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Translated from Spanish

Permanent Mission of Peru to the United Nations

No. 7-1-SG/80

New York, 3 October 2016

Sir,

On instructions from the Government of the Republic of Peru, jointly with the Government of the Republic of Ecuador, I have the honour to transmit to the Division of Ocean Affairs and the Law of the Sea (DOALOS) of the United Nations and the States Members of the Organization, the enclosed text together with the Declaration on the International Recognition of the Gulf of Guayaquil as a Historic Bay, signed by the Presidents of both countries on 23 November 2012.

The abovementioned Declaration is based on customary international law, specifically, the Agreement by exchange of notes of identical content between the Republic of Peru and the Republic of Ecuador of 2 May 2011, which has since been registered with the United Nations Secretariat in conformity with Article 102 of the Charter of the United Nations. It also reflects relevant work done by experts of both countries.

In this regard, it is worth noting that the Gulf of Guayaquil is an area between Puntilla Santa Elena in Ecuador and Punta Cabo Blanco in Peru, whose outer limits are defined by the point where the straight baselines of Peru and Ecuador meet, the starting point of the maritime boundary between the two States (03°23'31.65"S, 81°09'12.53"W under WGS 84). The waters of the Historic Bay enclosed by the straight baselines of Peru and Ecuador, together with the soil and subsoil thereof, are internal waters under the sovereignty and jurisdiction of each one of the States, without prejudice to the freedoms of international navigation. The internal waters adjacent to both States are delimited by the geographical coordinate 03°23'31.65"S under WGS 84, pursuant to the provisions of paragraph 5 of the abovementioned Agreement of 2 May 2011.

It should also be noted that the Declaration which served as a basis for this letter demonstrates the high level of cooperation and integration between Peru and Ecuador.

Joint Declaration on the International Recognition  
of the Gulf of Guayaquil as a Historic Bay

The Presidents of the Republic of Ecuador, his Excellency Mr. Rafael Correa Delgado, and the Republic of Peru, his Excellency Mr. Ollanta Humala Tasso, meeting in the city of Cuenca, Ecuador, on 23 November 2012 on the occasion of the presidential meeting and the sixth meeting of the Binational Cabinet of Ministers of Peru and Ecuador;

Considering that the Agreement by exchange of notes of identical content between Ecuador and Peru on maritime boundaries of 2 May 2011;

(i) Reflected the commitment of both countries to carry out joint actions for the recognition of the Gulf of Guayaquil as a Historic Bay (paragraph 1)

(ii) Decided that, in view of special circumstances in the area adjacent to the land boundary between the two countries, the boundary between the maritime areas over which both States have sovereignty or sovereign rights and jurisdiction shall extend along a geographical parallel 03°23'31.65"S under WGS 84 (paragraph 2)

(iii) Decided that the starting point of the maritime boundary shall be set at the point of convergence between the baselines of Peru and Ecuador (paragraph 3) and that such maritime boundary shall extend up to 200 nautical miles from that point (paragraph 4)

(iv) Decided that the internal waters adjacent to States shall be demarcated by geographical parallel 03°23'31.65"S under WGS 84 and that the internal waters of each State shall be defined without prejudice to the freedoms of international navigation under primary international law, as reflected in the 1982 United Nations Convention on the Law of the Sea (paragraph 5)

Considering that the Gulf of Guayaquil is a geographical area which stretches from the Puntilla de Santa Elena in Ecuador to Cabo Blanco in Peru;

Bearing in mind the historical, legal, cartographic and geomorphological surveys carried out by the joint Peru-Ecuador working group in support of the Joint Declaration on the International Recognition of the Gulf of Guayaquil as a Historic Bay, referred to in the "Declaración Presidencial Fortaleciendo la Integración para la Inclusión Social y el Desarrollo Sostenible" (Presidential Declaration aimed at enhancing integration to promote social inclusion and sustainable development) of 29 February 2012;

Bearing in mind that the waters of the Gulf of Guayaquil have historically been under the sovereignty and jurisdiction of each State in their respective sectors, in view of its unique geographical conditions and ecosystems, and recognizing that the Gulf of Guayaquil has been viewed by the people of Ecuador and Peru as a major area for the exploitation of natural resources, trade and shipping

Bearing in mind that Peru and Ecuador have historically exercised sovereignty and jurisdiction over their respective sectors of the Gulf of Guayaquil, as reflected in their domestic legislation, including legislation on baselines enacted by each State;

Considering the prospects opened up for both States and their peoples by the present Joint Declaration with respect to cooperation; the conservation, exploration and sustainable exploitation of the resources of the Gulf of Guayaquil; addressing issues such as climate change; and the need to combat illicit activities more effectively in accordance with their respective legislation and addressing security threats

Hereby declare that:

I. The Gulf of Guayaquil, an area between Puntilla de Santa Elena in Ecuador and Cabo Blanco in Peru, is a Historic Bay

II. The outer limit of the Historic Bay shall be defined by the point at which the straight baselines of Peru and Ecuador meet at the starting point of the maritime boundary between the two States (03°23'31.65"S, 81°09'12.58" under WGS84)

III. The waters of the Historic Bay within the straight baselines of Peru and Ecuador, together with the soil and subsoil thereof, are internal waters under the sovereignty and jurisdiction of each of the declaring States, without prejudice to the freedoms of international navigation under customary international law, as reflected in the 1982 United Nations Convention on the Law of the Sea;

IV. Both States shall undertake further studies and strengthen cooperation with the aim of fostering the social inclusion and development of their people, especially the inhabitants of the Gulf of Guayaquil. To that end, the two States shall enter into agreements relating to the conservation, exploration and sustainable exploitation of the resources of the Gulf of Guayaquil addressing climate change, combating illicit activities and other issues of common interest. They shall enter into individual agreements with regard to the exploration and exploitation of shared natural resources such as oil and gas, in the maritime boundary area between both States

V. Both States shall submit the present Joint Declaration to the United Nations

(Signed) Rafael Correa Delgado  
President of the Republic of Ecuador

(Signed) Ollanta Humala Tasso  
President of the Republic of Peru

Permanent Mission of Ecuador to the United Nations

Note No. 42-179/2016

New York, 3 October 2016

Sir,

On instructions from the Government of the Republic of Ecuador and jointly with the Government of the Republic of Peru, I have the honour to transmit to the Division of Ocean Affairs and the Law of the Sea (DOALOS) of the United Nations and the States Members of the Organization, the enclosed text together with the Joint Declaration on the International Recognition of the Gulf of Guayaquil as a Historic Bay, signed by the Presidents of both countries on 23 November 2012.

The abovementioned Declaration is based on customary international law, specifically, the Agreement by exchange of notes of identical content between the Republic of Peru and the Republic of Ecuador of 2 May 2011, which has since been registered with the United Nations Secretariat in conformity with Article 102 of the Charter of the United Nations. It also reflects relevant work done by experts of both countries.

In this regard, it is worth noting that the Gulf of Guayaquil is an area between Puntilla Santa Elena in Ecuador and Punta Cabo Blanco in Peru, whose outer limits are defined by the point where the straight baselines of Peru and Ecuador meet at the starting point of the maritime boundary between the two States (03°23'31.65"S, 81°09'12.53"W under WGS 84). The waters of the Historic Bay enclosed by the straight baselines of Peru and Ecuador, together with the soil and subsoil thereof, are internal waters under the sovereignty and jurisdiction of each one of the States, without prejudice to the freedoms of international navigation. The internal waters adjacent to both States are delimited by the geographical coordinate 03°23'31.65"S under WGS 84, pursuant to the provisions of paragraph 5 of the abovementioned Agreement of 2 May 2011.

It should also be noted that the Declaration which served as a basis for this letter demonstrates the high level of cooperation and integration between Peru and Ecuador and the determination of both States to strengthen joint efforts in various fields for the benefit of the people, especially the riparian inhabitants of the Gulf of Guayaquil in both countries.

Accept, Sir, the assurances of my highest consideration.

(Signed) Horacio Hernán Sevilla Borja

Ambassador

Permanent Representative of Ecuador to the United Nations

His Excellency

Ban Ki-moon

Secretary-General of the United Nations

New York