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The U.S. Forward Operating Location in Manta: The Ecuadorian Perspective

By Sandra Edwards
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“There can be no sustained security policy if there is not full sovereignty at all levels. The public position of the government is to not renew the Manta base agreement.”

Miguel Carvajal, Ministry of Defense, Ecuador
March 5, 2007¹

Since his election in October 2006, Ecuador’s President Rafael Correa has made headlines for proclaiming that his government will not renew a 1999 bilateral agreement with the United States which allows for the presence of the U.S. military Forward Operating Location (FOL) at the Manta airbase on Ecuador’s southern coast. President Correa’s clear position against renewing the Manta agreement reflects a strong current of opinion within Ecuador against the continued presence of a U.S. military base in Ecuador.

Some U.S. media coverage gives the impression that the Correa government’s stance on Manta owes to the rise of “left-leaning” politics in the region.² In fact, unease over Manta is widespread among Ecuadorians and dates from the inception of the agreement. During the country’s presidential campaign in late 2006, the question of whether or not to renew the Manta agreement was an important issue and candidates were expected to take a position. One national newspaper published the responses of thirteen presidential candidates regarding the future of the bilateral agreement. When asked if he would renew the agreement, one of the leading candidates at the time replied, “No. No government of Ecuador will renew that treaty. I am not the only one saying this, but any of the presidential candidates [would say the same].”³ A high-ranking official in the Correa government recently asserted that fully 85 percent of Ecuadorians do not want a U.S. military presence in their country.⁴

The Ecuadorian population, its past and present governments, and its military have long voiced fears of being dragged into neighboring Colombia’s ongoing violence, which Ecuador considers to be an internal armed conflict stemming from historical circumstances specific to Colombia, and not linked to international terrorism.⁵ The U.S. FOL at Manta is the responsibility of the U.S. Southern Command (Southcom).⁶ In the wake of the September 11 attacks, a 2002 U.S. law expanded Southcom’s mission in Colombia to encompass a “unified campaign” against drug traffickers and Colombian groups designated by the U.S. government as terrorist organizations.⁷ There is serious concern within Ecuador that the FOL’s purpose has broadened from aerial detection and interdiction of illegal drugs to include support for counterinsurgency operations within Colombia.

Over the eight years of the U.S. FOL’s existence, questions have been raised regarding its effects on Ecuadorian sovereignty. However, many of those questions cannot be clearly answered due to the general perception that the U.S. government has not been wholly forthcoming regarding the activities of the FOL, or those of the U.S. Coast Guard, whose ships patrol the waters off the southern coast of Ecuador.

The Manta Base Agreement

In 1999, the United States and Ecuador signed a bilateral Agreement of Cooperation to establish a U.S.-built FOL at the Ecuadorian military airbase located on the country’s southern coast, near the city

of Manta. The Manta agreement was developed around the same time that other U.S. military Forward Operating Locations were being built in Aruba, Curacao and El Salvador as a result of the closing of Howard Air Force Base in Panama.

The agreement was originally developed as a response to the air-bridge – the transporting of illegal narcotics through Ecuadorian air space. The agreement allows for intelligence reconnaissance flights along the coastal areas of Ecuador – north into Colombia and, in general, the eastern Pacific – to search for drug-carrying planes and boats. The agreement is to be in force for ten years: “Following the initial ten (10) year term, either Party may terminate this agreement by giving written notice to the other party. The termination shall be effective one year from the date of such notice.”⁸

U.S. policymakers such as Senator Harry Reid have already recognized the Ecuadorian government’s clear right to terminate the agreement after its initial ten years.⁹ Should the Ecuadorian government indeed follow through and terminate it, some U.S. policymakers may view it as a blow to U.S. drug control efforts in the Andean region. However, these efforts have not enjoyed much success. Despite Plan Colombia, the production and trafficking of cocaine have continued apace, and supplies remain robust in the United States, as manifested by continuing low prices and high purity (see WOLA’s “Drugs and Democracy in Latin America” at http://www.wola.org/media/ddhr_exec_sum_brief.pdf; “Are We There Yet?” at <http://www.wola.org/media/Are%20we%20there%20yet.pdf>; and “In Dubious Battle” at <http://www.wola.org/media/Drug%20Policy/In%20Dubious%20Battle%20--%20Fumigation%20in%20Colombia%20--%20WOLA%20June%202006.pdf>).

Differing U.S. and Ecuadorian Priorities

In early 2006, a national debate over Ecuador’s foreign policy priorities was initiated. Facilitated by the Ministry of Foreign Affairs, the process included participation by civil society representatives, academics, the business sector, and the security forces. One of the themes was the clarification of Ecuador’s defense policies. The final product of these debates, which took place in the country’s three largest cities, was called PLANEX, A National Plan for Foreign Policy, 2006-2020.¹⁰ Parts of PLANEX underscore Ecuador’s determination *not* to be pulled into global anti-terrorism struggles, especially as they pertain to Colombia. In the debate which took place in Cuenca, one of the proposed objectives and principal themes of PLANEX was the “establishment of a national consensus that there be no presence of foreign militaries within Ecuadorian territory.”¹¹ President Correa’s Minister of Foreign Affairs has stated that PLANEX will continue to guide the new administration’s foreign policy.

As pointed out by Dr. Bertha Garcia, an expert on the military and a professor at the Catholic University of Ecuador, there appears to be a disconnect between Ecuadorian government priorities, as outlined in PLANEX, and those of Southcom, as indicated by its presence in Manta. Ecuador is a small country with little global influence. In the realm of illicit drug trafficking, it is used almost solely as a transit country and for money laundering. Illegal drug use is not a significant national social issue, nor is its production of any size to draw national or international attention. According to Dr. Garcia, “Any international or defense policy developed by Ecuador regarding sovereign security issues should reflect these realities.”¹² However, due to U.S. funding to both the Ecuadorian police and military and the conditioning of other U.S. aid on cooperation with U.S. anti-drug policies, Dr. Garcia and other academics perceive that the U.S. FOL at Manta is one more factor in the imposition of U.S. policies within Ecuadorian territory.

Ecuador is suffering from the fall-out of the conflict in neighboring Colombia, which causes periodic tensions between the two countries. Ecuador has demanded an immediate halt to U.S.-sponsored aerial herbicide spraying on the Colombian-Ecuadorian border due to its negative effects on its border population and the surrounding environment.¹³ There have been incursions into both Ecuadorian ground and air space by Colombian military units in pursuit of alleged guerrillas, which have resulted in “accidental” deaths of Ecuadorians by gunfire from the Colombian military.¹⁴ Colombia’s right-wing paramilitaries also spill over into Ecuador and have killed Ecuadorian citizens. The refugee flow is also significant: there are an estimated 250,000 Colombians in need of protection living within Ecuador’s

borders.¹⁵ Further involvement by Ecuador in the Colombian conflict could exacerbate these already visible spill-over effects.

While U.S. officials state that Ecuador's national security is best protected by eliminating the transit of illegal narcotics through its territory, Ecuador, as articulated in its foreign policy document, PLANEX, perceives that its national security is most threatened by the possibility of being pulled into direct involvement in Colombia's internal armed conflict.

Questions of Sovereignty and Transparency

The ratification of the agreement to build a U.S. FOL on Ecuador's southern coast first raised concerns because it was never submitted to the Ecuadorian Congress for its approval, as required by the Ecuadorian Constitution (all international agreements which involve the Ecuadorian military must be ratified by congress). In response, a coalition of NGO and constitutional attorneys presented a formal legal challenge to the constitutionality of the agreement. The challenge was eventually rejected in the courts, primarily because at that time the courts were filled with politically appointed judges controlled by a party supportive of the executive branch. As a result, from the beginning the legitimacy of the bilateral agreement was questioned by Ecuadorians. For the U.S. government, the agreement was considered to be "diplomatic notes," not an international treaty, and therefore ratification by the U.S. Congress was not required by law. In short, the agreement was signed by military representatives from both countries, without ratification by either country's congress.

Both the 1999 Agreement of Cooperation and the 2000 Operational Agreement, which together govern the activities undertaken at the FOL, dictate that "interdiction operations in Ecuadorian territory are the exclusive responsibility of the Republic of Ecuador"¹⁶ and that the Ecuadorian Commander at the Manta Air Base is the maximum authority at the Base.¹⁷ At the same time, Ecuadorian analysts of military affairs, journalists and some government officials have questioned who, in reality, exercises control over FOL activities. Two specific areas of concern are reconnaissance flights into Colombian territory – for the reasons described above – and sea interdiction by U.S. Coast Guard frigates.

Interdiction Over-Reach?

The transit of illicit drugs through Ecuadorian air space has greatly diminished and the majority of seized drugs are now interdicted in waters within and around Ecuadorian territory. Most of those operations are carried out by the U.S. Coast Guard in waters of the eastern Pacific. Interdiction by the U.S. Coast Guard has also targeted boats filled with emigrants who allegedly plan to enter the United States illegally.

The bilateral agreements state that the FOL will be utilized for the sole and exclusive purpose of aiding in the *aerial* detection, monitoring, tracking and control of drug trafficking.¹⁸ The fact that most of the interdiction activity now takes place in the waters around the FOL and is directly implemented by U.S. Coast Guard (not the Ecuadorian Navy) has led many Ecuadorians to posit that the U.S. government has moved beyond its agreed upon role when the accord was first signed.

According to Southcom, the U.S. FOL at Manta has aided in the capture of more than 252 tons of illegal narcotics. The majority of those seizures was done through sea interdiction efforts and was undertaken by the U.S. Coast Guard, not Ecuadorian authorities. The U.S. government also asserts that the FOL is administered separately from the Coast Guard which, U.S. officials say, operates only in international waters.¹⁹ However, many Ecuadorians, including government officials, have perceived the Coast Guard's activities in waters near the Ecuadorian coast as part and parcel of the work of the FOL. Indeed, the reconnaissance flights leaving from the FOL are the source of the information given to the Coast Guard regarding the location of "suspicious" boats.²⁰

In 2002, Rafael Jaque, an attorney in international law working for the Latin American Association for Human Rights (ALDHU), began documenting the circumstances under which local fishing vessels were being sunk or damaged by U.S. Coast Guard frigates. Jaque has documented eight cases (and

collected information on another 16, which have yet to be fully verified) of vessels sunk within Ecuadorian territorial waters by the U.S. Coast Guard. Based on testimony from local fishermen as well as copies of U.S. Coast Guard reports acquired through a Freedom of Information Act (FOIA) request, Jaque found that in all eight of the cases he has documented, the Ecuadorian vessels were sunk or damaged with no finding of illegal cargo.²¹ All crews and passengers on the damaged or sunken boats were returned to Manta. However, even though no illegal cargo was found on the Ecuadorian fishing vessels, some of the crews were detained on-board the U.S. Coast Guard frigates and were then incarcerated by Ecuadorian police once they returned to Manta. Many of the crews stated that they were treated as common criminals and felt humiliated by the experience.

UNCLOS – the UN treaty on which the U.S. Coast Guard bases its right to sink certain boats and which Ecuador has not signed – states that a boat deemed to be unsafe or a danger to its crew and passengers can be sunk. Some Ecuadorian fishing vessels are old and sometimes not in a condition which most U.S. sailors would deem is appropriate for safe sailing. However, they are the mainstay of the fishermen’s source of income, they are sailing under Ecuadorian flags and the decision to destroy them is made solely by the U.S. Coast Guard. Because these fishermen do not have the educational or economic resources to support lawsuits regarding damage or destruction of their boats, ALDHU presented a legal complaint on their behalf to the Ecuadorian government, which was then passed on to the U.S. Embassy.²²

As recently reported in the Ecuadorian press, the U.S. Embassy claims that the U.S. Coast Guard has not sunk any Ecuadorian fishing vessels since 2005, based on an agreement reached between U.S. and Ecuadorian government officials. According to U.S. officials, the vessels which were sunk before 2005 were sailing without Ecuadorian markings and compensation for damages was provided.²³ However, in the eight cases documented by Jaque, the Coast Guard’s own reports state that the vessels were Ecuadorian, and not one of the eight received compensation.²⁴ Such incidents, and the less than transparent responses provided by the U.S. government over the years, have added to the negative impressions regarding the U.S. military presence in Ecuador.

The Coast Guard’s activities have furthered concerns about national sovereignty issues. In 2001, then-Minister of Trade, Richard Moss referred to the sinking of Ecuadorian fishing vessels as “violations of the sovereignty of the Republic of Ecuador.”²⁵ Moreover, these operations are taking place despite the fact that there is no bilateral maritime anti-narcotics treaty, although the U.S. government has stated that it would like to strengthen the cooperation between the U.S. Coast Guard and the Ecuadorian Navy.²⁶

Relations with the Manta Community

Visiting Manta, the presence of the FOL or U.S. frigates just off the coast is simply not visible. Longtime citizens could not say where U.S. Coast Guard ships are docked, but they thought that they docked regularly in Manta.²⁷ As previously mentioned, Ecuadorians automatically see a connection between the presence of the U.S. Coast Guard and the FOL.²⁸

When the establishment of the FOL was first presented to the Manta community, it was perceived by that city’s population as a boom for business and public relations. However, as one Manta businesswoman said when asked how the FOL has contributed to the local economy, “I laugh whenever I hear that. There were many promises, but none of them were kept.”²⁹ The U.S. government spent \$70 million to construct an international quality runway for the FOL, a part of which can be used for the city of Manta. However, apart from that, all food, water and supplies for the FOL are flown in from the United States. For security reasons, military personnel are now largely confined to the base and spend little money in the town.

Despite U.S. claims to the contrary, very little U.S. assistance has directly benefited the people of Manta. The military has occasionally sponsored charity events, and has trained some local Manta firemen who now work on the base. In addition, when the base was being upgraded, a small

schoolhouse was built about 10 miles from Manta by U.S. National Guard troops as part of Operation New Horizons. The impact of these efforts, however, has been negligible.

The Manta community, in contrast to the larger Ecuadorian population, is now mostly indifferent to the FOL's presence, in light of high expectations for the commercialization of its port. The port was recently leased to Hutchinson Port Holding, a Chinese transnational, for thirty years. Manta hopes to attract more international trade and tourism as the concession involves the expansion of the port and includes a duty-free zone.³⁰

The Future of the FOL

Ecuador's new president, the Ministry of Defense, and even more importantly, the Ecuadorian public, are against the continuation of the U.S. FOL at Manta.³¹ It pulls Ecuador into Colombia's violent civil conflict. It also raises multiple questions regarding Ecuador's ability to determine and pursue its own sovereign foreign policy priorities, as well as questions about the level of control the Ecuadorian government is able to assert over drug interdiction operations off the Ecuadorian coast. Moreover, it contributes little to Manta's local economy.

U.S. Embassy officials in Ecuador have said that the United States will respect Ecuador's position regarding the FOL and will not advocate for its renewal.³² U.S. officials should adhere to that commitment as 2009 draws nearer and the Ecuadorian government prepares to exercise its discretion over whether or not to renew the base agreement. U.S. officials will perhaps attempt to persuade Ecuador's leaders that renewal of the Manta agreement would be in Ecuador's best interests, and the U.S. government may even offer inducements intended to make renewal a more attractive and politically feasible option. U.S. officials should not, however, pressure Ecuador, nor should it threaten to withhold aid or other U.S. benefits. Such threats would, in any case, likely backfire, confirming views that the U.S. government is heavy-handed in its relations with Ecuador and cementing opposition to renewal of the base agreement.

As there are two years left in the implementation of the Manta agreement, the appropriate U.S. authorities should review and ensure the transparency of operations at the FOL and of procedures followed by the U.S. Coast Guard in its interdiction activities off the coast of Ecuador. Those procedures should guarantee Ecuador's sovereign rights over its territorial waters and any vessel sailing under the Ecuadorian flag. Debate in Ecuador about the FOL should be encouraged and informed by the provision of accurate and reliable information by all parties involved.

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ENDNOTES

¹ "El convenio militar con EE.UU. no se renovará," *El Comercio*, 6 March 2007.

² Jeanneth Valdivieso "Troubled U.S. Presence On Ecuador Coast," *Associated Press* and *The San Jose Mercury News*, 6 February, 2007.

³ "No. Eso no lo va a renovar Gobierno alguno en Ecuador. En eso no solo estoy yo, sino cualquiera de los candidatos a presidente." Presidential candidate Leon Roldós as quoted in "El Control del Narcotráfico No Satisface Los Estados Unidos," *El Expreso*, http://www.expreso.ec/especial_gye/especial5.asp.

⁴ Minister of Foreign Affairs, María Fernanda Espinosa, as quoted in "Manta: se escuchará a la gente," *El Comercio*, 24 March 2007.

⁵ See analysis by Mauricio Saenz, SEMINARIO "ECUADOR- COLOMBIA, VISIÓN A TRAVÉS DE LA PRENSA" Guayaquil, 24 May 2006, <http://www.c3fes.net/docs/ecuadorcolombia.pdf>.

⁶ The U.S. Southern Command is responsible for all U.S. military activities in South America, Central America and the Caribbean, and surrounding waters.

⁷ U.S. Public Law 107-206, “2002 Supplemental Appropriations Act for Further Recovery from and Response to Terrorist Attacks on the United States,” 2 August 2002.

⁸ Article XXIV, *Agreement of Cooperation Between the Government of the United States of America and the Government of the Republic of Ecuador Concerning the United States Access to and Use of Installations at the Ecuadorian Air Force Base in Manta for Aerial Counter-Narcotics Activities*, signed November 1999.

⁹ “We respect the sovereignty of Ecuador,” Senator Harry Reid, WJLA News Channel 8, 30 December 2006, <http://bob.wjla.com/headlines/1206/384071.html>.

¹⁰ “Elaboran plan de política exterior” *El Mercurio*, 22 March, 2007.

¹¹ *PLANEX PLAN NACIONAL DE POLITICA EXTERIOR 2006 – 2020 III TALLER, OBJETIVOS Y TEMAS PRINCIPALES DEL PLANEX*, 9 January 2006, p. 1,

http://www.mmrree.gov.ec/mre/documentos/ministerio/planex/docu2_planex.pdf.

¹² Interview with author, 9 February 2007.

¹³ Since the Gustavo Noboa Administration (2000-2002), Ecuador’s governments have formally requested that Colombia cease fumigations on its borders. Based on national and international protocols, Ecuador has always insisted that it has the legal right to expect the cessation of fumigations based on the Principle of Precaution in the 1992 Rio de Janeiro Declaration on Environment and Development. See WOLA Update by Sandra Edwards, *Ecuador Gets Colombia’s Drift – Aerial Eradication of Coca Crops on the Border*, June 2004.

¹⁴ The most recent border deaths of Ecuadorians happened on October 15, 2006. Two Ecuadorian farmers, riding in a canoe on the San Miguel River, were shot by Colombian military. The Colombian military said they had thought that they were guerillas and returned the bodies to Ecuadorian authorities. “Asesinato de dos ecuatorianos por el ejército de Colombia,” *Agencia Prensa Rural*, 18 October 2006.

¹⁵ “Ecuador: Colombians arrive fleeing violence,” *UNHCR Briefing Notes*, 27 February 2007, Geneva, <http://www.unhcr.org/news/NEWS/45e4179916.html>.

¹⁶ Article III (Interdiction Operations), *Agreement of Cooperation Between the Government of the United States of America and the Government of the Republic of Ecuador Concerning the United States Access to and Use of Installations at the Ecuadorian Air Force Base in Manta for Aerial Counter-Narcotics Activities*, signed in November 1999.

¹⁷ Stated in section 4b, *Mando y Control, Convenio Operativo para el Puesto Avanzado de Operaciones en la Base Aérea Ecuatoriana de Manta, Ecuador*, signed in June 2000.

¹⁸ Stated in section 3a, *Convenio Operativo para el Puesto Avanzado de Operaciones en la Base Aerea Ecuatoriana de Manta, Ecuador, signed June 2000 and Agreement of Cooperation Between the Government of the United States of America and the Government of the Republic of Ecuador Concerning the United States Access to and Use of Installations at the Ecuadorian Air Force Base in Manta for Aerial Counter-Narcotics Activities*, signed in November 1999.

¹⁹ There is no port located at the FOL. The FOL is under the command of the 12th Air force Division, while the Coast Guard is under the Joint Interagency Task Force-South (JIATF-South).

²⁰ “Over 60% of the captures of illegal drugs on the high seas of the Eastern Pacific last year were captured thanks to the information gathered by these flights.” *Fact Sheet*, Public Affairs Office, U.S. Embassy, Quito, Ecuador, February 2007.

²¹ As there is not agreement between the U.S. and Ecuador as to the parameters of Ecuador’s territorial water, Dr. Rafael Jaque bases his legal analyses of these cases on Ecuador’s territorial definition. The eight cases are documented by ALDHU in *Denuncia: Violación de la Soberanía Nacional*, July 2004. In six of those cases, supporting information includes formal reports from the U.S. Coast Guard. See ALDHU, *Documentos oficiales de U.S.A. confirman hundimiento de barcos civiles ecuatorianos*, September 2004.

²² Rafael Jaque, *Hundimiento de Barcos Ecuatorianos en Aguas Territoriales del Ecuador e Aguas Internacionales por Fragatas de Los Estado Unidos* (Analysis of U.S. sinking of Ecuadorian vessels in light of international laws), 2006, internal ALDHU document, not yet published.

²³ “EE.UU. no hará gestiones para renovar el convenio de la Base de Manta,” *El Comercio*, 6 March 2007.

²⁴ The Coast Guard reports referred to above state that those vessels were physically identified as Ecuadorian boats.

²⁵ Moss said: “These types of actions, supposedly within the framework of Plan Colombia, constitute violations of the sovereignty of the Republic of Ecuador. The proliferation [of such actions] without the required precautions and corresponding evidence, not only damages the honor of our national fishermen but adds an additional burden on our shipbuilders under the complicated circumstances of our national economy.” Then-Minister of Trade Richard Moss quoted in, “Los Buques de EEUU ya están en Manta desde 2000,” *Diario Expreso de Guayaquil*, 27 October 2002.

²⁶ “EE.UU. se inquieta por el tráfico de droga en Ecuador,” *El Comercio*, 2 March 2007.

²⁷ Interview by author with members of the Manta community, February 23, 2007

²⁸ U.S. officials say that the Coast Guard is always in international waters except when they have to come in to fuel, at which point, they ask permission of local authorities to dock, primarily at Manta or Guayaquil.

²⁹ Interview with author, 23 February 2007.

³⁰ “Hutchinson tomó posesión del puerto de Manta,” *El Comercio*, 2 January 2007.

³¹ “El convenio militar con EE.UU. no se renovará,” *El Comercio*, 6 March 2007.

³² *Ibid.*