral mechanism for confidence-building in the military field between Ecuador and Peru; to empower and adapt it to the process confidence-building between Ecuador and Peru;
3. To integrate and, where appropriate, consolidate mechanisms and bilateral procedures existing in the MCMS field;
4. To coordinate the existing bilateral confidence-building authorities, imparting the necessary directives for maximising the contribution of each to the confidence-building process;
5. To identify, design, and propose mutual confidence-building measures in the military field and in other, non-military, related fields. In the second case, the required specialized groups will be established;
6. To monitor the timely, continuous and progressive implementation of the already adopted bilateral MCMS, and the additional ones that the Binational Commission will identify and propose in the military and other related fields.
7. To design and implement procedures for mutual communication, registration, and verification of occurrences;
8. To permanently monitor and evaluate the bilateral process of confidence and safety-building, as well as make any relevant recommendations to strengthen it;
9. To maintain proper liaison and coordination with the relevant national bodies, through permanent executive secretaries, with the goal of better fulfilling their purpose and objective;

10. To serve as a Binational Forum for the exchange of ideas aimed at the development of shared perceptions on issues of mutual confidence and safety in a regional framework;

11. To develop within national societies' interest and understanding on issues related to promoting mutual trust and safety through:

- a. Promoting parliamentary meetings,
- b. courses, seminars and other events of an academic nature,
- c. spreading information on the importance of a climate of mutual trust, and increasing levels of knowledge and understanding between the Armed Forces and societies ,
- d. Anything else that is identified as relevant to the same purpose.

12. To draw up its rules and, where necessary, revise them.

Article VI **Composition and Structure**

The Binational Peru-Ecuadorian Commission on Mutual Confidence-Building and Safety Measures will be composed of four members of each country, appointed by their respective governments: an official general or admiral of each of the three branches or institutes of the Armed Forces and a diplomatic officer with the rank of ambassador. The members of the Binational Commission may be in active or passive service or in the process of withdrawing. The Binational Commission may have access to assistance from consultants.

Each Party will establish a Permanent Executive Secretariat and will appoint an Executive Secretary. These secretariats will be the coordinating and technical and administrative support bodies. They must be made up by personnel of the Armed Forces and the Diplomatic Service. The number and rank of these personnel will be determined by the respective Ministries of Defence and Foreign Affairs.

The Roundtable Discussions of the High Command of the Armed Forces will coordinate its work with the Binational Commission and will operate according to its own Rules

The Binational Commission will make up any specialized Joint Working Groups it deems necessary.

Article VII **Operation of the Binational Commission**

The Binational Commission will operate in accordance with its Rules.

The Binational Commission will hold its first meeting thirty days after this Agreement takes effect in a capital that the parties will agree on.

The Binational Commission will hold ordinary and extraordinary meetings. The ordinary ones will be carried out on an annual basis, and the extraordinary ones at the request of one of the Parties.

The Binational Commission meetings will be held alternately in Ecuador and Peru.

