

## Message Text

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72

ACTION ARA-20

INFO OCT-01 ISO-00 OPIC-12 AID-20 CIAE-00 COME-00 EB-11

FRB-02 INR-10 NSAE-00 RSC-01 TRSE-00 XMB-07 SPC-03

CIEP-02 LAB-06 SIL-01 OMB-01 L-03 DRC-01 /101 W

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R 111603Z JAN 74

FM AMEMBASSY LA PAZ

TO SECSTATE WASHDC 1918

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E.O. 11652: N/A

TAGS: EMIN EIND BL

SUBJ: IMPC

REF: STATE 848

SUMMARY: DUE DELAY, WE TRANSMITTING BELOW FREE TRANSLATION  
LETTER DATED DECEMBER 14, 1973 FROM FRANK TYE TO MINMINES  
LEMA. EMBASSY RECEIVED COPY DECEMBER 27, BUT DELAYED  
TRANSMITTAL WITH COMMENT IN ABSENCE MINATTACHE. END SUMMARY.

1. "MR. MINISTER:

"IN MY POSITION AS REPRESENTATIVE OF INTERNATIONAL METAL  
PROCESSING CORPORATION, I HAVE REMAINED IN THE COUNTRY TWO  
WEEKS TRYING TO CONTACT YOU, MR. MINISTER, AND WITH OTHER  
AUTHORITIES, TO DISCUSS THE PROBLEM THAT HAS ARISEN WITH  
EMBOSA AND TRY TO REACH AN ARBITRATED AGREEMENT AS PROVIDED  
IN ARTICLE 39 OF THE SOCIAL STATUTES OF THE CITED ENTERPRISE.

"UNFORTUNATELY, I HAVE NOT HAD THE OPPORTUNITY SOUGHT  
FOR, SURELY DUE TO THE EXTREMELY HEAVY WORKLOAD OF ALL THE  
PERSONS WHOM I HAVE TRIED TO CONTACT.

"IN THE FACE OF THIS NEGATIVE RESULT, WE, THE STOCK-  
HOLDERS OF INTERNATIONAL METAL PROCESSING CORPORATION,  
THINK THAT THE PRESENT SITUATION IS THE SAME AS THAT OF JANUARY,  
1971, THE DATE WHEN THE ENTERPRISE WAS NATIONALIZED BY THE  
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GOVERNMENT HEADED BY GENERAL JUAN JOSE TORRES. CONSEQUENTLY

OUR PRESENT POSITION IS ONE OF REPEATING OUR REQUEST TO THE SUPREME GOVERNMENT OF BOLIVIA FOR THE PAYMENT OF ADEQUATE AND JUST INDEMNIZATION WHICH WE SOLICIT ALONG WITH ACCUMULATED INTEREST BECAUSE OF THE NON-PERFORMANCE OF THE MINING CORPORATION OF BOLIVIA.

"THE SITUATION RESOLVED IN THIS LEVAL, JUST AND EQUITABLE MANNER, INTERNATIONAL METAL PROCESSING CORPORATION WOULD HAVE THE RIGHT AND FREEDOM TO RECUPERATE THE PROCESS PATENT AND TO UTILIZE IT IN THE MANNER MOST CONVENIENT TO ITS INTERESTS.

"I EXPRESS TO YOU IN ADVANCE, MR. MINISTER, THAT THE LIQUIDATION OF THE BOLIVIAN METALLURGICAL ENTERPRISE, S.A. (MIXED) HAS NOT ARISEN FOR THE REASONS INDICATED IN ARTICLE 39 OF THE STATUTES, AS I AM ABLE TO DEMONSTRATE THAT FINANCING COULD NOT BE OBTAINED, DUE PRECISELY TO THE LACK OF A SERIES OF REQUIREMENTS THAT ARE NOT IMPUTABLE TO IMPC.

"I VERY RESPECTFULLY ASK YOU, MR. MINISTER, TO CONSIDER CAREFULLY THE HISTORICAL FACTS PRESENTED IN VERY SUMMARY FORM AND TO CHANNEL THEM ADEQUATELY WITHIN THE JURIDICAL ORDER PRESENTLY EXTANT IN THE COUNTRY SO THAT THEY REACH A SATISFACTORY SOLUTION WHICH CONTEMPLATES THE INTERESTS OF BOTH SIDES.

"WITH THIS PURPOSE I REPEAT TO YOU ASSURANCE OF MY HIGHEST AND DISTINGUISHED CONSIDERATION.

"INTERNATIONAL METAL PROCESSING CORPORATION

"FRANK M. TYE, JR.  
PRESIDENT".

2. COMMENT: DUE CONTINUED ABSENCE MINATTACHE AND CAREFUL REVIEW OUR FILES, FOLLOWING COMMENT SHOULD BE REGARDED AS PRELIMINARY AND TENTATIVE. DURING TYE'S EARLIER VISIT TO LA PAZ HE SHOWED TO EMBOFFS DECIDED LACK OF INTEREST IN PRESSING HIS CLAIM THROUGH ARBITRATION CLAUSE AS PROVIDED IN STATUTES. DIFFICULT ACCEPT PROPOSITION THAT LIQUIDATION EMBOSA RETURNS SITUATION TO JANUARY, 1971 SITUATION AS WE UNDERSTAND TYE ACCEPTED CHECK FOR US\$ 1.4 MILLION IN DECEMBER, 1971. STATUTES STATE PATENT TO BE PROPERTY OF COMIBOL AFTER ONE YEAR OF USE. END COMMENT.

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4. WE UNDERSTAND TYE IN LA PAZ (AS INDICATED REFTTEL) ACCOMPANIED BY "TWO FOREIGNERS", PROBABLY AMERICANS. HE HAS NOT CALLED ON EMBASSY.  
STEDMAN

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NATIONALIZATION, MINING INDUSTRY, INDEMNIFICATION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 11 JAN 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** MorefiRH  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974LAPAZ00225  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** n/a  
**From:** LA PAZ  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19740148/aaaabtdm.tel  
**Line Count:** 111  
**Locator:** TEXT ON-LINE  
**Office:** ACTION ARA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** STATE 848  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** MorefiRH  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 09 SEP 2002  
**Review Event:**  
**Review Exemptions:** n/a  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** IMPC  
**TAGS:** EMIN, EIND, BL, IMPC, (TYE, FRANK)  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005