

INTERNATIONAL COURT OF JUSTICE

***OBLIGATION TO NEGOTIATE ACCESS TO THE
PACIFIC OCEAN***

(*BOLIVIA v. CHILE*)

**REJOINDER OF THE
REPUBLIC OF CHILE**

Volume 3 of 3

(Annexes 416 - 454)

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A. Crespo Gutiérrez, *The Treaties Signed with Chile in 1895* (1975), pp 43-47, 53, 58-62, 67-68, 71-73 (extracts)

(Original in Spanish, English translation)



suscrito por Ricardo Chávez, Adolfo Siles, Primo Arrieta, Leocadio Trigo y Carlos M. Barberí. Estos congresales encuentran que en los Tratados de mayo de 1895 no existe una "base segura, positiva y definitiva", que "Chile en cambio de un territorio bien demarcado (nuestro Litoral), saneado y reconocido, nos dará territorio que no le pertenece, que procurará adquirirlo..."; que "la Caleta Vitor no está estudiada por nuestro Gobierno para saber si ella puede o no prestarse a los servicios de un puerto capaz de satisfacer las necesidades del comercio boliviano...".

Considera el informe en minoría que la cláusula que prohíbe explotar los yacimientos salitreros que pudieran encontrarse en la zona cedida "es ultrajante"; se refiere a "la imposición desdorosa por la que se quiere que Bolivia acepte los Tratados sin ninguna modificación..."; afirma que los Tratados son "juego diestro de Chile lanzando manzana de discordia entre sus dos rivales (Perú y Bolivia)". Sugiere el informe aplazar todo compromiso hasta después del plebiscito acordado en el Tratado de Ancón.

"Si éste (el plebiscito), dice el documento, le es contrario se compromete (Chile) a darnos la caleta de Vitor desde la quebrada de Camarones, que tampoco la tiene ni la tendrá en el caso contemplado, puesto que el Acto Plebiscitario comprende ésta como aquél, es decir, el territorio íntegro de la provincia de Tacna y Arica; y es para este caso y el de fracasar los arreglos directos, que la Nación chilena se compromete darnos una CALETA ANALOGA... La Caleta análoga a Vitor, último extremo del Tratado y el solo exigible contra Chile no se conoce ni se sabe las dimensiones que comprenderá, hasta el extremo que en el mismo Tratado se relega este punto a un protocolo especial que en lo sucesivo debe ajustarse".

El informe hace consideraciones sobre "la odiosa e injustificable intromisión de nuestra Patria en asuntos que corresponde dilucidarse exclusivamente entre aquella Repú-

...

The report endorsed by a minority of the Commission members considers that the provision prohibiting the exploitation of the saltpeter deposits that might be found in the transferred zone “is outrageous;” it refers to “the degrading imposition that Bolivia should accept the Treaties without any modifications...”; it also states that the Treaties constitute “a cunning scheme whereby Chile intends to play its two rivals (Peru and Bolivia) off against each other.” The report suggests postponing any commitment until after the plebiscite agreed under the Ancón Treaty has taken place.

“If this (the plebiscite), says the document, is unfavorable to it, (Chile) undertakes to grant us the Vitor Cove from the Camarones Ravine, which it does not and will not own in such case, for the plebiscite comprises the former and the latter, that is, the entire territory of the provinces of Tacna and Arica; and it is in this case, and in case direct arrangements fail, that the Chilean nation agrees to provide us with an ANALOGOUS COVE... That Cove analogous to the Vitor Cove, as provided under the Treaty and which is enforceable against Chile only, is unknown, as are its dimensions, to the extent that the Treaty relegates this issue to a special protocol to be subsequently agreed.”

This report makes a number of considerations on the “spiteful and unreasonable interference by our Nation in certain affairs that are to be resolved exclusively between such Republic

blica y la del Perú", sin reconocer que el gobierno boliviano basaba sus estipulaciones en el resultado de un plebiscito acordado por sus vecinos.

Con total ausencia de perspectiva histórica, el informe se pregunta: "Convendrá a Bolivia formar causa común con Chile, nación odiada por todos nuestros limítrofes?" Y seguramente pensando en alianzas belicosas afirma: "Avanzará Chile en el camino del progreso, sí. Pero la Argentina y el Perú avanzarán también...".

Como corrieron rumores de que si no se aprobaran los Tratados Chile invadiría territorio boliviano, el informe, con extrema puerilidad afirma que "los capitalistas chilenos no permitirán que con una nueva guerra se les cierre el mercado boliviano".

El Informe en minoría del Congreso de 1895, como conclusión propone el aplazamiento de la aprobación de los Tratados.

"...el año 84, argumentan los miembros minoritarios de la Comisión, se creyó que las bases del Pacto de tregua eran las únicas que Bolivia podía conseguir de su implacable vencedor: el año 91 se encargó de desmentir esa previsión miope, puesto que llegó a manifestar que aquellas bases eran susceptibles de mejorar en amparo de los derechos y aspiraciones del pueblo boliviano. Cuando se presentó el Pacto de Iquique, se creyó también que las bases en él contenidas habían podido obtenerse merced solamente a la situación excepcional de la República chilena, y con la mejor buena fe se aseguró que el Gobierno Revolucionario de Iquique había consentido en concesiones las más amplias solo en gratitud al decreto de reconocimiento de beligerancia expedida por el gobierno de Bolivia. El año 95 se ha encargado también de patentizar que esa previsión del 91 no fue exacta, puesto que en los Tratados de mayo, sin que haya conflicto interno, se ha conseguido algo más en favor de los intereses bolivianos".

and the Republic of Peru,” without acknowledging the fact that the Bolivian Government based its stipulations on the outcome of a plebiscite organized by its neighbors.

In utter absence of any historical perspective, the report wonders: “Will it be beneficial to Bolivia to form a common cause with Chile, a nation hated by all our neighbors?” And, surely thinking of warlike alliances, the report states: “Chile will indeed advance along the path to progress. But Argentina and Peru will advance too...”

Rumors circulated that if no approval was given to the Treaties, Chile would invade the Bolivian territory. Childishly, the report asserts that “Chilean capitalists will not allow a new war that will close the Bolivian market.”

As a conclusion, the report endorsed by a Congressional minority in 1895 suggests postponing the approval of the Treaties.

“... in 1894, as argued by the minority members of the Commission, it was believed that the bases of the Treaty were the only ones that Bolivia could secure from its implacable victor: 1891, such short-sighted prediction was denied, for it was stated that such bases were likely to be improved in furtherance of the rights and aspirations of the Bolivian people. When the Iquique Pact was presented, it was believed also that the bases contained in it had been secured thanks only to the exceptional situation of the Republic of Chile, and, with the utmost good faith, it was ensured that the Iquique Revolutionary Government had consented to the broadest concessions in gratitude for the Bolivian Government’s executive order acknowledging the hostilities. In 1895, it was demonstrated too that the prediction of 1891 had been inaccurate, for under the May Treaties, without any domestic conflict taking place, a number of extra advantages in furtherance of the Bolivian interests have been secured.”

El Informe continúa en sus erróneas disquisiciones, que son opuestas a las opiniones de nuestro representante en Santiago, con los siguientes argumentos:

"Ahora mismo que a la vista tenemos el adelanto de las ventajas obtenidas, que se atribuyen a los preludios de un rompimiento entre las Repúblicas de Argentina y Chile, ¿no es acertado prever que en medio de la efectividad de una lucha internacional y encarnizada entre estas dos Naciones, se presentarán para Bolivia ocasiones propicias que le ofrezcan un porvenir más halagüeño o siquiera sea el reconocimiento pleno de sus derechos?".

Y añade esta frase lírica: "En esta materia corresponde más confiar en el triunfo de la Justicia y no en la perpetuidad de la violencia y de la fuerza".

Finaliza el informe con este párrafo más que confuso, vacío:

"Es obligación nuestra —dice— afianzar los Tratados de Mayo en la opinión popular, porque, si no es un criterio, es fuerza que sostiene y defiende la fe internacional empeñada, a tal extremo que faltando ella, los poderes públicos se encuentran en el vacío, si no es en el antagonismo más funesto. Pongamos esmerado interés en conseguir el adelantamiento favorable de las estipulaciones contenidas en los Tratados sometidos a vuestra soberana resolución, para que asegurado quede el porvenir de Bolivia descansando en el orden público interno y externo".

Hay una actitud muy típica en nuestro medio político que se la designa como "guardarse las espaldas". Es probable que a esta tendencia responda el informe en minoría del Congreso del 95. No quiere la aprobación de los Tratados de mayo pero tampoco los rechaza categóricamente. Propone afianzarlo en la opinión popular, y "adelantar" las estipulaciones de los convenios "para que asegurado quede el porvenir

The report continues with its erroneous digressions, which are contrary to the opinions of our representative in Santiago, with the following arguments:

“Right now we can appreciate the progress made from the advantages obtained, which are attributed to the prelude to the rupture between the Republics of Argentina and Chile, is it not right to expect that during an effective, fierce international fight between these two nations appropriate opportunities will come along that will offer Bolivia a more promising future, or even full recognition of its rights?”

And the report adds this poetic phrase: “As regards this topic, it is more appropriate to trust in the triumph of Justice than in long-lasting violence and force.”

The report ends with this confused, not to say inane, paragraph:

“It is our obligation” -it says- “to consolidate the May Treaties amid the public opinion, because, if not a criterion, it is a force that underpins and defends international faith, to such an extent that, absent such faith, public authorities will find themselves in a vacuum, not to say the most disastrous antagonism. Let us put our best interest in finding a favorable advancement of the stipulations contained in the Treaties submitted to your sovereign decision, in order to secure Bolivia’s future, relying on domestic and international public order.”

There is a very typical attitude in our political circle, known as “covering your back.” The report endorsed by the Congressional minority in ’95 is likely to be motivated by such attitude. It does not want the May Treaties to be approved, but it does not categorically reject them either. It suggests consolidating the Treaties amid the public opinion, and “advancing” the stipulations of such treaties “in order to secure the future

de Bolivia". Fraseología indigna de quienes debieron actuar como estadistas midiendo la importancia del momento histórico. Cuanta razón tuvo don Daniel Salamanca al decir que aquel Congreso en la discusión de estos Tratados "mostró una lastimosa ausencia de sentido de la realidad del mundo".

Los legisladores de la oposición argumentaron en contra de las prescripciones de los Tratados, refiriéndose, principalmente, a que Bolivia cedía a perpetuidad su Litoral y solo recibía, en compensación la promesa de la entrega de Tacna y Arica, en caso de que el plebiscito, acordado en el Tratado de Ancón entre Perú y Chile, fuese favorable a este último país. En un folleto publicado por don Antonio Quijarro en 1897 bajo el título de "Actualidad política. La cesión de Tacna y Arica. Los Tratados con Chile y los señores Pando y Quijarro", encontramos los siguientes razonamientos sobre los convenios del 95 que fueron los que adujo en su intervención camaral: "La entrega de Tacna y Arica, no se efectuaría lisa y llanamente; porque llegado el caso, Bolivia estaría obligada a abonar como indemnización de la transferencia, la suma de cinco millones de pesos de plata, de 25 gramos y 9 décimos de fino, quedando especialmente afectado para responder a este pago, el 40% del rendimiento bruto de la Aduana de Arica". Alega también Quijarro que la cesión del Litoral y la compensación territorial respectiva "debieron constar en un solo pacto e instrumento, como condición esencial la una de la otra". Menospreciando la cesión territorial ofrecida, Quijarro dice: "La importancia del puerto de Arica, ha disminuido enormemente con la irresistible competencia de Antofagasta. Para que Bolivia pudiese sacar algún partido de esos territorios, sería menester que se arrojase a la árdua empresa de construir un ferrocarril hasta La Paz, en una extensión que se aproxima a 80 leguas. ¿Cuál sería la renta destinada a servir el capital que se invertiría en esa construcción? El rendimiento aduanero de Arica es exiguo; y además quedaría gravado desde un principio con el 40% del producto bruto que Chile exige para hacer la transferencia". Llegó a decir Quijarro que había "un sentimiento de despre-

of Bolivia.” Such phraseology is unbefitting of those who should have acted as statesmen, measuring the importance of such historical moment. How right Mr. Daniel Salamanca was as he said that such Congress, in discussing these Treaties, “showed a shameful lack of understanding of world reality.”

Opposition lawmakers argued against the provisions of the Treaties, referring mainly to the fact that Bolivia was to cede its littoral in perpetuity, and would only receive by way of compensation a promise that Tacna and Arica would be handed over to it, provided the plebiscite agreed under the Ancón Treaty between Peru and Chile was favorable to the latter. In a leaflet published by Mr. Antonio Quijarro in 1897 under the title “Current Political Situation. The Cession of Tacna and Arica. The Treaties with Chile and Mr. Pando and Mr. Quijarro,” we find the following reasoning concerning the 1895 Treaties, that were the ones that he adduced during his speech in Congress: “The transfer of Tacna and Arica would not be made plainly and simply because, where appropriate, Bolivia would be obliged to pay, by way of compensation for the transfer, the sum of five million silver pesos in coins with a fine gold content of 25 grams and 9 tenths of fino, and specifically allocate 40% of the gross return earned by the Arica Customs Service to such payment.” Quijarro argues also that the cession of the littoral and the relevant territorial compensation “should have been set out in a single agreement and instrument, the one being an essential condition for the other and vice versa.” Underestimating the territorial cession offered, Quijarro says: “The importance of the Port of Arica has diminished considerably with the irresistible competition from Antofagasta. In order for Bolivia to be able to reap some benefit from those territories, it would be necessary for it to embark on the arduous venture of building a railway to La Paz, covering a distance of nearly 80 leagues. What would be the rent allocated to repaying the capital invested in such construction project? The return earned by the Arica Customs Service is trifling; and, in addition, it would be burdened from the start with 40% of the gross income demanded by Chile for making such transfer.” Quijarro even went as far as to say that there was “a sentiment of

cupación (en los negociadores) en cuanto a los principios de derechos y de moral, al consagrar un ajuste entre Bolivia y Chile, sobre propiedades que son del exclusivo dominio del Perú".

Las observaciones más serias que se hicieron a los convenios del 95, se basaban en lo aleatorio de la compensación ofrecida por Chile a cambio de la cesión que hacía Bolivia de su Litoral. La entrega de Tacna y Arica dependía del éxito que tuviese Chile en el plebiscito. Si éste le era adverso solo quedaba obligado a entregarnos la caleta Vitor u otra análoga. Debemos recordar que el Tratado de Ancón prescribe la realización de un plebiscito sobre el territorio limitado al sur por la quebrada y río de Camarones, es decir que comprendía la caleta Vitor. Es cierto que hubieron negociaciones para reducir el área sujeta a plebiscito pero no acuerdos definitivos. La región de Tarata, al norte de Arica, solo fue devuelta al Perú en cumplimiento del protocolo de arbitraje suscrito en Washington por los representantes de Chile y Perú que dio origen al fallo del Presidente norteamericano Calvin Coolidge, del 4 de marzo de 1925. Allí se dictaminó que la zona a ser plebiscitada tenía como límite norte el río Sama.

Quedando en pie la posibilidad de que Bolivia recibiera solamente Vitor o una caleta análoga, se adujo en el Congreso que esta compensación era insuficiente y que era necesario determinar con mayor precisión lo que Bolivia iba a recibir en compensación a la entrega de su Litoral.

Las otras objeciones a los tratados se referían a aspectos comerciales y de reajustes financieros, Chile deseaba obtener ciertas ventajas comerciales que mantenían abierto el mercado boliviano a exportaciones chilenas. El Min. Gutiérrez propuso y obtuvo limitar esos privilegios a diez años.

Para contrarrestar la argumentación de los congresales opositores, entre los que descollaba don Antonio Quijarrro, cuyas opiniones hemos reproducido líneas arriba, el Ministro de Relaciones Exteriores, don Emeterio Cano, pronun-

indifference (on the part of the negotiators) as regards legal and moral principles, by consecrating an adjustment between Bolivia and Chile over properties that are owned exclusively by Peru."

The most serious comments made on the 1895 Treaties were based on the random compensation offered by Chile in exchange for the transfer made by Bolivia of its littoral. The delivery of Tacna and Arica depended on Chile's success in the plebiscite. If adverse, it was compelled to deliver to us only the Vitor Cove or an analogous one. We should recall that the Ancón Treaty provided for the organization of a plebiscite on the territory bordering the Camarones Ravine and Camarones River to the south, *i.e.* it comprised the Vitor Cove. It is true that there were negotiations to reduce the area subject to the plebiscite, but there were no final agreements. The Tarata region, to the north of Arica, was only returned to Peru in compliance with the arbitration protocol executed in Washington by representatives of Chile and Peru, which led to the 4 March 1925 ruling by U.S President Calvin Coolidge. There, it was decided that the area that was to be the subject matter of the plebiscite was to border the Sama River to the north.

The possibility still remaining that Bolivia might only receive the Vitor Cove or an analogous cove, it was alleged in Congress that such compensation was insufficient and that it was necessary to determine with more precision what Bolivia was to receive as compensation for the handover of its littoral.

The other objections to the treaties referred to commercial aspects and financial readjustments, Chile wished to secure certain commercial advantages that kept the Bolivian market open to Chilean exports. Minister Gutiérrez proposed and obtained limitations on such privileges to a term of ten years.

...

Obtenida esta aprobación el gobierno envió telegramas de congratulación a su representante en Santiago, por la labor desplegada, y se intercambiaron cordiales comunicaciones entre los Presidentes de Chile y de Bolivia. Al fin había concluido el estado de guerra y Bolivia contaría con una salida propia al Océano Pacífico.

Muy pronto vino la desilusión. El Congreso chileno aprobó el 31 de diciembre de ese año (1895) "los Tratados de Paz y Amistad, de Transferencia de territorios y de Comercio firmados en Santiago el 18 de mayo de este año, entre los Plenipotenciarios de Chile y Bolivia, y los Protocolos complementarios del 28 del mismo mes. Esta ley promulgada por el Presidente Jorge Montt y su Ministro de Relaciones Exteriores Luis Barros Borgoño, no aprobaba los mismos convenios que el parlamento boliviano. Uno de los protocolos de 28 de mayo no fue considerado por el Congreso boliviano, y allí se incluyó el Protocolo de 9 de diciembre (1895) aprobándose los tres Tratados, un protocolo complementario de 28 de mayo y otro firmado en Sucre, "en conjunto y como estipulaciones recíprocas e integrantes las unas de las otras".

I X

El Presidente Baptista, en su Mensaje al Congreso, el 6 de agosto de 1896, al entregar el mando al nuevo Presidente, don Severo Fernández Alonso, hace una relación de la suerte que corrieron en las Cámaras legislativas los Tratados del 95. Entresacamos algunos párrafos de ese Mensaje:

"Para formar juicio sobre asuntos graves, hay que tomarlos en su conjunto. Solo esa vista sintética prepara soluciones convenientes... En los tratados humanos se entrelazan para cada una de las partes los inconvenientes con las ventajas".

IX

President Baptista, in his Address to the Congress delivered on 6 August 1896 when handing over power to the new President, Mr. Severo Fernández Alonso, discussed the treatment of the 1895 Treaties by the Congress. We selected some paragraphs from this Address:

...

PIADAS Y SUFICIENTES PARA RESPONDER A LAS NECESIDADES DEL COMERCIO EXTERIOR DE BOLIVIA. "No basta-
do esa calificación se pone esta otra: el artículo ES DE ME-
RA PREVISION. Todavía se echa mano de nuevas locuciones:
BASE FUNDAMENTAL DE LA OBLIGACION chilena, ES AD-
QUIRIR TACNA Y ARICA. Adelántase la insistencia sobre el
anuncio del artículo 4º. ES UNA PREVISION EXTREMA; NO
PLANTEA UNA ALTERNATIVA. Queda tal vez algo no suf-
cientemente acentuado. Recállcase todavía más; CHILE, PER-
SEGUIRA LAS NEGOCIACIONES CONCERNIENTES A TACNA
Y ARICA CON LA MAYOR ACTIVIDAD POSIBLE.

Perfeccionada la tarea del Gobierno con este último protocolo, incumbía al Congreso aprobarla o rechazarla, fuese general o parcial la forma de su veredicto; fuese incor-
recta, aunque hasta cierto punto tolerada en el Derecho,
como es la forma de aplazamiento.

Pero surgía un peligro que conturbaba a la asamblea en su decoro y patriotismo; el de que sin haberse arribado a solución ninguna, quedasen descortesamente cerradas las sesiones legislativas.

En hora tan apremiante, el Excelentísimo Plenipontencia-
rio de Chile nos dio una prueba más del espíritu levantado y abierto que al servicio de su país y de Bolivia ha llevado en las negociaciones, proponiéndome que yo suscitase en el seno del Consejo la facción de un protocolo que reprodujera y marcara, y sellase lo que estaba dicho en documentos anteriores y corría disperso en las varias fórmulas o minutas de desconfianza. Así se hizo. Me adelanté unos mo-
mentos a entrevistarme con la quasi totalidad de los Con-
gresantes citados sin ceremonial, con el objeto de expre-
sarles mi convencimiento en los términos que lo permitía
mi entonces quebrantada salud y mi voz quasi extinguida.

En este protocolo que es el de 9 de diciembre, no po-
día hacerse otra cosa que reproducir lo tantas veces arti-
culado; o a lo más poner de manifiesto, lo sobreentendido
axiomáticamente en punto a pactos internacionales".

Following the Government completion of its task by signing this last protocol, the Congress was in charge of approving or rejecting it, whether in full or in part, even if it was incorrect but accepted to a certain degree by Law, such as by means of a deferral.

However, a risk dismayed the Congress' decency and patriotism; the possibility that, prior to reaching a solution, the Congress' sessions were impolitely adjourned.

At such urgent times, the Honorable Plenipotentiary of Chile provided us with one more proof of the open and raised spirit of the negotiations for the service of his country and Bolivia, suggesting me to evoke, before the Council, the preparation of a protocol reproducing, establishing and sealing the statements included in the previous documents that were dispersed in the several formulas or untrusted minutes. And so it was done. I met in advance almost every non-formally-summoned Congressman with the purpose of stating my conviction as far as my frail health and almost vanished voice allowed me.

In this protocol, dated 9 December, the only possible action was to reproduce the terms that have been stated so many times or, at least, declare what was axiomatically in point implied from the international treaties.

Refiriéndose al protocolo de 30 de abril de 1896, explicatorio del de 9 de diciembre del año anterior, el Mensaje dice:

"El gobierno de Chile aprobó el protocolo; pero se ha convenido después en llevarlo a la deliberación de las Cámaras. El Gobierno nacional pasa llanamente a vuestra conocimiento la cláusula explicatoria y a vuestra deliberación el protocolo de 18 de mayo (de 1895), que fija las bases de liquidación de créditos reconocidos".

Este último documento es el que el Canciller Cano "por si y ante sí", al decir del representante boliviano en Santiago, no envió a consideración del Congreso juntamente con los Tratados". (9).

El Canciller Cano desplegó gran actividad para lograr que el gobierno chileno acepte el Protocolo de 9 de diciembre. El 11 de ese mes envía una comunicación al Ministro Gutiérrez, en la que le dice:

"La gravedad de la situación que se iba a crear, y las reiteradas instancias sostenidas, desde tiempo atrás, decidieron al señor Matta para suscribir el Protocolo, cuya copia acompaña, respecto del cual deberá U. esforzarse para obtener, en forma debida, la aprobación de ese Gobierno". A continuación explica que "el Protocolo no contiene modificación... No hay en él sino aclaración de los diversos puntos que se juzgaban oscuros o que implícitamente estaban comprendidos en los pactos. Si el gobierno de Chile se encuentra animado del verdadero propósito de arribar a la paz, de una manera franca y cordial, creo no hallará motivo de observación. Espero que U. coronará su patriótica obra, esforzándose porque inmediatamente se apruebe el citado protocolo".

La presión que hace el representante boliviano en Santiago para lograr la aceptación chilena al Protocolo de 9

With reference to the protocol dated 30 April 1896, explanatory of the one of 9 December 1895, the Address states:

“The Government of Chile approved the protocol, but it then agreed to bring it to be discussed by the Congress. The national Government plainly informed you of the contents of this explanatory clause and presented to you, for a deliberation thereupon, the protocol of 18 May (1895), establishing the basis for the settlement of acknowledged credits”.

The last document was not sent for the consideration of the Congress together with the Treaties by the Minister of Foreign Affairs Cano “on his name and own behalf”, according to the Bolivian deputy in Santiago”. (9).

Minister of Foreign Affairs Cano was very active to convince the Chilean Government to accept the Protocol of 9 December. On 11 December, he sent a communication to Minister Gutierrez stating that:

“The severity of the situation to be created, together with the repeated instances, sustained for a long time, convinced Mr. Matta to sign the Protocol, a copy of which is attached hereto, and which, through your efforts, should be duly approved by such Government”. He further explained that “the Protocol does not contain modifications... It only includes a clarification of the different issues deemed as obscure or that were implicitly included in the treaties. If the Chilean Government is motivated by the true purpose of achieving peace in a frank and cordial manner, I believe it will find no reason of objection. I hope that you can crown your patriotic task, exercising efforts to get the aforementioned protocol immediately approved”.

The pressure exerted by the Bolivian deputy in Santiago to obtain Chile’s acceptance of the Protocol of 9

de diciembre solo obtiene que el Ministro de Relaciones Exteriores Barros Borgoño acepte este documento con excepción de la cláusula 4a. que, en su concepto, "tiene sentido variado, vago y general". "El señor Barros Borgoño, informa el Ministro Gutiérrez, no encuentra inconveniente de consideración a esta cláusula; pero cree indispensable precisarla para satisfacer las exigencias del Congreso chileno, a cuyo conocimiento debe llevarse, en su concepto, aquel Protocolo".

No se debe olvidar que durante la discusión de los Tratados en el Congreso boliviano, el Ministro Gutiérrez advirtió, varias veces, que el gobierno chileno no aceptaría modificaciones a los documentos suscritos. Este mismo temperamento fue oficialmente comunicado por el representante chileno en Sucre, señor Matta. El 7 de diciembre, dos días antes de la aprobación de los Tratados, el Ministro de Relaciones Cano envía una comunicación telegráfica al representante boliviano en Santiago en la que le dice: "En este momento cinco post meridiano Ministro Matta me dirige oficio, transcribiendo telegrama de su gobierno, en el que se declara inaceptable toda modificación a los tratados. He respondido copiando fórmula casi idéntica a la comunicada a U. por Vicepresidente, añadiendo "que el Gobierno estima no existir modificación de bases pactadas ni enmienda que lleve condición resolutoria; pues declaración de indivisibilidad de pactos está hecha por Chile y segunda parte relativa a cesión definitiva se desprende de la anterior". Digo en nota a Matta (continúa el telegrama): "Si al ejecutarse los tratados no fuese llenada alguna de sus partes, se invalidaría el todo, siendo ésta declaración y no otra la repetida en la fórmula aprobatoria, declaración que se desprende de la misma unidad de los pactos y que sirve al propósito de poner término feliz a una situación precaria, mediante el ajuste de una paz definitiva que sella las aspiraciones de una y otra Nación". Termina el telegrama instruyendo al Ministro Gutiérrez: "Procure que Gobierno autorice a Matta a aceptar fórmula de resolución del Congreso. Urge respuesta. Cámaras

December was only enough to make the Minister of Foreign Affairs, Mr. Barros Borgoño, accept this document with the exception of section 4, which, in his concept, "has a wide, vague and general meaning". "Mr. Barros Borgoño, as informed by Minister Gutiérrez, has found no inconvenience in considering this clause; but he believes it is critical to specify its contents to meet the requirements of the Chilean Congress, which had to be informed, in his concept, of the aforementioned Protocol".

It must not be forgotten that during the discussion of the Treaties by the Congress of Bolivia, Minister Gutiérrez warned, on several occasions, that the government of Chile would not accept modifications to the signed documents. This opinion was officially communicated by the Chilean deputy in Sucre, Mr. Matta. On 7 December, two days before the approval of the Treaties, the Minister of Foreign Affairs Cano, sent a telegram to the Bolivian deputy in Santiago stating as follows: "At 5 p.m., Minister Matta sent me an official letter with a transcription of the telegram of his government declaring any modification to the treaties as unacceptable. I replied with an almost exact copy of the communication sent to you by the Vice-President, adding "that the Government estimates that there are no modifications to the agreed bases nor an amendment with a resolutory condition; since it was Chile who declared the indivisibility of treaties and the second part regarding the definite cession follows from the aforementioned". I state, in a note to Mr. Matta (continues the telegram): "If, at the moment of executing the treaties, any part thereof is left unfilled, the full agreement would be null, being this statement, and no other, the one repeated in the approval formula, declaration that follows from the unity of the treaties and it is intended to bring a happy conclusion to a precarious situation, by means of the settlement of a final peace sealing the aspirations of both nations". The telegram ends instructing Minister Gutiérrez: "Seek authorization from the Government so Mr. Matta may accept the resolution formula of the Congress. Urgent response required. The Chambers

votarán asunto lunes nueve". La fórmula de resolución aludida decía: "debiendo tener efecto la cesión definitiva del litoral boliviano desde que Chile entregue a Bolivia el puerto a que se refiere el tratado y protocolo (de 18 y 28 de mayo respectivamente)".

A último momento esta fórmula de resolución camarial fue sustituida por el protocolo de 9 de diciembre.

Al informar el Ministro Gutiérrez al Presidente Bapista de sus gestiones para conseguir la aceptación chilena de este último convenio, le dice en carta fechada el 14 de enero de 1896:

"Mi querido compadre:

"Es con un vivo sentimiento de desencanto que me impongo de las tristes incidencias que han acompañado los preliminares de los Tratados de paz, o más bien su aprobación por el Congreso nuestro, según la información que debo a la carta de U. de 26 del pasado.

Es incomprendible que Quijarro y Revollo hubieran podido organizar una agrupación opositora, sin otra base que el sofisma para deshacerla después como a un globo de jabón. No es de creer que alguien que se dá cuenta de las cosas, haya tomado muy a lo serio el contenido del protocolo del 9, que fuera de las cláusulas, repitiendo las del Tratado, establece un plazo perentorio de dos años para que Chile nos entregue un puerto. Creo que esta estipulación tiene muy dudosa conveniencia. La vaguedad de la 4a. produjo alguna duda en Barros Borgoño, pero encontró que su fondo estaba dentro del espíritu del Tratado.

Fue mucha suerte para los Tratados que Barros llegue tan afortunadamente al Ministerio de Relaciones Exteriores, pues, subsistiendo el Ministerio Matte, el Gobierno habría insistido inexorablemente en la fórmula absoluta "aprobar o rechazar". Es cierto que Barros estaba de acuerdo con su antecesor en juzgar que las diferentes indicaciones que constante y sucesivamente venían de Bolivia, eran repeticiones

shall vote on the issue on Monday 9th". The mentioned resolution formula said: "the definite cession of the Bolivian littoral must be effective upon Chile's delivery to Bolivia of the port referred to in the treaty and the protocol (of 18 and 28 May respectively)".

At the last minute, this resolution formula of the Chambers was replaced by the protocol of 9 December.

When Minister Gutierrez informed President Baptista of his efforts to achieve Chile's approval of this last treaty, Minister Gutiérrez, on a letter dated 14 January 1896, he states:

"My dear colleague:

"With utter disillusionment I receive news on the grim incidents that followed the preliminary discussions on the peace Treaties, or rather their approval by our Congress, according to the information obtained from your letter dated the 26th day of the preceding month.

It is impossible to understand that Quijarro and Revollo managed to organize an opposing group by Mr. Quijarro and Mr. Revollo, with no other basis than sophism, with the intention of dissolving it as a soap bubble. It is hard to believe that someone aware of the facts has taken so seriously the contents of the protocol dated 9 December, which, apart from the sections repeating the Treaty, establishes a peremptory deadline of two years for Chile the delivery to us a port. I consider that such stipulation is doubtfully convenient. The vagueness in section 4° has raised some questions for Barros Borgoño, but he found that the reasons therefor fell within the spirit of the Treaty.

It was positive for the Treaties that fortunately Barros became the Minister of Foreign Affairs, because if Minister Matte (sic) had held office at that time, the Government would have relentlessly insisted in the absolute formula of "approval or rejection". It is true that Barros agreed with his predecessor in considering that the different signals constantly and successively received from Bolivia were redundant

más o menos inútiles y que no afectaban los Tratados de Mayo. Entretanto, inclinado a su propia obra, no se resignaba a verla fracasar y acepta temperamentos que satisfagan a nuestro Congreso anarquizado, a condición, sin embargo, de que no se modifiquen los pactos.

"Llama la atención el efecto que en la opinión chilena causó el conocimiento de ellos. Don Carlos Walker Martínez... me dijo: "no se comprende como es que Bolivia no ha recibido de rodillas aquellos Tratados". Don Vicente Reyes, otro entusiasta cooperador en esta obra, pero moderado y tranquilo, decía sorprendido: "son exorbitantes las concesiones hechas a Bolivia".

Hablo de nuestros entusiastas amigos: no hay para que invocar los juicios de los adversarios que como el Senador Balmaceda declaraban que los de Mayo "son los peores tratados que Chile ha firmado".

Pero, en fin, los tratados que eran malos resultaron buenos por obra y gracia del protocolo, CONCEBIDO O SUGESTIONADO por el PARTIDO LIBERAL, es decir, por Quijarro...

Le veo a U. muy decepcionado y le encuentro razón".

La aprobación chilena tropezó con un postre obstáculo, cuando se supo que Bolivia había firmado un protocolo de límites con la Argentina, que involucraba el territorio de la Puna de Atacama. "A última hora me vienen nuevos sustos con los Tratados —escribe don Heriberto Gutiérrez a su hermano Lisímaco— por causa de un protocolo firmado con Rocha que preocupa hondamente al Senado y que desde luego nos ha quitado la unanimidad en el acto aprobatorio que se ha efectuado con tres votos en contra (balmacedistas). Ojalá que este acto no nos traiga complicaciones ulteriores. Ahora están los Tratados en la Cámara de Diputados".

and somewhat useless at the same time, and that they did not affect the May Treaties. Meanwhile, leaning in favor of his own work, he would not yield to his failure, accepting statements satisfactory to our anarchic Congress, with the condition, however, that the treaties remain unmodified.

"It calls the attention the effect that it caused in the Chilean public opinion the knowledge of them. Mr. Carlos Walker Martínez... told me: "I cannot understand how Bolivia has not received on its knees those Treaties". Mr. Vicente Reyes, another enthusiastic contributor to this work, but moderate and quiet, said with astonishment: "the concessions offered to Bolivia are exorbitant".

I am making reference to our enthusiastic friends: there are no reasons to invoke the opinions of adversary parties such as Senator Balmaceda, who stated that the May Treaties "were the worst treaties ever signed by Chile".

Nonetheless, in the end, the treaties which were poor turned to be good as a consequence of the protocol, CONCEIVED OR SUGGESTED by the LIBERAL PARTY, i.e. by Quijarro...

I see you are very disappointed and I can see why".

...

XIII

Como se puede ver todo el enredo vino de la suscripción del Protocolo de 9 de Dicembre. Aquí cabe preguntarse: ¿estaba Matta autorizado por su gobierno para firmar este convenio? Es de suponer que sí puesto que continuó a la cabeza de la representación diplomática de su país en Bolivia. Si hubo esta autorización ¿fue dada de buena fe por el Ministro de Relaciones Barros Borgoño o fue una trampa para eludir después el cumplimiento de los tres Tratados firmados el 18 de mayo? También puede haber sucedido que la instrucción enviada de Santiago hubiera sido vaga y que en su ejecución Matta se hubiera excedido. Abona en favor de esta tesis el hecho de que el Ministro Barros Borgoño desde el comienzo objetó la cláusula 4a. del protocolo de 9 de Dicembre. En todo caso, si fue una trampa el gobierno boliviano cayó muy fácilmente en ella.

Cualquiera que sea la explicación, fue un grave error de la Cancillería boliviana aceptar esta imposición del Congreso. Si el gobierno estaba convencido de la bondad de los acuerdos suscritos en mayo debió usar de toda su influencia para lograr su aprobación. En cambio, Cano desmayó y buscó formas de complacer a un parlamento que no adujo realmente argumentos sólidos para oponerse a los Tratados.

Don Daniel Salamanca, al analizar este hecho histórico tiene palabras duras para aquellos legisladores. "A mi modo de ver —dice este ilustre hombre público— los tratados que obtuvo Baptista en 1895, fueron el resultado de las aventuras de 1891 (el reconocimiento de la beligerancia de los revolucionarios en la guerra civil chilena). Esos tratados, comparados con el que después se ha suscrito en 1904 podrían estimarse como una fortuna extraordinaria. Y todavía el Congreso de Bolivia, en que se alzó una fortísima oposición contra ellos, mostró una lastimosa ausencia de sentido de la realidad del mundo. Se hizo el engreído, y se mostró exigente en aquello mismo que a mi juicio no se pensó dar-

XIII

As can be noted, this entanglement arose from the signing of the Protocol of 9 December. Here, it is worth wondering: Was Mr. Matta authorized by the government to sign this agreement? We may assume that he was since he continued leading the diplomatic representation of his country in Bolivia. If there was this authorization, was it given in good faith by the Minister of Foreign Affairs Barros Borgoño, or was it a trick to later circumvent the compliance with the three Treaties signed on 18 May? Another possibility involves a vague instruction sent from Santiago, with Matta exceeding the execution thereof. The fact that Minister Barros Borgoño challenged section 4º of the Protocol of 9 December from the beginning supports this thesis. In any case, if this was a trick, the Bolivian government easily fell for it.

Regardless of the explanation, accepting this imposition from the Congress was a serious mistake on the part of the Bolivia's Ministry of Foreign Affairs. If the government was confident of the benevolence of the agreements signed in May, it should have exerted all its influence to get them approved. Instead, Cano faltered and sought a way to please a Congress that furnished no solid arguments opposing the Treaties.

Mr. Daniel Salamanca, in his analysis of this historical fact, said some harsh words to those congressmen. "From my point of view—in the words of this illustrious figure—, the treaties obtained by Baptista in 1895 were the result of the ventures carried out in 1891 (the acknowledgment of the belligerence of the revolutionary parties during Chile's civil war). These treaties, compared to that signed in 1904 may be considered as an extraordinary fortune. Yet, the Congress of Bolivia, raising a strong opposition, showed a pathetic lack of sense regarding the world's reality. It was arrogant and demanded something that, to my sound judgment,

le seriamente. Las exigencias del Congreso boliviano, sino fueron la causa del fracaso de los tratados, fueron por lo menos un pretexto para dejarlos en el olvido. De suerte que aquella desatinada imprudencia del gobierno de D. Aniceto Arce, fue perfectamente inútil". (10)

Vale la pena recordar que durante la discusión cameral de los Tratados, en noviembre de 1895, el Ministro Gutiérrez envió varias comunicaciones al gobierno reflejando el criterio de la Cancillería chilena sobre la aprobación de estos convenios. En una nota manifestaba: "El señor Ministro de Relaciones Exteriores, acaba de declararme, como última palabra de su Gobierno, que no admite modificación alguna en el texto de los tratados de mayo, y que, cualquier modificación, la consideraría como un acto de desaprobación. Confirma en estos conceptos, la declaración anterior que en esta materia me hizo, y que trasmítí en mi despacho Nº 70 del 1º del pasado. Insiste por lo demás, en opinar que cualquier modificación daría lugar a otras, que podrían hacerse por el Congreso de Chile".

En análogo sentido recibió el Ministro de Chile en Bolivia un telegrama de La Moneda, fechado el 18 de noviembre, cuya copia obtuvo el Ministro Gutiérrez para trasmitirla a su gobierno. Este despacho dice:

"Aun cuando ese Gobierno ha dado seguridad moral de que los tratados serán aprobados por Congreso, estando ya próxima la resolución conviene que V.E. manifieste a ese Gobierno cuáles serían las consecuencias de recibir rechazo, sea él franco o disimulado. Mientras que Chile mantendrá todo lo que tiene adquirido a título inamovible por el pacto de tregua y que los tratados de mayo no hacen más que consagrar, Bolivia renunciaría para siempre a adquirir salida propia al Pacífico y el apoyo político y económico de Chile".

Razonamiento frío y cínico si se quiere, pero de gran peso.

could not seriously be offered. If the demands of the Bolivian Congress were not the cause of the failure of these treaties, they were at least a pretext to leave them in oblivion. Thus, that foolish recklessness from the government of Mr. Aniceto Arce was completely futile". (10)

It is worth recalling that during the Chambers discussion of the Treaties, in November 1895, Minister Gutiérrez issued several communications to the government reflecting the criteria of Chile's Ministry of Foreign Affairs on the approval of these agreements. He stated on a note: "The Minister of Foreign Affairs just told me, as final word from his Government, does not accept any modification to the text of the May treaties, and that any such modification shall be considered as an act of disapproval. These concepts were confirmed by the previous declaration on this issue, communicated by me in my letter No. 70 sent on the 1st day of last month. Furthermore, he insisted that any modification would lead to further ones by Chile's Congress".

Similarly, the Minister of Chile in Bolivia received a telegram from the Government of Chile, dated 18 November , with a copy delivered to Minister Gutiérrez with the purpose of being forwarded to his government. The letter read as follows:

"Even if that Government has given moral assurance that the treaties will be approved by the Congress, with a date close to the resolution, it is advisable that Your Excellency informs such Government of the possible consequences of a rejection, whether frank or dissimulated. While Chile will maintain every right acquired under the Truce Treaty in an immutable manner, as reinforced by the May Treaties, Bolivia will forever abandon the acquisition of an outlet to the Pacific Ocean, and also the political and economic support of Chile".

...

Hoy día tenemos un pacto diversa e incompletamente aprobado. Un pacto para el cual Chile ha decretado que se le cumpla y tenga por ley de la República, y para el que Bolivia exige de su prensa y de su opinión el acatamiento debido a una ley nacional, y que, no obstante todo ello, no puede ser CANJEADO.

El protocolo Cano-Matta, que al principio fue apenas observado como vago y falto de claridad, hoy día es abiertamente rechazado.

Con excepticismo, casi con desdén dejan obrar a Matta, procurando una explicación que evitando las inmotivadas desconfianzas haga desaparecer la vaguedad del protocolo, y dé cabida al canje y ejecución de los tratados.

...Me permito llamar la atención, como amigo y como boliviano para exitar tu patriotismo, a fin de que con toda energía promuevas en el seno del Gabinete un acuerdo que tienda al perfeccionamiento del Tratado de Mayo, explicando las desinteligencias y descartando los obstáculos.

El único argumento que desde el principio hasta el fin de esta negociación he visto figurar, en contra de la paz con Chile, es el de la desconfianza. Se teme que Chile falle a sus compromisos, y se quiere amarrar al potro con hilos de araña. Si la desconfianza en las promesas de la Moneda es tan honda, no encuentro lógica en querer remediarla con fórmulas y estipulaciones”.

Se ve que el fracaso de las gestiones para la aprobación simple y llana de los Tratados de 1895, se debió a la presión de los congresales liberales opositores del gobierno, a la debilidad con que actuó la mayoría oficial y a las indecisiones del Ministro de Relaciones Exteriores quien, ate-morizado por la crítica a los convenios, suscribió el Protocolo de 9 de diciembre, documento que, en realidad, echó por tierra toda la negociación.

En la obra de Luis Barros Borgoño “El Problema del Pacífico y las Nuevas Políticas de Bolivia”, leemos lo siguiente:

It is clear that the failure of the efforts for the simple and straightforward approval of the 1895 Treaties resulted from the pressure of liberal congressmen opposing the government, as well as from the weakness of the actions of the official-party majority, and the indecisiveness of the Minister of Foreign Affairs who, scared by the criticism to the agreements, signed the Protocol of 9 December, which actually shattered all negotiations.

Mr. Luis Barros Borgoño, in his book *El Problema del Pacifico y las Nuevas Políticas de Bolivia* (The Pacific Problem and the New Policies of Bolivia), stated as follows:

"El preámbulo al Tratado de Transferencia de Territorios de 18 de mayo de 1895, es claro y explícito. Dice así: Las Repúblicas de Chile y Bolivia, con el objeto de fortalecer más y más los lazos de amistad que unen a los dos países, y conscientes de una necesidad superior —el futuro desarrollo y la prosperidad comercial de Bolivia— demanda que tenga libre y natural acceso al mar, han convenido en formar un Tratado especial relativo a transferencia de territorio...". (11)

En la misma obra de Barros Borgoño se lee lo siguiente: "El 31 de diciembre de 1895, el Congreso pasó una ley aprobando los tres Tratados de 18 de mayo de 1895 y los dos protocolos de 28 de mayo. Desde ese momento el Gobierno de Chile estaba dispuesto a canjear ratificaciones, y dar a los tratados suscritos en un espíritu de conciliación internacional y amistad, su forma final. El Congreso boliviano sin embargo, no dio a los Tratados la aprobación esperada sino que añadió un protocolo que modificaba el acuerdo e introdujo en las negociaciones un elemento de desconfianza". Añade Barros Borgoño que el Congreso chileno cuando aprobó los tratados el 31 de diciembre no conocía el protocolo del 9 de ese mismo mes firmado en Sucre. Mario Barros en su Historia Diplomática de Chile dá otra versión de este episodio y lo describe así: "Cuando el Parlamento chileno entró a tratar, en sesión secreta del 12 de enero de 1896, el tratado de paz con Bolivia, más el protocolo adicional de 1895, el furor de los diputados y senadores no es para descrito".

El Protocolo de 30 de abril de 1896 trató infructuosamente de salvar los tratados haciendo una explicación del instrumento firmado el 9 de Dic. entre Matta y Cano. El Congreso boliviano aprobó este protocolo pero siempre dentro del mismo espíritu de desconfianza que tan bien describe don Claudio Pinilla en su carta a José Vicente Ochoa. El mismo Gobierno envió al Congreso una proposición sugiriendo que en la ley aprobatoria del protocolo de 30 de abril, se consig-

“The preamble of the Treaty on Transfer of Territories of 18 May 1895 is clear and explicit. It says: The Republics of Chile and Bolivia, for the purpose of strengthening more and more the bonds of friendship which unite both countries and aware that a higher need —the future development and the commercial prosperity of Bolivia— require its free and natural access to the sea, have decided to conclude a special Treaty on the transfer of territory...”. (11)

The same book by Barros Borgoño read as follows: “On 31 December 1895, the Congress passed a law approving the three Treaties of 18 May 18 along with other two protocols of 28 May. From that moment onwards, the Chilean Government was willing to exchange ratifications, as well as to finalize the treaties executed within an environment of international reconciliation and friendship. The Bolivian Congress, however, failed to approve the Treaties as expected and it added a protocol modifying the agreement, incorporating an element of mistrust to negotiations”. Barros Borgoño adds that the Chilean Congress, when approving the Treaties on 31 December, was not aware of the protocol signed on 9 December in Sucre. Mario Barros, in his book Historia Diplomática de Chile (Chilean Diplomatic History), provides his own version of this episode: “When the Chilean Congress, during a secret session held on 12 January 1896, discussed the peace treaty with Bolivia, along with the 1895 additional protocol, the rage of the members of the Congress cannot be described”.

The Protocol of 30 April 1896 intended to save the treaties by explaining the document signed between Mr. Matta and Mr. Cano on 9 December, but failed to succeed. The Bolivian Congress approved this protocol, within the same environment of mistrust accurately described by Mr. Claudio Pinilla in his letter to Mr. José Vicente Ochoa. The same Government submitted to the Congress a proposal, which contained a suggestion to include, in the law approving the protocol of 30 April ,

ne un inciso por el que se estatuya "que en el caso previsto por la cláusula 4a. del Protocolo de 9 de Dicbre., corresponde a las cámaras legislativas de Bolivia el pronunciarse sobre si el puerto que ofrece Chile en sustitución de Arica, reúne o no las condiciones establecidas por el protocolo de 30 de abril". Vana estipulación. El Congreso de Chile nunca consideró ni el protocolo de 9 de Dic. ni el del 30 de abril de 1896.

X I V

En agosto de 1896 acaeció un trágico suceso que pudo entorpecer el desenvolvimiento de las relaciones con Chile: el representante de ese país fue victimado en la Plaza de Sucre.

La Cancillería boliviana envió una circular telegráfica a sus legaciones en el exterior, explicando el hecho. Dice este despacho: "Anoche horas nueve y treinta minutos, don José Cuéllar disparó sobre el señor Matta Ministro de Chile, cinco tiros de revólver de los cuales tres le hirieron, pero tiene una herida de gravedad. Cuéllar se presentó espontáneamente a la policía y ha confesado su crimen, expresando ante el intendente y la autoridad judicial que lo ha perpetrado para salvar su dignidad de esposo ultrajado. Sigue preso y la acción judicial se prosigue rápidamente. El sumario está casi concluido. El señor Matta había declarado ya desde los primeros momentos del suceso ante los Ministros de Estado, y representantes diplomáticos del Brasil y Argentina y de los secretarios de la Legación chilena que si bien ignoraba quien fuese el autor de los disparos y ni siquiera lo sospechaba, tenía convencimiento pleno de que el crimen solo pudo obedecer a venganza personal originada quizás por una calumnia incomprensible. Declaró además que ninguna atingencia puede tener el hecho con su carácter oficial de representante de Chile. Procure rectificar otras versiones que

a subsection stating that “in the case provided for under section 4° of the Protocol dated 9 December, it shall be the responsibility of the Bolivian Congress to declare whether the port offered by Chile in substitution of Arica meets the conditions set by the protocol dated 30 April”. Vain stipulation. The Chilean Congress never considered neither the protocol of 9 December nor that of 30 April 1896.

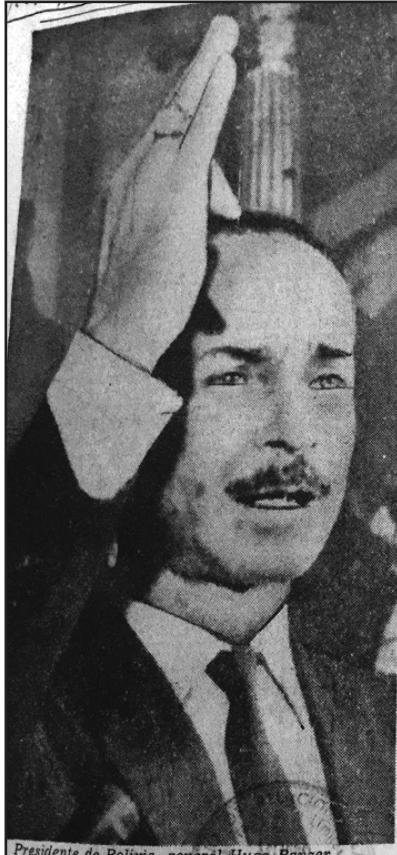
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Annex 417

“Banzer claims Landlocked Situation, Not A Basic Condition”,
El Mercurio (Chile), 5 February 1975

(Original in Spanish, English translation)

El Mercurio (Chile)



Presidente de Bolivia, general Hugo Banzer

Banzer Puntualiza

Mediterraneidad no Es Condición Básica

■ El sábado se reúne con el Presidente de Chile.

LA PAZ, 4 (AFP).— El problema de la mediterraneidad boliviana no es condición para reanudar relaciones diplomáticas con Chile, manifestó hoy aquí el Presidente boliviano, Hugo Banzer.

El general Banzer, 72 horas antes de entrevistarse con su colega chileno, general Augusto Pinochet, puso un "puente de plata" para el intercambio de Embajadores entre ambos países.

Banzer declaró textualmente: "No es condición básica la reintegración marítima para la reanudación de relaciones".

Bolivia y Chile interrumpieron sus relaciones diplomáticas no por el problema mediterráneo del país, sino por un diferendo sobre el uso del río Lauca, común a ambos países.

Bolivia, en años anteriores, había planteado el tema de mediterraneidad como condición previa al restablecimiento de relaciones diplomáticas con Chile.

"BUENA VOLUNTAD"

LA PAZ, 4 (UPI).— El Presidente Hugo Banzer calificó hoy de "gesto de buena voluntad" la iniciativa del Presidente de Chile, general Augusto Pinochet, para que el próximo sábado se reúnan ambos en el puesto fronterizo de Charaña, en territorio boliviano.

En un breve contacto que sostuvo hoy el Mandatario boliviano con periodistas, expresó que la reunión que tendrá con Pinochet será informal, de unas dos horas de duración.

Aclaró que la invitación para que se entrevisten ambos Mandatarios fue transmitida por el Presidente Pinochet a su colega boliviano, por medio del Consulado de este país en Santiago.

Banzer añadió que el gobernante chileno habla en su invitación del deseo de conversar una agenda previa.

El Presidente boliviano expresó que había aceptado la invitación porque está convencido de que la política internacional se conduce mejor por medio de los contactos personales.

En medios oficiales no hay aún indicios sobre las personalidades que acompañarían a Banzer en su encuentro con Pinochet. Sin embargo, parece que sería un hecho la presencia del Canciller Alberto Guzmán y de los tres miembros del Comando Conjunto de las Fuerzas Armadas, generales

(Continúa en la página 8)

Banzer Claims

Landlocked Situation, Not A Basic Condition

On Saturday he will meet the Chilean President

LA PAZ, 4 (AFP) The landlocked problem of Bolivia is not a condition to resume diplomatic relations with Chile, stated Bolivian President Hugo Banzer earlier today.

72 hours before meeting his Chilean colleague, Augusto Pinochet, General Banzer built a "silver bridge" for an exchange between the Ambassadors of both countries.

Banzer declared verbatim: "The maritime reintegration is not a basic condition for resuming relations."

Bolivia and Chile interrupted their diplomatic relations not as a consequence of the landlocked problem of the country but rather for a dispute over the use of the River Lauca, shared by both countries.

In previous years, Bolivia had raised the landlocked situation as a prior condition for reestablishing diplomatic relations with Chile.

"GOOD WILL"

LA PAZ, 4 (UPI). Earlier today, President Hugo Banzer described the initiative by Chilean President Augusto Pinochet for both presidents to meet next Saturday at the Charaña border crossing, on Bolivian territory, as a "good will gesture".

In a brief contact that the President had with the press, he expressed that the upcoming meeting with Pinochet would be informal, and last only a couple of hours.

He clarified that the invitation for both Presidents to meet was transmitted by President Pinochet to his Bolivian colleague, through the Bolivian Consulate in Santiago.

Banzer added that, in his invitation, the Chilean President referred to a desire to discuss a previous agenda.

The Bolivian President said he had accepted the invitation because he was convinced that international policy is better implemented through personal contacts.

In the official press there are no indications of who will accompany Banzer to his meeting with Pinochet. However, Minister of Foreign Affairs Alberto Guzmán and three Joint Chiefs of Staff of the Armed Forces, Generals

(Continued on page 8)

Mediterraneidad no

(De la primera página)

Oscar Arizola y Carlos Alcoreza y el vicealmirante Javier Pinto Tellería.

CAUTELA EN LA PAZ

LA PAZ, 4 (UPI).— La prensa comenta hoy cautelosamente el anuncio oficial de que el próximo sábado se entrevistarán los Presidentes de Bolivia y Chile, Generales Hugo Banzer y Augusto Pinochet.

El anuncio lo hizo anoche el secretario de prensa de la presidencia, Javier Arce Vilalba.

La prensa matutina señala cautamente que la entrevista puede servir para fijar una agenda de futuras discusiones entre los dos países, ya sea a través de una nueva entrevista presidencial o de misiones especiales de alto nivel. Añade que, en cualquier caso, se buscará resolver los problemas existentes entre los dos países.

Los matutinos destacan en sus primeras páginas y en grandes titulares la anunciada entrevista presidencial, la segunda que sostendrán en menos de un año ambos Mandatarios, pese a que los dos países no tienen relaciones diplomáticas desde hace 12 años.

En respuesta a preguntas de los periodistas, Arce Vilalba estableció que la entrevista se efectuará a iniciativa del Presidente Pinochet, quien habrá enviado una nota de invitación a su colega boliviano.

Los diarios locales especulan sobre la posibilidad de que en la entrevista se procure restablecer las relaciones diplomáticas entre La Paz y Santiago, las que fueron rotas en 1962, a raíz del diferendo surgido entre ambos por el uso de las aguas internacionales del río Lauca.

El secretario de prensa del Gobierno boliviano señaló que la inexistencia de relaciones diplomáticas entre las dos naciones no era impedimento para una entrevista presidencial, pues el artículo 74 del Tratado de Viena prevé esta posibilidad, afirmó.

Banzer y Pinochet, tuvieron un primer encuentro, calificado por ambas partes de informal, en Brasilia, los días 15 y 16 de marzo de 1974, en oportunidad de asistir ambos a la asunción al Poder del Presidente Ernesto Geisel.

Anteriormente hubo otras dos entrevistas de Presidentes de Bolivia y Chile. Ocurrió en 1955, entre el extinto General Carlos Ibáñez del Campo (de Chile) y el ex Presidente Victor Paz Estenssoro (de Bolivia), actualmente exiliado en Lima.

EN ARICA

ARICA (Peter Woodbridge, correspondiente).— El viaje del Presidente, general Augusto Pinochet Ugarte, a esta ciudad, excitó ayer notoriamente a la opinión pública cuando se lo vinculó con dos posibilidades: la reimplantación del puerto libre y un encuentro de trascendencia con el Presidente de Bolivia, general Hugo Banzer.

En relación a la cita presidencial se recuerda aquí el primer anuncio que hiciera en este sentido el general Pinochet, cuando visitó la ciudad poco después del 11 de septiembre de 1973. Negada por algunas autoridades, esta cuestión fue consultada ayer por "El Mercurio" a La Paz, desde donde el Cónsul, general Rigoberto Díaz, declaró telefónicamente a este diario:

"La Cancillería de Bolivia expidió ayer (lunes) un comunicado oficial en que dio a conocer un encuentro de los Presidentes Banzer y Pinochet que tendrá lugar el día 8 de febrero en Charaña, un pueblo junto a la frontera con Chile y primera estación boliviana del ferrocarril Arica - La Paz".

El Mandatario chileno deberá llegar mañana al aeropuerto de Chacalluta a las 10 ho-

ras, procedente de Iquique, y será saludado por las autoridades militares y civiles y jefes de servicios de esta provincia. En la losa recibirá los honores de protocolo, que estarán a cargo de un desfile de honor del Regimiento Rancagua.

Sobre algunos aspectos del viaje, un portavoz afirmó a "El Mercurio": "No hay conocimiento de que se proyecte regresar a las modalidades de un puerto libre. El Gobierno, dentro de su política de mantener una economía de mercado, trata en lo posible de no crear monopolios ni privilegios; pero si está dispuesto a impulsar programas regionales para fomentar la producción, iniciar planes de desarrollo y dar las facilidades que fueren necesarias para consolidar una economía difícil. Dentro de estos márgenes, seguramente el Presidente Pinochet traerá buenas noticias para los arqueños".

También manifestó el informante que "Arica es un punto muy interesante para el general, porque sabe muy a fondo que necesita un fuerte estímulo para mantener su productividad y ha estado preocupadísimo de este problema".

Oscar Ariazola and Carlos Alcoreza, and Vice Admiral Javier Pinto Tellería will most surely be there.

CAUTION IN LA PAZ

LA PAZ, 4 (UPI). Today, the press cautiously commented on the official statement that the Presidents of Bolivia and Chile, Generals Hugo Banzer and Augusto Pinochet, will meet next Saturday. The meeting was announced last night by the Press Secretary of the Office of the President, Mr. Javier Arce Villalba.

The morning press cautiously stated that the meeting could serve to establish an agenda for future discussions between the two countries, either through another presidential meeting or through high level special missions. He added that, in any case, they will search to resolve the existing problems between the two countries.

Morning newspapers highlighted the presidential meeting on their front pages and in big headlines, the second [meeting] between both Presidents in less than a year, even though the two countries have not had diplomatic relations for 12 years.

In response to the questions raised by journalists, Arce Villalba stated that the meeting would take place on the initiative of President Pinochet, who had sent an invitation to his Bolivian colleague.

Local newspapers speculate about the possibility that the meeting might serve/result/procure? the reestablishment of diplomatic relations between La Paz and Santiago, which were ruptured in 1962, as a result of a dispute between them over the use of the international waters of the River Lauca.

The Press Secretary of the Bolivian Government pointed out that the absence of diplomatic relations between the two nations was no obstacle for a presidential meeting, since Article 74 of the Treaty of Vienna provides for this possibility.

Banzer and Pinochet held a first encounter, which both sides described as informal, in Brasilia on 15 and 16 March 1974 when both Presidents attended the inauguration of President Ernesto Geisel. Before that, two other meetings between the Presidents of Bolivia and Chile took place. They were held in 1955 between the late General Carlos Ibáñez del Campo (from Chile) and former President Víctor Paz Estenssoro (from Bolivia), currently exiled in Lima.

IN ARICA

ARICA (Peter Woodbridge, correspondent). The trip by President General Augusto Pinochet Ugarte to this city has really worked up public opinion after being linked to two possibilities: the reinstatement of a free port and a significant meeting with the President of Bolivia, General Hugo Banzer.

As for the presidential meeting, let us recall the first announcement made by General Pinochet in that regard, when he visited the city shortly after 11 September 1973. After having been denied by some authorities, this matter was enquired yesterday by "El Mercurio" in La Paz. Consul General Rigoberto Díaz explained over the phone that:

"The Bolivian Ministry of Foreign Affairs issued yesterday (Monday) an official communication whereby it announced a meeting between Presidents Banzer and Pinochet to be held on 8 February in Charaña, a town next to the Chilean border which is home to the first Bolivian station of the Arica-La Paz railway."

The Chilean President will arrive at the Chacalluta airport tomorrow morning at 10 a.m.

coming from Iquique, and he will be greeted by military and civil authorities as well as chiefs of service from that province. Upon his arrival, he will be formally welcomed by the honor department of the Rancagua Regiment.

A source shared some details of the trip with El Mercurio: "There is no knowledge of a possible return to the modalities of a free port. As part of its policy to maintain a market economy, the Government is trying as far as possible not to create monopolies nor privileges; but it is willing to drive regional programs to foster production, set development plans in motion, and grant the facilities that are necessary to consolidate a difficult economy. Within these margins, President Pinochet will surely bring good news to the people of Arica."

The source also noted that "Arica is a very interesting location for the General, because deep down he knows it needs a strong incentive to stay productive and he has been very concerned with this issue."

Annex 418

Telegram from the US Secretary of State to the
US Embassy in Bolivia, 15 February 1975

(Original in English)

US National Archives and Records Administration,
<<https://aad.archives.gov/aad/createpdf?rid=90952&dt=2476&dl=1345>>

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Message Text

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64
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APPROVED BY ARA:WDROGERS

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TO AMEMBASSY LA PAZ IMMEDIATE

C O N F I D E N T I A L STATE 035269

E.O. 11652: GDS

TAGS: PFOR, BL

SUBJECT: BOLIVIAN AMBASSADOR CAPRILES' CALL ON

-- ASSISTANT SECRETARY ROGERS, FEBRUARY 14, 1975

SUMMARY: AMBASSADOR ROBERTO CAPRILES CALLED AT HIS REQUEST TO DISCUSS MATTERS OF GENERAL BILATERAL INTEREST. HE THANKED MR. ROGERS FOR THE U.S. STATEMENT ON THE CHARANA MEETING BETWEEN THE PRESIDENTS OF BOLIVIA AND CHILE. CAPRILES THEN OUTLINED HIS VIEW OF BOLIVIA'S GEOPOLITICAL POSITION IN THE HEMISPHERE AND SPOKE OF THE NEED FOR INTERNATIONAL ASSISTANCE IN ACHIEVING HIS COUNTRY'S ECONOMIC AND SOCIAL DEVELOPMENT GOALS. HE ALSO ASKED FOR U.S. SUPPORT AND UNDERSTANDING IN BOLIVIA'S QUEST FOR A SOLUTION TO ITS LANDLOCKED STATUS AND RAISED THE SECRETARY'S PLANS TO TRAVEL TO L.A. END SUMMARY.

1. CAPRILES BEGAN BY THANKING ROGERS FOR HIS FEBRUARY 13 STATEMENT TO THE PRESS ON THE CHARANA MEETING, NOTING THAT IT WOULD BE WELL RECEIVED IN LA PAZ. CAPRILES SAID HE APPRECIATED THE OPPORTUNITY TO SUMMARIZE FOR ROGERS HIS VIEWS ON BOLIVIA'S ROLE IN THE HEMISPHERE. HE SAID
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BOLIVIA'S PHYSICAL SETTING BORDERING ON FIVE OTHER

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COUNTRIES GIVES IT A UNIQUE GEOPOLITICAL POSITION, THE FULL SIGNIFICANCE OF WHICH IS LIMITED AT PRESENT BY ITS ECONOMIC AND SOCIAL UNDERDEVELOPMENT. HE SAID THAT THE RESOURCE BASE NECESSARY FOR DEVELOPMENT EXISTS IN BOLIVIA AND THAT THE GOB HAS THE WILL TO MOVE FORWARD BUT WILL REQUIRE THE THE ASSISTANCE AND SYMPATHETIC ATTITUDE OF THE USG AND OTHER DEVELOPED COUNTRIES. HE ALSO REFERRED WITH CONSIDERABLE FRANKNESS TO THE NEED TO MODERNIZE BOLIVIA'S INSTITUTIONAL BUREAUCRACY.

2. CAPRILES THEN REFERRED TO BOLIVIA'S SINGLE MOST IMPORTANT CONCERN: ITS LANDLOCKED STATUS. HE SAID THAT THIS CONCERN IS A PRACTICAL RATHER THAN EMOTIONAL ONE AND REFLECTS THE FACT THAT THE COUNTRY IS COMPLETELY DEPENDENT ON ITS NEIGHBORS FOR THE TRANSIT OF ALL IMPORTS AND EXPORTS. A REALISTIC SOLUTION TO THIS PROBLEM PROBABLY WILL NOT INVOLVE TERRITORIAL CONCESSIONS BY ITS NEIGHBORS, SAID CAPRILES, ALTHOUGH MANY BOLIVIANS STILL SPEAK IN THOSE TERMS, BUT WILL INVOLVE PRACTICAL ECONOMIC AND COMMERCIAL FACTORS OF IMPORTANCE TO ALL THE COUNTRIES IN THE AREA. ANY SOLUTION WILL BE DIFFICULT TO ACHIEVE, HE NOTED, AND WILL BE MANY YEARS IN THE MAKING. HE ACKNOWLEDGED THAT ANY SOLUTION MUST BE WORKED OUT BY THE COUNTRIES DIRECTLY INVOLVED, BUT AGAIN, CITED THE NEED FOR SYMPATHETIC ASSISTANCE FROM OR A "CATALYTIC" INPUT BY OTHER COUNTRIES, INCLUDING THE U.S.

3. ROGERS ASSURED CAPRILES THAT THE U.S. RECOGNIZES BOLIVIA'S IMPORTANCE IN THE HEMISPHERE, AS EVIDENCED BY OUR LONG, AND TRADITIONALLY CLOSE, RELATIONSHIP AND THE FORTHCOMING NATURE OF U.S. POLICIES TOWARD BOLIVIA. HE ASSURED CAPRILES THAT THE USG FULLY UNDERSTANDS BOLIVIA'S ASPIRATIONS AND IS PREPARED TO PLAY A POSITIVE AND SUPPORTIVE ROLE AT THE RIGHT MOMENT. WHILE NOTING THAT WE WOULD NOT BE ABLE TO TAKE A LEADERSHIP ROLE, ROGERS PROMISED THAT THE U.S. WOULD BE AS IMAGINATIVE AND HELPFUL AS POSSIBLE. HE EXPRESSED A DESIRE TO MAINTAIN A CONTINUING DIALOGUE WITH CAPRILES ON THIS AND ON OTHER SUBJECTS OF MUTUAL INTEREST. POSSIBLE RESORT TO THE WORLD BANK AND CIAP AS INSTITUTIONAL MECHANISMS FOR FOCUS-

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ING ATTENTION ON BOLIVIA'S PROBLEM WERE DISCUSSED. CAPRILES EXPRESSED PARTICULAR INTEREST IN PURSUING THE PROSPECTS OF UTILIZING CIAP.

5. CAPRILES REFERRED TO THE SECRETARY'S PLANNED TRIP TO LATIN AMERICA AND ASKED WHETHER A STOPOVER IN LA PAZ WOULD BE POSSIBLE. ROGERS NOTED THAT THE SECRETARY ONLY PLANNED TO VISIT THOSE COUNTRIES TO WHOSE FOREIGN MINIS-

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TERS HE HAD ALREADY MADE A PERSONAL COMMITMENT. HE ADDED, HOWEVER, THAT SINCE IT WAS LIKELY THAT CHILE AND PERU WOULD BE VISITED, THE SECRETARY WOULD BE FULLY BRIEFED ON ALL PROBLEMS IN THE SUBREGION, INCLUDING BOLIVIA'S LAND-LOCKED STATUS. ROGERS SAID THAT WHILE A STOPOVER IN LA PAZ WOULD NOT BE POSSIBLE ON THIS TRIP, HE HOPED THE SECRETARY WOULD VISIT LATIN AMERICA AGAIN IN THE FUTURE.

6. IN CLOSING, ROGERS REPEATED HIS DESIRE TO MAINTAIN A FRANK DIALOGUE WITH CAPRILES. HE RECALLED HIS LONG RELATIONSHIP WITH JULIO SANJINES, FORMER AMBASSADOR OF BOLIVIA TO THE U.S., AND EXPRESSED THE HOPE THAT HIS RELATIONSHIP WITH CAPRILES WOULD BE AS CLOSE. INGERSOLL

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Message Attributes

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Disposition Reason:
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Status: NATIVE
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TAGS: PFOR, BL, US, (CAPRILES, ROBERTO), (ROGERS, WILLIAM D)
To: LA PAZ
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006

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Annex 419

“Memorandum of Conversation”, Bolivia, 7 June 1976

(Original in English)

Foreign Relations of the US, 1969–1976, Volume E–11, Part 2,
Documents on South America, 1973 1976, Office of the Historian,
<<https://history.state.gov/historicaldocuments/frus1969-76ve11p2/d79>>



OFFICE OF THE
HISTORIAN

FOREIGN RELATIONS OF THE UNITED STATES, 1969-1976, VOLUME E-11, PART 2, DOCUMENTS ON SOUTH AMERICA, 1973-1976

79. Memorandum of Conversation¹

Santa Cruz, Bolivia, June 7, 1976, 8:30-10:30 a.m.

PARTICIPANTS

The United States

The Secretary
Under [Assistant] Secretary Rogers
Under Secretary Maw
Ambassador Stedman
Luigi R. Einaudi, S/P—Notetaker
Anthony Hervas—Interpreter

Bolivia

President Hugo Bánzer Suárez
Foreign Minister Adriazola
Ambassador Crespo
Interior Minister Pereda
2 others

Bánzer: My English is Colonel's English, not President's English. I am sorry.

The climate today is not normal. This is a hot land, but you have been greeted by a cold south wind.

The Secretary: In the United States, a southwind means a warm wind.

Banzer: Yes. Here it is the opposite.

The Secretary: I have been very impressed by the foliage. It is very luxuriant.

You have been in the United States?

Banzer: Yes. I once spent 2½ years as Military Attaché in Washington. I also spent some time at Fort Knox.

The Secretary: I am very pleased to be here in Bolivia.

We think our relations are now quite satisfactory.

Banzer: Yes. Your Ambassador here is in constant touch with our Ministers. He knows our sentiments well.

[Page 217]

The Secretary: I appreciate very much the opportunity to be here with you now and to underscore our interest.

Rogers: I met President Banzer in Lima in December 1974, at the meeting of Ayacucho where the Andean countries signed an agreement on arms limitation.

Banzer: Yes, some advance has been made on this point. But signatures on documents are not enough. We need to take more effective steps.

The Secretary: What do you have in mind?

Banzer: The solution of the landlocked status of Bolivia.

The Secretary: Am I right that Peru has announced that it is ready to discuss the outlet issue?

Banzer: A meeting has just taken place between Chile and Peru in Lima. They will meet again in Santiago at the end of the month. We hope that, once they reconcile their approaches, it will be possible to reach a solution.

The Secretary: We support Bolivia in its search for access to the sea. In Venezuela I spoke to President Perez about it. He agrees.

Banzer: We know this is a difficult matter. But we believe it is not an impossible one.

It is of vital importance to Bolivia.

It is vital because Bolivia's geographic isolation makes Bolivia a very dependent country. This dependency in turn makes Bolivia underdeveloped, not only economically but emotionally as well.

The Secretary: What I have seen of Bolivia so far does not suggest that you are emotionally underdeveloped. And I take it that although we are closer here to the Atlantic, you are speaking of an outlet to the Pacific.

Banzer: Yes. Access to the sea from the Altiplano is very important to us, for many reasons.

The Secretary: If you get access, you will have to build the necessary infrastructure.

Banzer: There is already a road and rail communication from Bolivia to the Pacific. And there is a port as well. It is not, however, in the area we would receive under the Chilean proposal.

The Secretary: Arica would stay Chilean?

Banzer: Yes. We will have to build a separate port of our own, reach a trilateral agreement with Peru on the port, or conceivably even internationalize part of the city or the province itself.

The Secretary: Would Chile agree to that?

Banzer: We have not discussed that yet. But it would be convenient for Chile. If Bolivia were to build a separate port, Arica would suffer and [Page 218] perhaps even die. Ninety-five percent of the trade handled by Arica is Bolivian. As a practical matter, therefore, it would be advantageous for the Chileans to reach an agreement with us.

The Secretary: Have you decided what territory you would give Chile in exchange?

Banzer: No, not exactly. We are studying our frontiers now.

The Secretary: Is there much population in the territory you would get from Chile?

Banzer: No, very little. The lands are mountainous and desolate. They are empty and underdeveloped.

The Secretary: In sum, you would say the current negotiations depend now on Peru?

Banzer: It depends very much on their relations with Chile. But we believe that there is a very positive disposition in Peru to maintain good relations.

We must realize that only a few years ago Bolivia's return to the Pacific was a dream. Now that our country knows it has great potential, to get to the Pacific has become a precondition for our development.

Let me give you a small example of the meaning of access. If a small farmer here in Santa Cruz needs an incubator, he will have to import it from the United States or Europe. It will be shipped to Arica. Then if a problem occurs at the pier or in storage, the Chilean Government has no interest in resolving it. It is not Chilean cargo. There is a delay. Then the rail line is in bad condition. Suppose there are difficulties. Again, the same thing happens. Chile has no inherent interest in speeding up the shipment.

The Secretary: But don't you pay?

Banzer: Yes, but trains normally have problems. One day can become weeks. Our poultry man will encounter losses and delays; his delays delay our development day by day. People become discouraged by so many obstacles.

Adriazola: The losses in storage have sometimes run to \$650,000 to \$700,000 daily.

Banzer: But that is an economic issue. We believe access will have much greater impact by reducing tensions and even avoiding war. Because this has been a festering issue for nearly a century. In Peru generations have been dedicated to the idea of revenge. And the same happens in Chile, where the idea is to defend what they conquered in the War of the Pacific.

The Secretary: If Bolivia were between them, then war would be less likely.

Banzer: Exactly. The existence of a corridor would force the invaded country to align itself with the other. That fact would affect any planning [Page 219] for war and help to deter it.

Our basic objective is to contribute to peace and to develop the area in an integrated manner with Peru and Chile.

The Secretary: Would you get the railway?

Banzer: Yes. And we would immediately seek the resources to improve it and the road, and to construct an airport as well.

Also, our oil pipeline goes through the proposed corridor.

There is no other solution. Any other solution would force Chile to divide its territory.

The Secretary: But will Peru agree to the Chilean proposal?

Banzer: It is possible that they will say yes, but it is likely to be conditioned.

The Secretary: Such as—perhaps—water rights? Because I presume that Peru needs water for the desert areas on its coast.

Banzer: A solution would bring benefits to all three countries.

We are also concerned that without a practical, peaceful solution there could be other kinds of trouble. We are concerned, for example, that the Angolan experience might be repeated here.

The Secretary: Not a second time. We will not tolerate it. Cuba is permitted one military expedition a century.

I know there are problems. Nonetheless, I think that your discussions are useful. I spoke to de la Flor the last time I was in Lima. He said that they would study the issue with care. But I didn't get the impression that he felt an urgent need to bring the negotiations to a rapid conclusion. Am I wrong?

Banzer: No, you are right. Chile's attitude is better. Chile needs a solution to improve its image.

The Secretary: I, too, think that Chile wants a solution. In February, I did not believe that Peru had made up its mind.

Do you mind if I discuss this with de la Flor when I see him?

Banzer: No, not at all. But we are concerned that Peru might misinterpret your interest and react adversely. De la Flor is touchy. I don't know how the two of you get along. I would not want him to take it as US pressure.

The Secretary: No, de la Flor is a friend. I will not pressure him. I will ask what his intentions are.

By accident, he was the first Foreign Minister that I met after becoming Secretary of State. It was at the United Nations. He followed me in speaking at the General Assembly. After hearing his speech, which was interminable, I met him and we talked. His rhetoric is worse than his performance. [Page 220]

Banzer: Obtaining an outlet to the sea is one of the essentials of our policy. We have not, as in the past, made it a partisan issue in domestic policy. It is simply a question of vital national interest.

The Secretary: You are clearly preparing for success by taking an active LOS role. Our delegates complain constantly at the activities of yours.

Maw: No, as a matter of fact, the Bolivians have always taken very positive and constructive positions.

The Secretary: Maw is our expert. He says your speeches are ferocious.

Banzer: I think one way to cooperate on this outlet question would be to strengthen cooperation aimed at increasing the general development of the region. Both McNamara and Ortiz Mena have discussed these issues with us and know them well. The World Bank and the IDB could play an essential role in cooperation for development of the region.

This is a strong argument for Peru also. The area Chile offers us, which borders Peru, is very poor. But so is the Peruvian territory contiguous to it. A pole of development would aid Peru as well.

A good policy for you would be to support the development of this area. I think that this is something that the United States could do without raising susceptibilities.

The Secretary: That we can do. It is relatively easy. I will speak to McNamara about it when I return to Washington. He is an old friend.

Banzer: He knows the problem well. He has visited our countries recently.

Even if we do not solve this problem, and obtain an outlet to the sea, we are sure the stability of Bolivia will not be effected.

But if we fail, our people would then know that our country would continue to be an underdeveloped country. They would be very let down. There would be profound internal resentment and some would seek revenge against those who refused to satisfy our needs.

We do not want arms. We want the development of our country. We want peace.

The Secretary: Do you think Peru will make a rapid decision?

Banzer: No. I repeat, there are generations in Peru raised with the idea of revenge. We have a similar problem here. Many Bolivians were educated with the idea of reconquest. But, facing the problem with realism, we can see that we are in no condition to think in terms of revenge. There are still some who do, however. We can convince them. We have the moral authority to do so. They know we are not doing this just to try to stay in power. [Page 221]

The Secretary: We sympathize. Many others in the hemisphere do as well.

Banzer: We have reactivated support not only here but elsewhere. It is a useful weapon. I have spoken to many Presidents. They are committed to our support.

The Secretary: What is Brazil's position?

Banzer: Full support. Brazil put me and Pinochet in contact for the first time in Brasilia.

The Secretary: What do you think of Pinochet?

Banzer: He is a man of decision. He has problems. But he agrees with us on the outlet. As soldiers, we have committed ourselves and our honor to a solution. The problem is Peru. They have their reasons. Let us not forget that in 1879 Chile invaded Peru, occupied Lima for two years, and committed many moral outrages.

The Secretary: Yes, I know. But Peru has no quarrel with Bolivia. They cannot object to a corridor for Bolivia on the grounds that it would stop their possibilities of reconquest from Chile.

Banzer: If we could add a small port or international role for Peru to the corridor proposed by Chile, it would be a great monument to the will for peace.

We believe that in Peru's emotions, the future can outweigh the past.

The Secretary: It should be tried. We will give you support in a delicate way, without arousing resentment.

Banzer: The outcome would favor all three countries. But no one dares to admit it publicly. Chile wants to defend its territory. Peru wants more but knows it cannot get it. Bolivia cannot make the announcement because we do not want to upset either one. But it is a good solution.

The Secretary: I will talk to Silveira tonight. What do you think?

Banzer: Brazil is interested. Through us, Brazil thinks that it can gain access to the Pacific. We see this very clearly.

I have some other points as well.

The Secretary: What do you think of Peru's military buildup?

Banzer: Yes, they have constantly increased their military preparedness. They are preparing revenge. They have obtained much Soviet equipment.

The Secretary: Are they stronger than Chile?

Banzer: In equipment. But Chile has better soldiers.

The Secretary: Bolivia also.

Banzer: Yes. But we do not want to be involved. If there is a war, we would be involved because there is only 120 kilometers width of coast [Page 222] without entering our territory. One division may be able to operate there, but not an army corps. One country or the other would have to use our territory in case of a conflict. We would enter the war against the first that had violated our territory for then we would then not only be landlocked but violated as well.

The Secretary: You think war is possible?

Banzer: Yes, if the problem is not solved as we suggest. We have begun three-way peace talks between the armies. But we do not believe in documents. We need acts.

I think this is all we can say on this issue. The dynamics of our conversation have not enabled me to welcome you properly. Of course, I know the Foreign Minister did so already. I know he did so because I told him to. And I know he did so because I was there too last night—but as an ordinary citizen mingling in the crowd.

The Secretary: I am touched. I did not know you were there.

Banzer: Power is temporary, citizenship is permanent. As a Bolivian citizen, I did not want to miss the first arrival of an American Secretary of State on Bolivian soil. So, last night, I was there in the crowd, with my wife and children, to help receive you.

I would like you to have a clear understanding of who we are. This is a government of the Armed Forces. We call it such because the Armed Forces have the fundamental responsibility of government. But we have the support of civilians as well. There are only 40 officers in the government compared to thousands of civilians. This is not a pre-eminently military government.

We have clear goals. We seek national unity. Our geography conspires against unity. We have varied cultural origins. In the highlands, Quechua and Aymara, here in the lowlands, Guarani.

We seek the physical, cultural and spiritual integration of our country. And we have done much. Here in Santa Cruz, before, it was difficult for a man of the highlands to survive. Now they are doing much, they are the promoters of growth.

The Secretary: People from the highlands?

Banzer: Yes, the majority of the new settlers here are from there.

We want development because we have great potential. We now have 5½ million people in this country. We could support 50 million. We are rich in minerals. All forms of energy and raw materials abound.

This wealth has long been dormant, awaiting better opportunities. Now is the time to take advantage of it.

This development effort should be directed to help the human base, the peasantry. Then we will be a nation, not a collection of villages. And then we must return to the sea.

These are the objectives of the Bolivian people.

[Page 223]

The Secretary: We followed your coming to office and your policies since with great interest. We want to help you as best we can.

Banzer: Thank you. We do recognize the cooperation we have been receiving from the United States, but we are bothered by delays. Too often, opportunities are lost because of delays.

There is a program worthy of mention in this connection. It is help for the Bolivian Government Agency for Community Development. It is directed primarily to and by the peasantry. We have succeeded in changing attitudes.

The US Government has helped, but we could use more help. We need permanent support in this regard.

The peasant must also work for his own development. Before, the peasant always asked for everything from the government: he wanted schools, water, everything to be provided to him by the government, without his contributing anything. Now, through this community development organization, the peasant contributes 1/2. The other the government provides, partly through its own funds, sometimes through external credits. This effort needs permanent support. There are similar programs, such as civic action of the Armed Forces, that work only with domestic resources.

Programs seeking these objectives are giving good results. The effort our government is investing in the future is to change permanently the attitudes of the peasants by offering them the means of improving their own lot through low-interest, long-term credits. These are now 50-50. In the future, we want them to take the major responsibility themselves.

The Secretary: What exactly can be done to help from the outside?

Banzer: Bolivia needs roads, dams, schools, hospitals. Technical cooperation is essential to improve crop yields. The United States Government, through its Embassy, has been in constant contact with our officials and our efforts. The Embassy works, but the results are slow.

Ambassador Stedman: We have two development loans to Bolivia now, from AID.

The Secretary: How long did they take to negotiate?

Stedman: The first loan took 18 months. The second . . .

The Secretary [To Banzer]: Our AID bureaucracy is composed of junior professors who could not reform the United States, so they are dedicated to reforming the rest of the world. And their conditions are endless.

Banzer: We believe that our development policies, with the support of private enterprise and others, can help us develop a great deal without social and political costs. The results go beyond what has been given.

We can see the results in the stability and peace here in Bolivia. We are something of an island of peace within South America. There are no kidnappings here. No crimes. Strikes last hours, not weeks.

The Secretary: So that is why you are called underdeveloped! In these days no country can be self-respecting without kidnappings and popular demonstrations.

Banzer: It could be that, in the past, our people were a bit intimidated. But we value politics. We have studied it. We will be developing a new political system by 1980. It will not be a traditional one. That gave bad results. We must find a new political formula that will not repeat the errors of the past. Then we will have fulfilled the responsibility of the Armed Forces. We will then be able to continue to help our country, but without assuming direct responsibility for the nation's course.

This phenomenon is rather generalized. In our countries, the military are frequently obliged to assume power to rebuild the political situation.

The Secretary: I know that in Chile the military had never interfered before. When they did, it was because they thought they faced an extreme situation. We understand your problem.

Do you get political science lectures from our representatives?

Banzer: No.

Stedman: There are no junior professors here.

The Secretary: I remember what conditions were like in Bolivia when I first came to Washington. Things have improved.

I believe, sociologically, that the Armed Forces career is the one that is most open to talent. Is that so?

Banzer: Yes, that is very true. But there are some other characteristics of government that must also be kept in mind. We know we must respect human dignity and freedom of the press. Sometimes freedom becomes libertinage, but we know freedom must be respected.

The Secretary: If you lived in a city where the only morning newspaper was the *Washington Post*, I am not sure that you would be so favorable to freedom of the press.

Banzer: I know, I lived there.

The Secretary: They only write well about Rogers because he is a Democrat.

Banzer: I also wanted to explain that we seek to link economic to social development. As the standard of living improves, the chances of peace also improve.

In foreign affairs, we believe that the international community must resolve its differences. Rich and poor countries cannot coexist at peace for [Page 225] ever. The naked differences that exist now increase the danger of communism. We believe the industrialized countries should recognize the importance of better prices for raw materials. Current patterns create permanent tensions.

The Secretary: I agree with you. We have made a major effort in this regard. We have philosophical disagreements internally. Many of our people are instinctive ideological advocates of the free market. Yet we cannot reject internationally what every government accepts domestically. We favor stabilization of prices, but it is a slow process.

If I may make a point, not aimed particularly at Bolivia, because many were involved. The confrontation at Nairobi helped our internal enemies. It lead to a stupid two-vote margin which helped the enemies of cooperation for development. Bolivia abstained. Our friends must understand that we need help. We cannot allow an unholy alliance between radical LDCs and US conservatives to kill development.

Banzer: I would like to comment on the strategic tin stockpile. We believe it is adequate and that it should be maintained. But we do not believe it should be used as a strategic instrument to control prices. For us, it is hard to mine our mineral riches. Yet Bolivia is the only free world major tin producer. Any variation in price affects us greatly. And our ores are expensive to extract. Mining is the base of our economy.

I repeat, I have no objection to strategic stockpiles as such. But I do not believe they should be used to regulate prices.

The Secretary: We have no policy to regulate prices by manipulating strategic stockpiles. Nixon wanted to reduce the stockpiles. This was not aimed against Bolivia, of which he was an admirer. We have signed the Tin Agreement. I have made clear we do not want fluctuations, particularly downward. [Turns to Stedman] Is something being planned now?

Stedman: There is no authority . . .

Banzer: I hope you will not get new authority from Congress.

The Secretary: Has any been requested?

Stedman: Yes, but . . .

The Secretary: Who is the Chairman?

Stedman: Bennett.

Banzer: This would have a major impact on Bolivia.

The Secretary: They won't have time. Fortunately, Congress has only 70 days left in this session, of which 40 will be spent studying the sexual exploits of their colleagues.

Banzer: That is why democracy sometimes doesn't work.

[Page 226]

In your UN speech you said technology should be part of the patrimony of humanity. We agree. Bolivia has a great need for technology. And yet we contribute scientific know-how to the rest of the world. For example, there are more than 1,000 Bolivian doctors in the US. In Chicago alone, there is a colony. We train them at \$30,000 a head. We get no compensation when they leave. We hope more could be done on this front.

The Secretary: We agree. I discussed this very issue in Nairobi.

Banzer: On another point, in Nairobi, it was agreed that development assistance should go to the neediest. But the lowest level do not give returns. Bangladesh continues, does not resolve its problems. Money will not solve their problems.

I believe assistance should go to countries with high development potential. Bolivia has great food potential. That is the best help to give internationally. Assistance based on profitability. It is better to invest in productive areas and then to grant food so produced to those who cannot help themselves. We in Bolivia will be wheat exporters soon.

The Secretary: On the question of technical personnel and the brain drain, I have referred to this many times. I really don't know how to solve it. We would be interested in your ideas. Do you have some proposals?

Your other point is interesting. Our attitude on foreign assistance is to give preference to countries in this hemisphere. Between Bolivia and Bangladesh, we would prefer to give more to Bolivia.

Banzer: I also have a point on the question of transnational corporations. Sometimes they disturb the morals of the people. They are not directly tied to governments, but their attitudes affect the relations of host countries with the countries where the transnationals are headquartered. Here in Bolivia, for example, Gulf is the United States. Popular opinion does not distinguish between Gulf and the US Government.

The Secretary: We do not object to measures to control transnationals. Your major problem is to decide at what point controls become so burdensome that the parent company no longer feels it is worthwhile to compete. In the United States we believe there is some legal obligation not to have expropriations without compensation. But we also believe the company should meet international standards, and we are prepared to consider formalizing them on questions of illegal conduct.

Banzer: Could be. But the companies should behave better.

The Secretary: We do not say that there should be no regulation, only that it should not discriminate against the companies.

Banzer: Let us now turn to the drug issue.

The Secretary: Yes, I was going to raise it.

[\[Page 227\]](#)

Banzer: We know Bolivia produces coca leaf that is in turn used to produce cocaine. We would honestly like to cooperate to neutralize the damage so caused. We have a narcotics control law. We are implementing the law. But we have few resources.

To be effective, we have drawn up a plan. We must first attack production (and here we have a substitution program, but coca is very profitable, and we must find alternative incentives). Second, we must control the elaboration (but this is something that requires substantial means, such as helicopters, etc.) Cocaine can be manufactured anywhere. It is easy to make.

The Secretary: You will not find it with helicopters, if it is being produced in a private home.

Banzer [Nods]: Then, thirdly, we must control sales and marketing. For this we need specialized and well-paid personnel.

The Secretary: What do you need specifically to implement your program?

Stedman: They have presented us a \$50 million program over five years.

The Secretary [To Banzer]: Our bureaucracy is torn by conflicting emotions. They want to do something, but they don't want me to do it.

[Turns to Rogers] This has been going on long enough. I want to know from Vance exactly what he did in Colombia. I want a full report on the situation in Bolivia, Colombia and Mexico. And I want to know, not what our people think they can get, nor what they think they can negotiate. I want to know what our people think they need, not what they can get from OMB.

[To Banzer] We will get in touch with you in a month.

Banzer: We believe that \$290 million worth of cocaine goes annually to the United States, causing death and other problems. We should be in a position to do something.

Rogers: It would certainly help our balance of payments.

Banzer: We want to help you. We do not have the resources to do all we want.

The Secretary [To Rogers]: I want an answer by opening of business on Monday. Have Vance send the answer to me through Eagleburger.

[Turns to Banzer] We will be in touch within a month with our preliminary ideas.

Banzer: I would like to send my greetings through you also to President Ford and to the American people and my special congratulations on your bicentennial.

The Secretary: I would like to thank you also, in the name of President Ford. This has been a very useful conversation. We will do our utmost to [\[Page 228\]](#) respond positively.

Banzer: I agree. I think it is possible that we have saved tons of paper and years of negotiations.

The Secretary: I believe anything can be solved in two hours. The problem is to terrorize the bureaucracy so that it will find the two hours.

1. Summary: Assistant Secretary Rogers, Ambassador Stedman, Secretary Kissinger, and President Banzer held a wide-ranging discussion of U.S.-Bolivian relations.

Source: National Archives, RG 59, Central Foreign Policy File, P820118-1270. Secret; Nodis. Drafted by Einaudi on January 18, 1977, and approved in S on March 7, 1977. Brackets in the discussion are in the original. The meeting was held in President Banzer's home. Kissinger visited Latin America from June 6 to June 13. In a May 26 memorandum, Rogers briefed Kissinger for his meeting with Banzer. (*Ibid.*, ARA/AND Files, Records Relating to Bolivia, 1976-1978: Lot 78D46, POL 7, Kissinger Visit) In telegram 4516 from La Paz, June 9, the Embassy sent a summary of Banzer's narcotics

action plan to the Department. (Ibid., Central Foreign Policy File, D760221-0079) On June 17, Kissinger approved a request that he recommend Presidential approval for a \$45 million coca substitution program in Bolivia. (Memorandum from Vance and Luers to Kissinger, June 11; ibid., P760117-1018)

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Annex 420

Report from Gregorio Amunátegui Prá to the President of
Chile, October 1976

(Original in Spanish, English translation)

Personal records of Gregorio Amunátegui Prá

(S)

I N F O R M E

A : Su Excelencia el Señor Presidente
de la República.

De : Gregorio Amunátegui Prá.

Materia : Comisión en Bolivia.

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1.- Entrevista con el Presidente Banzer.-

La audiencia que la Cancillería boliviana me había fijado con el Presidente Banzer para el lunes 27 de septiembre debió postergarse hasta el día siguiente en la tarde, debido a que el Presidente se encontraba recorriendo las Guarniciones del interior del país desde hacía una semana.

La entrevista en cuestión se efectuó, en consecuencia, el martes 28 de septiembre a las 20.00 horas - dos horas después de su llegada a La Paz - en su oficina del Palacio Quemado.

Asistí acompañado por nuestro Embajador don Rigoberto Díaz. El Presidente me recibió solo y con mucha cordialidad.

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REPORT

To : His Excellency the President of the
Republic of Chile.
From : Gregorio Amunátegui Prá.
Subject : Commission in Bolivia.

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1. Meeting with President Banzer

The audience I had been granted by the Bolivian Ministry of Foreign Affairs for Monday, 27 September had to be postponed until the following day in the afternoon, as the President has been visiting the Garrisons located in the interior of the country for a week.

The meeting in question was thus held on Tuesday 28 September at 8:00 PM –two hours after his arrival in La Paz– at his office in the Quemado Palace.

I attended the meeting accompanied by our Ambassador Rigoberto Díaz. The President received me alone and with great cordiality.

/ 2.-

Después de ser presentado por el Embajador, entré inmediatamente en materia, señalando :

- Que era portador de un afectuoso saludo del Presidente de Chile, quién le enviaba " un abrazo de soldado a soldado " ;

- Que mi visita obedecía a su deseo de mantenerse en contacto directo con él, a través de Enviados Especiales, cuando las circunstancias así lo aconsejaran ; sin perjuicio de la actividad permanente de nuestro Embajador en La Paz ;

- Que, en este marco y por especiales instrucciones, deseaba transmitirle su preocupación por el estado actual de las negociaciones chileno-bolivianas destinadas a darle a Bolivia una salida soberana al mar. Que esta preocupación suya estaba centrada en tres puntos básicos :

- 1) La falta de aceptación explícita, por parte de Bolivia, de la faja territorial ofrecida por Chile ;
- 2) La falta de determinación del territorio que Bolivia ofrecería a Chile en compensación ; y
- 3) El hecho de que subsistiera todavía la petición boliviana de un " Enclave ", no obstante el expreso rechazo chileno a ella en el momento mismo en que fué planteada, rechazo reiterado posteriormente en sucesivas oportunidades.

/ 3.-

/2.-

After having been introduced by the Ambassador, I immediately addressed the matter and stated:

- That I was the bearer of an affectionate greeting from the Chilean President who sent him "a hug from soldier to soldier";

- That my visit was on account of your wish to maintain direct contact with him, through Special Envoys, where the circumstances made it advisable; without prejudice to the permanent activity of our Ambassador to La Paz;

- That within this framework and following special instructions, I wished to convey him your concern over the current status of the Chilean-Bolivian negotiations aimed at giving Bolivia a sovereign outlet to the sea. That such concern was centered on three basic points:

- 1) Bolivia's lack of explicit acceptance of the territorial strip offered by Chile;
- 2) The failure to determine the territory Bolivia would offer Chile in compensation; and
- 3) The fact that the Bolivian petition for an "Enclave" still subsisted, despite Chile's express rejection of that petition at the time it was made, rejection that was subsequently reiterated on several occasions.

/ 3.-

A continuación, le expliqué al Presidente que la falta de definición en los aspectos mencionados colocabo a nuestro Gobierno en una posición difícil en las conversaciones bilaterales que sostenía con Perú, a cuya tercera rueda era menester llegar, tanto por razones de fondo como de forma, con planteamientos concretos. Esta falta de concreción no haría sino que perjudicar nuestra posición negociadora, pues demostraría una debilidad básica en la negociación misma con Bolivia, lo que estimularía sin duda al sector peruano contrario al Acuerdo a dilatar su resolución y/o a formular sugerencias del todo inaceptables para Chile. Que la subsistencia del "Enclave" en los términos de la negociación podía incluso hacer fracasar toda la negociación, puesto que los peruanos obviamente se inclinarían por esta alternativa, que es absoluta y totalmente inaceptable para nuestro Gobierno por romper la continuidad del territorio, tal como se ha expresado desde un comienzo.

Argumenté adicionalmente que la indefinición existente en estas conversaciones era a su juicio aún más lamentable si se atiende al actual panorama internacional, en que se conjuga una ofensiva comunista soviética perfectamente planificada en contra de nuestros Gobiernos, tendiente a desestabilizarlos ; con la complacencia o pasividad, y falta de liderato, de la mayor parte de las naciones grandes del mundo occidental. Que frente a esta circunstancia específica, nuestra misión era solucionar los problemas circunstanciales que tendían a dividir a los Gobiernos militares con una filosofía común y avanzar resueltamente y en conjunto hacia fórmulas que permitieran combatir simultáneamente la subversión y desarrollar social y económicoamente a nuestros pueblos.

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Continuing, I explained to the President that the lack of definition in the aspects above-mentioned placed our Government in a difficult position in the bilateral conversations maintained with Peru, for the third round of which it was necessary to arrive with concrete proposals, both for reasons of form and substance. This lack of specificity would only undermine our negotiating position, because it would demonstrate a basic weakness in the negotiation itself with Bolivia, which would without a doubt encourage the Peruvian sector opposing the Agreement to delay its resolution and/or to make suggestions which Chile would find completely unacceptable. The subsistence of the "Enclave", in the terms of the negotiation, could even lead to the failure of the entire negotiation, as Peruvians would obviously be inclined for this alternative, which is absolutely and completely unacceptable for our Government, since it would break the continuity of the territory, as was expressed from the beginning.

Additionally, I argued that the existing lack of definition in these conversations was, in your judgement, even more regrettable if one looks at the present international scene, which combines a perfectly planned communist Soviet offensive against our Governments, tending to destabilize them, with complacency and passivity, and lack of leadership, of most large countries in the western world. In view of this specific circumstance, our mission was to solve the circumstantial problems which tended to divide military Governments with a common philosophy and to advance, jointly and decidedly, towards formulas that would allow us to fight subversion and favour the social and economic development of our peoples.

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- El Presidente Banzer, luego de escuchar atentamente la exposición, manifestó que se referiría por orden a cada uno de los puntos que preocupaban a su amigo el Presidente de Chile.

a) Faja a ceder por Chile.-

La demora de Bolivia en contestar respecto a la faja territorial ofrecida por Chile al Norte de Arica, en los términos de la Nota de 19 de diciembre de 1975, ha obedecido - de acuerdo al Presidente - " no a un desacuerdo en lo esencial, sino a los estudios que el Consejo Nacional Marítimo (CONAMAR) tuvo que realizar sobre el particular. Dichos estudios (147 aproximadamente) están ya terminados ".

El Presidente agregó que, en términos generales, a Bolivia le interesa contar en la faja con una cabecera de playa lo más amplia posible. A este respecto, acotó que la cabecera en la faja ofrecida es pequeña ; y que, por el contrario, en algunos lugares en su interior no sería necesario contar con toda su extensión. Mencionó, incluso, que talvez en el futuro podría gestionar con el Gobierno del Perú la posibilidad de obtener en la costa peruana una franja contigua adicional.

Pero reiteró que, en todo caso, la falta de comunicación expresa sobre esta materia se había debido exclusivamente a que su Gobierno había querido contar con un estudio completo sobre la misma.

En relación a estas observaciones del Presidente, me permití señalarle que la zona costera de la faja tenía una longitud aproximada de 8.200 metros, que se comparaba muy favorablemente con el Puerto de Arica, con una extensión de sólo 1.575 metros. Que las instalaciones de este Puerto - completas y eficientes - se utilizaban en la actualidad en sólo un cuarto o un tercio de su capacidad instalada, por lo que Bolivia tenía a su disposición un saldo muy amplio para sus necesidades adicionales.

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- Having attentively listened to my exposition, President Banzer stated that he would address, in order, each of the points which preoccupied his friend the President of Chile:

a) Strip of territory to be ceded by Chile.-

Bolivia's delay in replying with regard to the territorial strip offered by Chile in the North of Arica, in the terms of the Note of 19 December 1975, has followed from – according to the President –“not an essential disagreement, but [because of] the studies which the National Maritime Council (CONAMAR) had to conduct on the matter. Said studies (approximately 147 in total) have already been finished”.

The President added that, in general terms, Bolivia is interested in a strip with the widest beachhead possible. In this respect, he mentioned that the beachhead on the strip offered is small; and that, on the contrary, in some places of its interior it would not be necessary to count on its entire extension. He even mentioned that perhaps in the future he could conduct efforts to obtain an additional adjacent strip on the Peruvian coast with the Government of Peru.

But he reiterated that, in any case, the lack of express communication on this matter had been exclusively due to the fact that his Government had wanted to have a comprehensive study on it.

In relation to these observations by the Bolivian President, I allowed myself to point out to him that the coastal area of the strip offered had a length of approximately 8,200 meters, which could be favorably compared to that of the Port of Arica, with an extension of only 1,575 meters. That the installations of this Port —entire and efficient— were only currently being used in one third of its installed capacity, so that Bolivia had at its disposal a very large capacity for its additional needs.

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Que, a mayor abundamiento, la tecnología moderna hacía posible la carga y descarga de ciertos productos - petróleo, por ejemplo - con el barco alejado del puerto mismo, lo que facilitaba aún más las cosas. Y que, en todo caso, Bolivia contaría en la faja con una extensión de costa más de cinco veces superior a la del Puerto de Arica, donde se podrían ubicar las instalaciones portuarias que estimara necesarias. Todo ello, unido a las amplias facilidades existentes en los puertos de Iquique y Antofagasta.

A ésto replicó el Presidente que el problema para Bolivia no es tanto la construcción de un puerto como tener " la posibilidad de un acceso más amplio al océano ". Que el asunto tenía raíces emocionales. " Sé - dijo - que ustedes sostienen que los límites urbanos de la ciudad de Arica están muy próximos, pero creo que todavía hay un trecho entre el límite actual de la faja y la ciudad, lo que permitiría ensanchar esa zona y presentar el tema del canje bajo una luz más favorable para la opinión pública de mi país ".

Pero - agregó - " le reitero que no hay desacuerdo en lo esencial y que, estando ya terminados nuestros estudios, podremos discutir estos otros aspectos próximamente y avanzar ".

b) Canje.

El Presidente Banzer señaló que éste es uno de los rubros más delicados en la negociación y que por ello había ordenado estudios muy acabados para ubicar y definir terrenos canjeables, tanto a CONAMAR como a un grupo de expertos del sector privado denominado PEGASO, que se constituyó para este preciso efecto.

Los estudios están terminados y el Gobierno ya tiene un criterio sobre las posibilidades de canje. Están, básicamente, de acuerdo en compensar a Chile el territorio que se ceda por éste. Y entienden que es atribución privativa de Bolivia el señalar ese territorio.

A lo anterior, repliqué que así como Chile había señalado una faja, pensábamos que era atribución de Bolivia indicar aquella en canje. Agregué que lo que sí habíamos solicitado era que ese territorio fuera

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That, to a greater extent, modern technology made it possible to load and unload certain products — oil, for example — while the vessel was far from the port, which made things even easier. And that, in any case, Bolivia would have a strip with a coastal extension over five times greater than that of the Port of Arica, where it could place the port installations it deems necessary. All this, together with the extensive existing facilities in the ports of Iquique and Antofagasta.

To this, the President replied that Bolivia's problem was not so much the construction of a port but, rather having "the possibility of a wider access to the ocean." That the matter had emotional roots. "I know" — he said — "that you hold that the urban limits of the city of Arica are in the proximity, but I believe there is still a stretch of land between the current boundary line of the strip and the city, which would make it possible to widen the area and present the exchange issue in a more favourable light for my country's public opinion."

But he added - "I reiterate that there is no disagreement as to the essentials and that, our studies having been concluded, we may discuss other aspects shortly and move forward."

b) Exchange. —

President Banzer pointed out that this was one of the most delicate issues in the negotiation, which is why he had ordered very advanced studies to locate and define the exchangeable territories, both from the CONAMAR and a group of experts from the private sector known as PEGASO, that was constituted for that precise purpose.

The studies are concluded and the Government has already adopted a criterion regarding the possibilities of exchange. They basically agree on compensating Chile for the territory that it cedes. They understand that it is within the exclusive power of Bolivia to indicate this territory.

To the above, I replied that in the same way Chile had indicated the strip, we believed that it was for Bolivia to indicate the one for exchange. I added that what we had requested was that that territory

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fronterizo, despoblado y con recursos hídricos, pudiendo estar constituido por una franja continua o por porciones distintas. Y que su superficie debería ser en todo caso equivalente a lo cedido por Chile en territorio y mar.

A ésto respondió el Presidente que entendía que Chile sólo reclamaba compensación por el mar territorial y no por el patrimonial.

Le repliqué que ello era efectivo. Que, en un principio, habíamos solicitado se nos compensara lo efectivamente cedido en territorio continental, mar territorial, zona económica, y sus correspondientes plataformas submarinas. Que, por un acto de especial deferencia hacia su Gobierno, habíamos excluido la zona económica marítima y convenido en el mar territorial - y su plataforma - en la dimensión que se encontrara vigente internacionalmente al momento de firmarse el Acuerdo.

A continuación, le agregué una serie de antecedentes para subrayar la importancia de la cesión hecha por Chile a este respecto.

El Presidente me respondió que estaba conciente de ello y que así lo había hecho saber en su gira por el interior del país.

Respecto a ésta, señaló que su objetivo fundamental había sido el de informar a las Fuerzas Armadas de la Nación sobre este aspecto de la negociación.

Y que, en las conversaciones mantenidas, encontró dos posiciones básicas : i) la mayoritaria, constituida por los oficiales que comprenden que Chile no se avendría a ceder territorio " a cambio de nada " ; y --- ii) la de aquellos otros - minoría - que sostienen que Bolivia no debe ceder parte alguna de su territorio.

Lo anterior, añadió, revela que es absolutamente necesario iniciar una campaña destinada a ilustrar a la opinión pública - y reforzar el criterio de los oficiales de las Fuerzas Armadas - sobre la conveniencia y necesidad del canje. Agregó que esta campaña la emprendería CONAMAR a la brevedad y que, una vez concluída, convocaría a " una reunión de notables " en Cochabamba para que se pronuncie en definitiva sobre el particular.

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was on the border, unpopulated and with water resources, and could be constituted by a continuous strip or of different portions. And that its surface should be, in any case, equivalent to that ceded by Chile in terms of land and sea.

To this, the President answered that he understood Chile was only claiming compensation for the territorial sea and not for the patrimonial one.

I replied that this was accurate. That, in the beginning, we had requested to be compensated for what was effectively ceded in continental territory, territorial sea, economic zone, and the corresponding continental shelves. That, by a special act of deference to his Government, we had excluded the maritime economic zone and agreed on the territorial sea —and its continental shelf— subject to the dimensions internationally in force at the time of signing the Agreement.

I then added a series of relevant background in order to underscore the importance of the cession made by Chile in this regard.

The President replied that he was aware of that and that he had made it public during his tour to the interior of the country.

With regard to that [tour], he explained that its main objective had been to inform the Armed Forces of the Nation about this aspect of the negotiation.

And that, through the conversations maintained, he had found two basic positions: i) the majority, constituted of the officers who understood that Chile would not cede a territory “in exchange for nothing”; and ii) of those – a minority – who argued that Bolivia should not cede any part of its territory.

The above, he added, reveals that it is absolutely necessary to start a campaign intended to illustrate to public opinion — and reinforce the criterion of the officers from the Armed Forces — about the convenience of and need for the exchange. He added that this campaign would be undertaken by the CONAMAR shortly and that, once concluded, he would convene “a meeting of notables” in Cochabamba to make a final statement about this matter.

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" Esta es la gente que me dió el mandato de obtener una salida soberana al mar para Bolivia. La he obtenido en las condiciones que estimo justas en tiempos de paz. Si ellos aceptan lo que convenga con Chile, perfecto ; en caso contrario, la responsabilidad histórica de su negativa y del fracaso de la negociación recaerá en ellos, pues el Presidente de la República les habrá presentado la única solución viable por medios pacíficos "...

c) Enclave.-

El Presidente procedió enseguida a referirse a nuestra observación sobre la improcedencia de la reiteración de la petición boliviana de que se le ceda un territorial soberano de 50 kilómetros de extensión a lo largo de la costa y 15 kilómetros de profundidad, en zonas apropiadas a determinarse, alternativamente, próximas a Iquique, Antofagasta o Pisagua.

Al respecto, señaló que esta petición no se había formulado originalmente como una alternativa a la faja ubicada al Norte de Arica, sino " como un todo, por lo exigua que es la costa de la faja próxima a Arica ".

A ello, reiteré mis observaciones previas sobre dicha extensión costera.

A continuación, el Presidente - sin continuar analizando este aspecto- agregó que la idea de este "enclave" había surgido a la vez " como una solución de emergencia para el caso de que Perú no diera su consentimiento a la cesión por Chile del territorio al Norte de Arica ".

Esta observación me movió a repetirle que consideraba esa estrategia muy peligrosa, pues el enclave era absolutamente inaceptable para Chile.

Le agregué que algunos sectores del Perú obviamente se darían cuenta de ello y se verían estimulados a impulsarla, para hacer fracasar la negociación.

A continuación, le pedí en su nombre que no continuara insistiendo en ello, pues a usted esta petición lo pondría en una situación imposible.

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“These are the people who gave me the mandate to obtain a sovereign outlet to the sea for Bolivia. I have obtained it under conditions I deem fair in times of peace. If they accept the terms that I convene with Chile, perfect; if not, the historical responsibility of their rejection and the failure of the negotiation will lie with them, as the President of the Republic would have presented them with the only feasible solution through peaceful means...”

c) Enclave. –

The President immediately proceeded to refer to our observation about the inadmissibility of the reiteration of Bolivia’s request for the cession of a sovereign territory of 50 kilometers of extension along the coast and 15 kilometers deep, in appropriate areas to be determined, alternatively, in the proximity of Iquique, Antofagasta, or Pisagua.

In this regard, he pointed out that this request had not initially been made as an alternative to the strip located to the north of Arica but “as a whole, given the limited size of the coast of the strip near Arica.”

To this, I reiterated my previous remarks about said coastal extension.

Then the President — without any further analysis on this matter — added that the idea of this “enclave” had emerged, at the same time, “as an emergency solution in the event Peru did not consent to Chile’s cession of the territory to the North of Arica.”

This observation led me to reiterate that I considered such strategy very dangerous as the enclave was absolutely and completely unacceptable for Chile.

I added that some sectors in Peru would obviously realize that and would be encouraged to promote it, in order to make the negotiation fail.

Then, I asked him in your name not to continue insisting on it, as such petition would put you in an impossible situation.

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El Presidente me contestó que la posición del Gobierno chileno sobre el particular " le parecía de peso ", que reflexionaría sobre ello y le daría las correspondientes instrucciones al Canciller Adriázola para su próxima conversación con el Ministro Carjaval en Nueva York.

d) El Perú.-

Expresó, luego, que temía que " el Perú - cuyas fuerzas armadas habían sido educadas durante generaciones en el revanchismo - le pasase la pelota otra vez a Chile manifestando, por ejemplo, que accedía a la cesión del territorio ofrecido por Chile, pero siempre que éste no solicitase compensaciones de Bolivia ".

Le contesté que todo era, obviamente, posible ; pero que una postura como la descrita sería " ultra petita ", carente de toda base jurídica y claramente demagógica, lo que no favorecería la imagen internacional peruana.

El Presidente coincidió con ello, pero agregó que temía que Perú estuviera precisamente en una disposición demagógica, agregando que le preocupaba el creciente armamentismo peruano. " Para un país que se encuentra en una situación económica difícil, el destinar ingentes sumas a la adquisición de armamentos es revelador de designios bélicos ". Recordó, al respecto, haberle contado a usted en Charaña que el Presidente Velasco Alvarado le había manifestado en una oportunidad que " el Perú vería complacido cualquier arreglo al que Bolivia pudiese llegar con Chile para solucionar su problema de mediterraneidad, siempre que la solución se alcanzare en territorios que no hubiesen sido peruanos, pues éstos serían reconquistados ". Agregó que el Presidente Morales era aparentemente distinto, pero que él no confiaba todavía en él. Que le temía " a la hipocresía peruana "...

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The President answered that the Chilean Government's position on the matter "carried, in his view, weight," and that he would reflect on it and would give the corresponding instructions to Minister Adriázola for his forthcoming meeting with Minister Carvajal in New York.

d) Peru.-

He then expressed that he was afraid that "Peru — whose armed forces had been educated with revenge for generations — would pass the ball back again to Chile manifesting, for example, that it would agree to the cession of the territory offered by Chile, but as long as [Chile] did not request compensation from Bolivia."

I answered that everything was, of course, possible; but that a position like the one described would be "ultra petita", lacking any legal basis, and clearly demagogic, which would in no manner favour Peru's international image.

The President agreed with me, but added that he was worried that Peru would be precisely in a demagogic disposition, adding that he was concerned over the growing Peruvian arms build-up. "For a country that is in a difficult economic situation, to allocate large amounts of money to the acquisition of weapons reveals plans for war". In this regard, he recalled having told you in Charaña that President Velasco Alvarado had once told him that "Peru would welcome any agreement Bolivia might reach with Chile in order to find a solution to its landlocked status provided such solution would be reached in territories that had not been Peruvian because these would be reconquered". He added that President Morales seemed to be different but that he did not trust him yet. That he was wary "of the Peruvian hypocrisy..."

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e) Desmilitarización de la Faja.-

Luego y siempre a propósito de lo militar, señaló que había encontrado buena acogida la sugerencia chilena de que el tema de la desmilitarización fuese resuelto a través de una Declaración, en la que Bolivia se comprometiese a mantener en la faja sólo los efectivos militares necesarios para expresar su presencia soberana y para labores de seguridad, todo ello para no sensibilizar al Perú.

Le contesté que, incluso, se había considerado la conveniencia de que el tema fuese objeto de una declaración unilateral de Bolivia, lo que para su Gobierno sería más conveniente y le daría aún mayor realce internacional.

Abundando en el mismo aspecto, le expresé que tal vez sería esa Declaración la oportunidad histórica precisa no solamente para anunciar una presencia militar mínima en la faja, sino que para formular un llamado en favor de la Paz en todo el Continente Americano. Que su Gobierno tenía, a nuestro juicio, un título muy limpio para ello. Que lo importante sería - de estar de acuerdo sobre una iniciativa de esta naturaleza - guardar la confidencialidad hasta el momento mismo de hacer públicas la Declaración y el llamado continental. Esto es, hasta el momento de firmarse el correspondiente Acuerdo con Chile.

Le agregué que ésta sería una respuesta pragmática contundente frente a su inquietud por el armamentismo y el posible propósito bélico peruanos. Y que éstos quedarían, en ese evento, en una posición muy delicada - "virtualmente cazados en su propia red" - pues el propio Presidente peruano General Morales había declarado ante todo el Cuerpo Diplomático extranjero acreditado en Lima la profunda vocación pacífica del Perú, en la recepción que éste le ofreció al Mandatario en el Country Club de Lima el pasado 24 de septiembre.

El Presidente Banzer escuchó estas observaciones con especial atención y un poco de sorpresa, como si aparentemente no hubiera pensado en una posibilidad como la planteada; luego, me dijo que encontraba esta sugerencia muy interesante, que mucho la agradecía y que le daría una cuidadosa consideración.

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e) Demilitarization of the strip. –

Afterwards, and always with respect to the military aspect, he pointed out that his country had positively welcomed the Chilean suggestion according to which the demilitarization issue would be solved through a Declaration, whereby Bolivia undertakes to maintain in the strip only the forces necessary to express its sovereign presence and guarantee security, all to avoid sensitizing Peru.

I replied that, among other things, the suitability of having this issue as the subject of an unilateral declaration by Bolivia had been considered, which would be the most convenient thing for his Government and would give it a greater international boost.

Expounding on the same aspect, I expressed that perhaps that Declaration would be the precise historic opportunity not only to announce a minimal military presence on the strip, but to formulate a call for Peace in all the American Continent. That his Government had, in our opinion, clean title thereto. That the important thing would be — should we agree on an initiative of this nature — to maintain confidentiality until the Declaration and the continental call are made public. That is until the moment when the relevant Agreement with Chile is signed.

I added that this would be a strong and pragmatic answer to his concern over Peru's arms race and possible war plans. And that, in that event, they would end up in a very delicate position — “virtually trapped in its own net” — as the Peruvian President himself, General Morales, had stated Peru's profound peaceful vocation before the entire foreign diplomatic service accredited in Lima at the reception the latter offered to the President at the Country Club of Lima on 24 September.

President Banzer heard these observations with special attention, and a bit of surprise, as if he had seemingly never entertained a possibility such as the one raised; then, he told me that he found this suggestion very interesting, that he was thankful for it, and that he would give it careful consideration.

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f) Río Lauca.-

Entró luego el Mandatario boliviano - para finalizar el tema de " las aristas " - a analizar lo relativo al aprovechamiento de las aguas del Lauca.

Dijo que para ellos éste era un tema muy sensible, pues " por estas aguas se produjo la ruptura de relaciones con Chile ".

Agregó que su Canciller tenía sobre el particular una idea interesante, que me rogaba la conversara con él al día siguiente.

g) Conclusiones.-

A continuación, recapitulando sobre todo lo conversado, me rogó que le transmitiese a usted que había tomado debida nota de su preocupación - que encontraba atendible y justificada - y que procedería a estudiar junto con la Cancillería y CONAMAR la forma de acelerar al máximo la negociación. Y que, en atención a que la tercera rueda de conversaciones de Chile con Perú se celebraría en noviembre próximo, creía conveniente " se estableciera un calendario - un cronograma - de las deliberaciones boliviano-chilenas, para lograr un avance significativo y concreto respecto a los temas que preocupaban al Presidente Pinochet, antes de la rueda en cuestión ".

Me expresó que quedaba muy satisfecho de la entrevista, pues se daba cuenta que entre los dos países " no habían diferencias de fondo, sino asuntos de forma, por definición arreglables en conversaciones ad hoc ".

h) Cono Sur.-

Cuando parecía que la audiencia iba a terminar, el Presidente Banzer mencionó que una idea, que tenía hace algún tiempo, afloraba como consecuencia de mis afirmaciones preliminares sobre la identidad de objetivos de los regímenes militares que habían surgido como consecuencia de la crisis de la democracia liberal tradicional.

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f) River Lauca. –

Then, the Bolivian President – to conclude the issue of the “differences” – proceeded to address the issue of the use of the waters of the Lauca.

He said this was a very delicate matter for his country “because such waters led to the rupture of relations with Chile.”

He added that his Foreign Minister had an interesting idea regarding the issue which he requested me to discuss with him the following day.

g) Conclusions. –

Continuing, to sum up what was discussed, the President requested that I let you know that he had taken due note of your concern — which he considered both justified and worthy of consideration — and that he would proceed to study, together with the Ministry of Foreign Affairs and the CONAMAR, a way to accelerate the negotiation as much as possible. And that, in view of the fact that the third round of conversations between Chile and Peru would be held next November, he believed it convenient “to establish a calendar — a schedule — of the Chilean-Bolivian deliberations in order to achieve concrete, significant progress with regards to the matters of concern to President Pinochet, before the round in question.”

He told me that he was very satisfied with the meeting as he had realized that between the two countries “there were no substantial differences but rather issues of form, by definition capable of settlement through ad hoc conversations.”

h) South Cone. –

When it seemed that the meeting was going to end, President Banzer mentioned that an idea, which he had entertained for a while, was emerging as a result of my preliminary affirmations as to the identity of goals of the military regimes that emerged as a consequence of the crisis of traditional liberal democracy.

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Al efecto, señaló que el tema le preocupaba mucho y que había pensado que, para definir objetivos y analizar problemas comunes - tanto frente a la subversión como en relación a un posible modelo político a desarrollar en sustitución de la forma democrática tradicional - talvez " sería conveniente una reunión de Presidentes con ideas afines. Le incluyo en éstos - además de Bolivia y Chile - a Uruguay, Brasil, Argentina, Paraguay. Creo que Ecuador estaría también interesado en una reunión de esta naturaleza... y quizás si hasta Perú ".

Por mi parte, le expresé que talvez la inclusión de Perú podría ser inconveniente o, en todo caso, prematura, por las consideraciones que él mismo había hecho anteriormente. Pero que, en todo caso, creía personalmente que usted sería muy receptivo a esta idea.

El Presidente me rogó que le transmitiese a usted esta inquietud de su parte y le pidiera que le comunique su reacción al respecto. Que esta misma sugerencia se la haría al Presidente Videla de Argentina, en su próxima visita a La Paz.

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Luego, procedió a entregarme dos ejemplares de sus discursos para " su amigo el General Pinochet " ; agradeció mi visita, reiterando su satisfacción por la coincidencia de ambos Gobiernos y me pidió le hiciera llegar a usted un saludo muy cordial y sus votos por el éxito de su Gobierno.

Cuando abandonamos el Palacio Quemado eran las 21.50 horas. La audiencia con el Presidente Banzer había durado 110 minutos, duración totalmente inusitada según nuestro Embajador don Rigoberto Díaz.

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In this regard, he pointed out that he was quite concerned over the matter and that he had thought that, in order to define objectives and analyze common problems — with respect to both subversion and a possible political model to be developed in lieu of the traditional democratic form — perhaps “it would be convenient to convene a meeting of Presidents with similar ideas. Among which I include — in addition to Bolivia and Chile — Uruguay, Brazil, Argentina, Paraguay. I think Ecuador might be interested in a meeting of this nature... and perhaps even Peru.”

For my part, I replied that perhaps including Peru might be inconvenient or, in any case, premature, in view of the considerations he had earlier expressed. But that in any case, I personally believed you would be very receptive to this idea.

The President asked me to let you know about his concern and to request you I communicate to him your reaction to it. That he would make this same suggestion to Argentine President Videla during his next visit to La Paz.

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He then gave me two copies of his speeches for “his friend General Pinochet,” he thanked me for my visit, reiterating how pleased he was with the common ground found by both Governments, and asked me to send you his regards and his best wishes for the success of your Government.

When we left the Quemado Palace, it was 9:50 PM. The meeting with President Banzer had lasted, very uncharacteristically — according to Ambassador Rigoberto Díaz — 110 minutes.

/ 12.-

2.- Entrevista con el Canciller Adriázola.-

Al día siguiente - miércoles 29 de septiembre - conversé en su casa habitación con el Canciller de Bolivia don Oscar Adriázola, por espacio de dos horas, en compañía del Embajador Díaz.

El Canciller manifestó que el Presidente había quedado muy complacido con la entrevista del día anterior y que había citado a un Comité de Ministros para analizar lo tratado y darle más expedición a la negociación. Agregó que él veía con optimismo el desarrollo de la misma y su conversación próxima con su colega el Canciller Carvajal, pues coincidía plenamente con el Presidente en el sentido de que las diferencias entre ambos países eran sólo de forma.

Refiriéndose luego, específicamente, a las aguas del Lauca, me indicó que los técnicos bolivianos propugnaban un esquema de utilización conjunta de las mismas. No me dió mayores detalles sobre el particular, conviniendo ambos que este esquema sería uno de los temas de las conversaciones próximas entre ambas Cancillerías.

Por mi parte, le reafirmé la posición chilena. Esto es, que lo único que interesaba a nuestro Gobierno era aprovechar íntegramente las aguas que se generaban en territorio chileno; lo que, en términos prácticos, significaría mejorar la captación a un nivel de 2 metros cúbicos por segundo aproximadamente. Que ello no afectaría en nada el actual cauce boliviano, estimado en 8 a 16 metros cúbicos por segundo.

Luego, procedimos a conversar sobre nuestra sugerencia hecha al Presidente de que Bolivia formule un llamado a la Paz en el hemisferio, respecto a la cual se mostró muy interesado.

/ 13.-

/12.-

2.- Meeting with Foreign Minister Adriázola. –

The following day — Wednesday, 29 September — I had a two-hour meeting with Bolivian Foreign Minister Oscar Adriázola at his place of residence, in company of Ambassador Díaz.

The Foreign Minister stated that the President had been very pleased with the meeting held the day before and had convened a Committee of Ministers to analyze what was addressed and to speed up the negotiation. He added that he saw with optimism its development and his future conversation with his colleague Foreign Minister Carvajal, as he entirely agreed with the President in the sense that the differences between both countries are only ones of form.

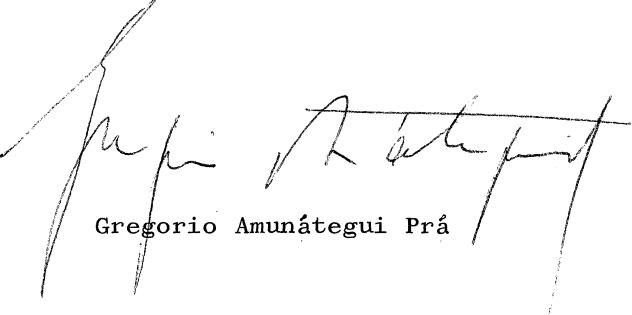
Then he specifically referred to the waters of the Lauca and told me that the Bolivian technicians advocated a scheme of joint use. He did not give me any details about the particular issue, agreeing both that this scheme would be one of the topics of the next talks between the Foreign Ministries.

For my part, I reaffirmed Chile's position. That is that our Government was only interested in making full use of the waters generated on Chilean territory, which, in practical terms, would entail improving the intake to a level of approximately 2 cubic meters per second. This would in no manner affect the existing level for Bolivia, estimated at 8 to 16 cubic meters per second.

Afterwards we proceeded to discuss our suggestion as to the possibility of Bolivia making a call for peace in the hemisphere, with regard to which the Foreign Minister showed great interest.

/ 13.-

Finalmente, expresó su agrado de reunirse con el Canciller Carvajal en Nueva York, donde manifestó confiaba poder concretar un calendario o cronograma para avanzar sustancialmente en las negociaciones. Al respecto, le encarecí nuestra tesis de que deberíamos llegar a la tercera rueda de las conversaciones Chile - Perú con una posición concreta respecto a los puntos que preocupaban al Presidente de Chile. El Canciller nos expresó su personal coincidencia con ello.



Gregorio Amunátegui Prá

Santiago, octubre de 1976.-

/13.-

Finally, he expressed he was glad he would meet Foreign Minister Carvajal in New York, where he expressed he was confident he would be able to set a calendar or schedule to make substantial progress in the negotiations. In this regard, I stressed that it was our belief we should hold the third round of Chile-Peru conversations with a concrete position on the matters which were points of concern for the President of Chile. The Foreign Minister expressed that he personally agreed with this.

[Signature.]
Gregorio Amunátegui Prá

Santiago, October 1976. –

Annex 421

“The National Maritime Council Speaks Out: The exchange
of territories is the only realistic solution for Bolivia”,
La Tercera (Chile), 1 November 1976

(Original in Spanish, English translation)

La Tercera (Chile)

"La Tercera"
10 Nov. - 76.

LA PAZ, 31 (Latín).— El Consejo Nacional Marítimo (CONAMAR) instó hoy a los bolivianos a aceptar el canje de territorios con Chile como única solución realista de la mediterraneidad de este país, y reveló que las negociaciones binacionales están muy avanzadas.

En el primer documento que CONAMAR publica desde su creación a principios de año, se expresó que las negociaciones con Chile se realizan "en un marco de respeto a la dignidad nacional".

"La coyuntura actual de llegar a una solución portuaria no volverá a presentarse por mucho tiempo", expresó CONAMAR, entidad constituida por expertos en diplomacia internacional. "El dilema para Bolivia es terminante: con-

SEÑALA CONSEJO NACIONAL MARÍTIMO

Canje de territorios es única solución realista para Bolivia

tinuar por un período indefinido en un encasillamiento que no puede prolongarse por más tiempo, o avanzar decididamente hacia una definición que por el momento es la más real y practicable pese a las voces pesimistas que no faltan en ninguna parte", afirmó el documento.

"Malograda esta oportunidad, habrá que resignarse a una indefinida dependencia y dejar que la servidumbre del libre tránsito nos mantenga en

esa perjudicial situación", dijo.

"No hay mutilación sino canje. Daremos una extensión determinada y recibiremos otra de la misma extensión ganando el acceso al mar", agregó el documento.

"Si se piensa en el canje, es porque no hay más alternativa por el momento. Otra solución puede ser la guerra, pero conviene preguntarse seriamente y sin apasionamiento alguno si estamos en condiciones de

precipitar un conflicto cuando no se dispone de recursos humanos ni materiales", manifestó CONAMAR.

Reveló que "nuestros negociadores han logrado la modificación de algunos planteamientos chilenos. Ya no se habla de 200 millas sino de tres millas (marítimas).

"No hay tampoco insistencia en la desmilitarización de la franja territorial pues ella estará sometida a nuestra soberanía".

La Tercera
1 November 1976

Today, the National Maritime Council (CONAMAR) urged Bolivians to accept the exchange of territories with Chile as the only realistic solution to the landlocked status of this country, and revealed that great progress has been made in binational negotiations.

In the first document that CONAMAR published since its creation at the beginning of this year, it expressed that the negotiations with Chile are being conducted "within a framework of respect for national dignity."

"The current conditions to reach a port solution will not arise again in a long time," expressed CONAMAR, an entity formed by international diplomacy experts.

"The dilemma for Bolivia is blunt: to

THE NATIONAL MARITIME COUNCIL POINTS OUT

Exchange of territories is the only realistic solution for Bolivia

continue to be a situation," it said. "There is no landlocked country for an indefinite period of time, which cannot be prolonged any longer, or to firmly move towards a definition that is for now the most real and practicable, despite the pessimistic voices, which are always out there," the document affirmed.

We will hand over a particular extension and will receive another one of the same extension, gaining access to the sea," the document added.

"If we think of the exchange it is because there is no other alternative at the moment. Another solution could be war; however, it would be convenient to ask ourselves calmly and dispassionately if we are in a position to

trigger a conflict when neither human nor material resources are available to us," CONAMAR stated.

It further said that "our negotiators have managed to modify some Chilean proposals. Now, we are not speaking about 200 miles but three (nautical) miles.

"There is no pressure either on the demilitarization of the strip of land, since it will be under our sovereignty."

Annex 422

Note from the Bolivian Ambassador to Chile to the Minister
of Foreign Affairs of Bolivia, 7 April 1977

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 314 to its Reply

RESERVADO

EMBAJADA DE BOLIVIA

281/140/77

Santiago, 7 de abril de 1977

Señor Ministro:

Continuando con mi telex cifrado número 91, tengo a bien ampliar los términos de la entrevista que mantuve el lo. de abril próximo pasado, con el señor Ministro de Relaciones Exteriores de Chile, Vicealmirante Patricio Carvajal.

La audiencia se inició a las 17 horas. Asistí acompañado por el Ministro Consejero de esta Misión, Agustín Saavedra Weisse y por el Consejero de Prensa, Alfredo Valdés Loma, encargado de tomar notas. A su vez, el Canciller me recibió en compañía del Director General, Comandante Jaime Lavin y de un Secretario taquígrafo.

Inicié la conversación, manifestando que durante mi reciente viaje a La Paz, recibí instrucciones para solicitar del Gobierno chileno una posición clara frente a la situación creada entre este país y el Perú, luego de haber sido desechado el planteamiento de Torre Tagle. Asimismo, como se proyectaría esta circunstancia sobre el futuro de la negociación marítima y de que manera Chile piensa proseguir sus conversaciones con el Perú.

Además, expresé que las recientes visitas de altos personeros peruanos a Santiago, seguramente fueron propicias para el tratoamiento de asuntos tan importantes como los mencionados. Manifesté también, que la creciente demora que sufre la negociación portuaria, está creando en nuestro país un clima de preocupación, dado que el estancamiento desalienta a la opinión pública.

El Canciller respondió expresando que la reciente visita del Ministro de Guerra peruano, Gral. Arbulú, fue la retribución al principio que el año pasado realizó el Ministro de Defensa chileno, Gral. Brady y que no se habló "nada", respecto a Bolivia, pues las conversaciones se circunscribieron a temas estrictamente castrenses.

Al margen de que resulta difícil pensar que entre altos personeros de gobiernos militares, no se haya tocado un tema tan importante para el Pacífico Sur como es el de la mediterraneidad boliviana, accepté la explicación del Almirante Carvajal y continué, señalando que habiendo Chile supeditado el resultado de la negociación al cumplimiento del inciso "n" del numeral 4 de su respuesta de diciembre de 1975, Bolivia insistía en su deseo de conocer cuales son los pasos que se proponen seguir Chile en el futuro inmediato.

...



Como. Señor General
Oscar Adriazola Valda
Ministro de Relaciones Exteriores y Culto
La Paz, Bolivia

EMBASSY OF BOLIVIA281/140/77**CONFIDENTIAL**

Santiago, 7 April 1977

Mr. Minister,

Building on my encrypted telex N° 91, I am hereby expanding on the terms of the meeting I held last 1 April with the Minister of Foreign Affairs of Chile, Vice-Admiral Patricio Carvajal.

The meeting started at 5:00 p.m. I was accompanied by this Mission's Minister Counsellor, Augustin Saavedra Weise and by Press Advisor, Alfredo Valdes Loma, responsible for taking notes. For his part, the Foreign Minister welcomed me accompanied by the Director General, Commander Jaime Lavin and a stenographer.

I began the conversation by stating that during my recent trip to La Paz, I received instructions to request from the Chilean Government a clear position in the face of the situation created between this country and Peru, after the former rejected the Torre Tagle proposal; and to ask the Government of Chile how this circumstance would mark the future of the maritime negotiation and how Chile plans to carry forward its conversations with Peru.

I also stated that the recent visits to Santiago by senior officials from Peru were certainly proper to address issues as important as the ones mentioned. I added also that the growing delay that affects the port negotiation is creating an atmosphere of concern in our country, inasmuch as stagnation discourages the public opinion.

The Foreign Minister replied saying that the recent visit paid by the Peruvian War Minister, General Arbulu, was consideration for the visit paid last year by the Chilean Defense Minister, General Brady and that "nothing" had been discussed in regard to Bolivia, for the conversations were restricted to strictly military issues.

Despite the fact that it is difficult to believe that two senior representatives of military governments did not address such a transcendental matter for the South Pacific, as is the case of Bolivia's landlocked condition, I accepted Admiral Carvajal's explanation and continued, noting that since Chile had subjected the outcome of the negotiation to the fulfilment of letter "n", of number 4 of its response of December 1975, Bolivia insisted in its desire of knowing what steps

Chile proposed should be followed in the immediate future.

...

To His Excellency
 Oscar Adriazola Valda
 Minister of Foreign Affairs and Worship
La Paz, Bolivia

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2.-

El Canciller comentó que -a su modo de ver- la situación "se ha complicado", al haber excluido el Presidente Banzer el canje territorial de la negociación, en su mensaje de diciembre de 1976. Argumentó el Ministro chileno que la "posición del Presidente de Bolivia ha hecho más delicada la negociación que la propia respuesta peruana". Seguidamente recordó que la negociación ha ido avanzando "letra por letra" cumpliéndose un "trabajo de hormigas". Señaló luego que cada aspecto de lo convenido tiene "mucho significado" y que a Chile le preocupa la solicitud pública boliviana de retirar la condición de canje territorial, pues éste es un requisito esencial de la negociación dado que Chile no podía aceptar que su territorio quede reducido como consecuencia del acuerdo logrado. Recordó que la condición del canje, fue fijada desde el comienzo de las conversaciones con el ex-Embajador Gutiérrez Vea Murguía.

Continuando con su exposición, el Ministro expresó que hay "desinformación" en ciertos círculos bolivianos, porque no se trata de "mutilar" a nadie, sino de lograr la solución del problema sin pérdida de territorios para las partes. Volvió a mencionar el trueque de 1907, por rectificación de fronteras y dijo: "en ese momento nadie habló de cercenamiento". Finalmente reiteró: "la negociación debe culminar con Bolivia y Chile manteniendo las mismas dimensiones territoriales con que ingresaron a la tramitación del acuerdo". Notese en lo expresado, que implícitamente está aceptado por Chile que el eventual canje se realice sólo por territorios sin compensación de aguas marinas, tal como esta Embajada informó oportunamente a V.E.

Luego de la larga exposición del Canciller Carvajal, respondí señalando que la mención que hizo del mensaje del Gral. Banzer, era oportuna, pues me permitía esclarecer el alcance del mismo. Expliqué que se trataba de una fórmula imaginativa tendiente a buscar una solución que supere el "impasse" creado por el intercambio de memorandums chileno-peruanos. Recordé también que lo expresado, configuraba un nuevo cuadro y en ese contexto, Bolivia definió su posición, justamente con la finalidad de presentar una fórmula que concilie los intereses de las partes. Asimismo, al proponer el Presidente Banzer que Chile retire su condición de canje territorial y Perú motifique su tesis de soberanía compartida, ha buscado crear las condiciones para el reinicio del diálogo chileno-peruano, requisito -como se ha comprobado- imprescindible para el éxito de las negociaciones.



En el plano interno -continú- el Presidente Banzer ha debido conjugar el estado de ánimo del pueblo boliviano, ante la prolongada negociación portuaria y su actual estado crítico, derivado justamente, de la falta del "acuerdo previo" entre Perú y Chile, para que este último país pueda disponer libremente del territorio que ofrece a nuestro país. Inicialmente, la opinión pública nacional consideró que la solución de la mediterraneidad boliviana tendría un trámite acelerado. Por asuntos que son inclusive de dominio público, ello no sucedió y el creciente escepticismo de algunas corrientes de opinión sobre el resultado final de la negociación, tenía que derivar en un rechazo al canje, por la propia incertidumbre en torno a la plena competencia chilena para ceder el territorio objeto del trueque.

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The Foreign Minister commented that –in his view– the situation “has been complicated” by President Banzer’s rejection of the condition for an exchange of territories, uttered in his message of December 1976. He added that “the position of the Bolivian President has caused the negotiation to be more sensitive than the Peruvian response itself”. He then reminded me that the negotiation has been progressing “word by word” and “painstakingly”. He then added that each aspect of what has been agreed to bears “a lot of significance” and that Chile is concerned over Bolivia’s public request that the condition for exchange of territories be eliminated, given that the latter is an essential negotiation requirement inasmuch as Chile cannot accept the idea that its territory could be reduced in size as a result of the agreement reached. He reminded me also that the condition for exchange of territories was established from the very beginning of the conversations with former Ambassador Gutierrez Vea Murgua.

Building on his explanation, the Minister said that there is “misinformation” in certain Bolivian circles, because the idea is not to “mutilate” anyone, but to achieve a solution to the problem without territorial loss for any of the parties. He mentioned again the exchange of 1907, made to amend the border and said that “at that moment, no one spoke of dismemberment”. Finally, he reiterated, “the negotiation must come to a conclusion with Bolivia and Chile keeping the same territorial proportions with which they commenced processing the agreement”. Attention must be paid to the fact that in this statement, Chile is implicitly accepting that the eventual exchange of territories be made only in relation to territory, without contemplating marine waters, as this Embassy informed Your Excellency in due course.

After Foreign Minister Carvajal’s lengthy explanation, I responded emphasizing that his mention of General Banzer’s message was fitting, for it allowed me to clarify its scope. I explained to him that this was an imaginative formula intended to overcome the “impasse” created by the exchange of Chilean-Peruvian memorandums. I reminded him also that what had been stated created a new scheme and that, in this context, Bolivia defined its position, precisely with the purpose of presenting a formula that balances the interests of the Parties. Likewise, when President Banzer proposed that Chile eliminates its condition for the exchange of territories and that Peru amends its thesis on shared sovereignty, he sought to create the proper conditions for the Chilean-Peruvian talks to be resumed, a requisite which –as has been evidenced– is essential for the negotiations to be successful.

In the internal sphere –I continued– President Banzer has had to bring together the state of mind of the Bolivian people, in the face of the prolonged port negotiation and its current critical state, which had resulted precisely from the absence of a “prior agreement” between Peru and Chile, so the latter may dispose freely of the territory offered to our country. Initially, the national public opinion considered that the solution to Bolivia’s landlocked condition would be processed rapidly. For reasons that are even of public knowledge, that did not happen and the growing skepticism of some spheres of the public opinion in regard to the final outcome of the negotiations had to naturally result in a rejection to the exchange, due to the uncertainty surrounding Chile’s competence to cede the territory subject to the exchange.

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Así, pues, el camino propuesto por el Presidente Banzer no puede ser tildado como expresión de "volubilidades bolivianas". Es el reflejo fiel de una situación creada y ajena a nuestra voluntad. Reiteré que Bolivia, en reemplazo de las condiciones limitantes de la negociación, ha planteado una solución contemporánea, ágil, factible y con posibilidades concretas para crear un floreciente polo de desarrollo conjunto, en una zona que hoy se caracteriza por su estado de estancamiento.

El Canciller Carvajal interrumpe la exposición manifestando que "los bolivianos deben comprender que Chile no puede vender territorio". Repliqué que no se trataba de "vender" sino de obtener una solución justa al problema boliviano. Luego, le expresé que en el actual estado de cosas se observa una doble posibilidad: o Chile obtiene el acuerdo con el Perú para continuar negociando el territorio propuesto o bien, hay que buscar soluciones en un perímetro exógeno al delimitado por el Tratado de 1929. En el primer caso, la negociación debe ser chileno-peruana, pues Bolivia no fue parte en 1929; en el segundo, se trataría de un arreglo entre Chile y nuestro país.

No mencioné señor Ministro una tercera posibilidad: la reunión tripartita, por no estar encuadrada en el pliego de instrucciones, pero obviamente es una perspectiva que podría ser explorada.

Preguntó el Canciller si nuestro país había considerado otras fórmulas. Entre ellas, citó la entrega de Bolivia al Perú del volcán Tacora, junto con otros recursos susceptibles de negociación con Torre Tagle. Agregó que teniendo Bolivia grandes reservas de azufre y necesitando el Perú ese mineral, estas alternativas podrían servir para gestionar con Lima, la ampliación del frente marítimo del corredor propuesto originariamente.

Ante la insinuación del Ministro Carvajal acerca de la posibilidad de una presentación conjunta chileno-boliviana de una nueva fórmula al Perú, expresé claramente que no podíamos continuar presentando fórmulas que lleven a nuevas frustraciones. En todo caso, la presentación debería hacerla Chile, en busca de su "acuerdo previo", con Perú. Luego de ciertas vacilaciones, el Canciller manifestó que Chile podría "hacer la presentación unilateralmente, siempre que hubiera un previo principio de entendimiento con Bolivia. Tanto lo anteriormente expresado, como las disquisiciones posteriores del Ministro chileno, fueron muy similares a las que expresó anteriormente y sobre lo cual informé a su Despacho en nota 14/11/77 del 7 de enero próximo pasado. La variante fue la posibilidad concreta, de que Chile consulte directamente al Perú.

Ante mi insistencia sobre el planteamiento del Presidente Banzer, el Canciller dijo que no consideraba conveniente emitir una respuesta pública al mensaje de S.E. para no crear factores irritativos, pues



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Thus, the path proposed by President Banzer cannot be regarded as an expression of "Bolivian inconsistency". It is the reflection of a situation that has been created and that is alien to our will. I reiterated that Bolivia, by replacing the conditions that limit the negotiation, has proposed a contemporary and expedited proposal that is filled with concrete possibilities to create a prosperous joint development pole in an area which is at present characterized by its state of inactivity.

Foreign Minister Carvajal interrupted my explanation stating that, "Bolivians must understand that Chile cannot sell territory". I replied that it was not a matter of "selling" but of obtaining a just solution for the Bolivian problem. Thereafter, I said that in the current state of affairs, there are two alternatives: either Chile obtains the agreement with Peru to continue negotiating the proposed territory or, solutions will have to be sought in a perimeter exogenous to the one delimited by the Treaty of 1929. In the first case, the negotiation must be Chilean-Peruvian, since Bolivia was not a Party in 1929; in the second one, it would be a matter of an arrangement between Chile and our country.

Minister, I did not mention a third possibility, a tripartite meeting, because it had not been included into the instructions, but obviously this is a perspective that could be explored.

The Foreign Minister asked whether our country had considered other formulas. Among them, he mentioned the possibility that Bolivia gives Peru Tacora Volcano, along with other resources that could be subject to a negotiation with Torre Tagle. He added that since Bolivia has great reserves of sulfur and since Peru is in need of this mineral, these alternatives could serve to discuss with Lima the enlargement of the maritime front of the corridor proposed initially.

In the face of Minister Carvajal's insinuation of the possibility of a joint Chilean-Bolivian presentation of a new formula to Peru, I stated clearly that we could not continue presenting formulas that lead us to new frustrations. In any case, the presentation ought to be made by Chile, in pursuit of its "prior agreement" with Peru. After certain hesitation, the Minister stated that Chile "could" make the presentation unilaterally, provided that there is a prior understanding with Bolivia. The preceding statement and the subsequent digressions of the Chilean Minister were both similar to those expressed earlier and in regard to which I informed your Office in Note 14/11/77 of past 7 January. The difference was the concrete possibility that Chile consults Peru directly.

In view of my insistence in regard to the proposal put forward by President Banzer, the Foreign Minister said he did not believe it convenient to issue a public response to the message delivered by His Excellency so as to not create irritating elements, for the

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la posición chilena estipulando el canje como requisito sine qua non, ha sido suficientemente explicada al plenipotenciario boliviano, tanto por el Gral. Pinochet, como por él mismo.

Retomando el hilo de su exposición, el Almirante Carvajal señaló que se podría comenzar con la redacción de un documento contenido los avances logrados hasta el momento de recibir la respuesta peruana y que paralelamente a la redacción de dicho documento, se buscaría configurar una fórmula aceptable para el Perú y sus intereses. Comentó que "entendía a los peruanos", sobre todo luego de la intensa campaña desplegada por el ex-Presidente Velasco sobre el rechazo peruano a fórmulas para satisfacer la mediterraneidad boliviana que transcurran por territorios que fueron peruanos. El nuevo Mandatario, Gral. Morales Bermúdez -continuó- ha "heredado" una situación complicada y de ahí los problemas surgidos. Comentó que -según informaciones que posee- la Comisión Bustamante estaba de acuerdo con la fórmula que él le planteaba y que el gobierno manu-militar, desahució a la Comisión y presentó el famoso Memorandum de noviembre.

Prosiguió expresando que de lo se trata ahora, es de buscar soluciones que le permitan al Presidente Morales ofrecer a su país justificativos atractivos para ser utilizados a nivel de opinión pública nacional y en especial, con los residentes de Tacna, población que se encuentra en situación de atraso socio-económico.

Finalmente, expresó que a nivel internacional, si se lograra un acuerdo como el que está esbozando preliminarmente, al Perú le resultaría muy difícil persistir en su negativa, porque aparecería ante el mundo como "opositor", a la solución de la mediterraneidad boliviana.

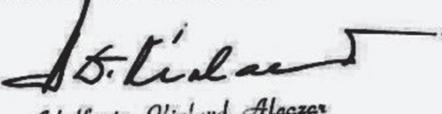
Al solicitarle al Canciller mayor precisión sobre las ideas que expuso, manifestó que volveríamos a reunirnos en los "próximos días" y que mientras, su Despacho elaborará sus ideas para que podamos tener una presentación más coherente y clara.

En síntesis: el Canciller reiteró aspectos de nuestra entrevista anterior, con la diferencia de que esta vez no se refirió a que "su país tenía información que le permitía deducir", que el Perú podía modificar su planteamiento. Introduce la novedad -condicionada a previa aceptación nuestra- de presentar la nueva fórmula al Perú unilateralmente y propone continuar las reuniones con el fin de hacer una exposición más precisa. Finalmente, la posición sobre el canje es rígida y La Moneda optará -salvo presión en contrario- por no responder al mensaje del Presidente Banzer y mantener la fluididad del diálogo.

Quedando a la espera de que el Canciller me convoque a una nueva entrevista para ampliar sus ideas esbozadas, terminó la audiencia a las 18 horas. Es cuanto informo a V.E. para los fines consiguientes.

Con este motivo, reitero al señor Ministro las seguridades de mi consideración más alta y distinguida.




Adalberto Violand Alcazar
EMBAJADOR

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Chilean position stipulating the exchange of territories as a sine qua non requirement has been sufficiently explained to the Bolivian Plenipotentiary by both General Pinochet as by himself.

Resuming his explanation, Admiral Carvajal noted that it would be possible to start with the drafting of a document recording the progress made until the receipt of the Peruvian response, and that simultaneously to the drafting of said document, a formula acceptable for Peru and its interests could be sought. He commented that he "understood the Peruvians", all the more after the intense campaign carried out by former President Velasco in relation to Peru's rejection to any formula to resolve Bolivia's landlocked condition that might overlap territories that were Peruvian. The new Head of State, General Morales Bermudez –he continued– has "inherited" a complex situation and that is why problems have arisen. He commented that –according to information he has had access to– the Bustamante Commission agreed with the formula that he was proposing to me and that the "manu-militari" Government had evicted the commission and presented the infamous Memorandum of November.

He then said that what had to be done now was to try to seek solutions that allow President Morales to offer his country appealing justifications to use them at the level of Peru's national public opinion and, particularly, with the residents of Tacna, a town which is affected by socio-economic underdevelopment.

Finally, he stated that at the international level, if an agreement as the one that is being prepared preliminarily were to be reached, it would be difficult for Peru to persist in its refusal, because it would be perceived as an "opposition" to the solution to Bolivia's landlocked condition.

When requesting the Foreign Minister to be more precise in regard to the ideas he put forward, he said we would meet again in the "coming days" and that, meanwhile, his Ministry would prepare ideas to be sure of having a more coherent and clearer presentation.

In summary: the Foreign Minister reiterated the aspects put forward in our preceding meeting, with the difference that on this occasion he did not refer to the fact that his "country had information that would allow it to infer" that Peru could amend its proposal. He introduced the new element –subject to our prior acceptance– of presenting the new formula to Peru unilaterally and proposed to continue with the meetings so as to make a more precise explanation. Finally, the position concerning the exchange of territories is inflexible and La Moneda would rather not –unless there is pressure to the contrary– respond to President Banzer's message and preserve the fluency of the dialogue undertaken.

Awaiting for the Foreign Minister to call me to a new meeting to broaden the ideas outlined, the meeting concluded at 6:00 p.m. I am hereby informing Your Excellency of this for the resulting purposes.

Taking advantage of this occasion, I reiterate Mr. Minister the assurances of my loftiest and most distinguished consideration.

[Signature]
Adalberto Violand Alcazar
Ambassador

Annex 423

Memorandum by the Ministry of Foreign Affairs of Chile
entitled “Course of the negotiation with Bolivia”, 1978

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

DE CHILE
REPUBLICA DE CHILE
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EXEMPLAR 3 PAGINA 1

009/c 88

FORMATO PARA MENSAJES
(TELEX Y CABLES)

CURSO DE LA NEGOCIACION CON BOLIVIA

I.- Intercambio de Notas

- 8-II-1975.- Entrevista de los Presidentes de Chile y Bolivia en Charaña, en que se acuerda la reanudación de relaciones diplomáticas entre ambos países, las que se encontraban interrumpidas desde hace 13 años. Se acordó asimismo, acreditar Embajador.
- 26-VIII-1975 Bolivia presenta al Gobierno de Chile un Aide Memoire precisando los lineamientos para una negociación que permita "alcanzar solución mutuamente convenientes y adecuadas a la medierraneidad".
- 12-XII-1975 Entrevista del Ministro de Relaciones Exteriores de Chile con el Embajador de Bolivia. En esta ocasión el Ministro chileno da respuesta verbal a la petición boliviana.
- 16-XII-1975 El Embajador de Bolivia hace entrega al Ministerio de Relaciones Exteriores de Chile la nota 681/108/75, en la que "Bolivia acepta los términos generales de la respuesta del Gobierno de Chile a la proposición presentada mediante el Ayuda Memoria mencionado". Asimismo, solicita que se le remita una respuesta por escrito en los mismos términos a la que fué formulada formalmente.
- 19-XII-1975 Por nota 686, el Ministro de Relaciones Exteriores de Chile entrega al Embajador de Bolivia, la respuesta escrita sobre los planteamientos chilenos al Ayuda Memoria boliviano. En la misma nota se señala que de acuerdo a lo estipulado en el art. 1º del Protocolo Complementario al Tratado de Lima de 1929, Chile procederá a consultar al Gobierno del Perú si está de acuerdo en la cesión solicitada por Bolivia.

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COURSE OF THE NEGOTIATION WITH BOLIVIA

I. Exchange of communications

- 8-2-1975 Meeting of the President of Chile and the President of Bolivia in Charaña, in which the resumption of diplomatic relations between both countries was agreed upon, after being interrupted for 13 years. It was also agreed to accredit Ambassador.
- 26-8-1975 Bolivia presents the Chilean Government with an Aide Memoire defining the guidelines for a negotiation that would allow them “to reach a mutually convenient and adequate solution to the landlocked situation”.
- 12-12-1975 Meeting of the Minister of Foreign Affairs of Chile with the Bolivian Ambassador. On this occasion, the Chilean Minister replied verbally to Bolivia’s petition.
- 16-12-1975 The Bolivian Ambassador gave the Minister of Foreign Affairs of Chile the note 681/108/75 in which “Bolivia accepts the general terms of the answer of the Government of Chile regarding the proposal submitted by means of the above-mentioned Aide Memoire”. Moreover, the Bolivian Ambassador requested that a written answer be given in the same terms to the one formally formulated.
- 19-12-1975 By note 686, the Minister of Foreign Affairs of Chile gave the Bolivian Ambassador a written answer regarding the Chilean proposals in relation to the Bolivian Aide Memoire. In that same Note, it was stated that, in accordance with art. 1 of the Supplementary Protocol to the Treaty of Lima of 1929, Chile would proceed to consult the Government of Peru as to whether it agreed with the cession requested by Bolivia.

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19-XII-1975 Se envía la nota N°685, al Ministro de Relaciones Exteriores del Perú, haciendo la consulta mencionada.

INTERCAMBIO DE DOCUMENTOS

31-XII-1975 Por nota 6-Y/120 el Ministro peruano de Relaciones Exteriores da respuesta a la Cancillería chilena manifestando que "el Gobierno del Perú ha hecho pública su posición de comprensión a las aspiraciones de la nación boliviana para alcanzar una solución jurídica al problema" y agrega que el Gobierno peruano considera indispensable para poder pronunciarse, conocer en forma oficial y completa los textos de los documentos intercambiados por Chile y Bolivia.

7-I-1976 El Ministro de Relaciones Exteriores de Chile dirige al Canciller peruano la nota 293, manifestándole que ha instruído al Embajador de Chile en Lima para que le dé a conocer los textos referentes.

29-I-1976 El Canciller peruano por nota 6-Y/1 acusa recibo de los textos referidos y manifiesta "que se hace necesario que el Perú y Chile realicen previamente un análisis del problema tanto en sus aspectos jurídicos como en el ámbito de los intereses que corresponde apreciar a nuestros dos países". Por último propone formalmente la realización de conversaciones bilaterales chileno-peruanas para tratar esta materia.

17-III-1976 Por nota N°88 del Gobierno chileno expresa que "en su deseo de mantener las más estrechas y cordiales relaciones con el Perú, el Gobierno de Chile tendrá el mayor agrado en celebrar con el Ilustrado Gobierno peruano las conversaciones que tiendan a establecer la forma más efectiva de proteger y asegurar el ejercicio de tales derechos.

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- 19-12-1975 Note 685 is delivered to the Minister of Foreign Affairs of Peru making the above-mentioned consultation.
- 31-12-1975 By means of note 6-Y/120, the Peruvian Minister of Foreign Affairs answered the Chilean Ministry of Foreign Affairs and stated that “the Government of Peru has made public its understanding position regarding the aspirations of the Bolivian nation to reach a legal solution to the problem” and adds that the Government of Peru, to decide on the matter, considers it indispensable to know in an official and complete form the texts of the documents exchanged between Chile and Bolivia.
- 7-1-1976 The Minister of Foreign Affairs of Chile sends note 293 to the Peruvian Minister and states that he had instructed the Chilean Ambassador in Lima to make the texts available to him.
- 29-1-1976 By note 6-Y/1, the Peruvian Minister acknowledges receipt of the texts and states that “it is necessary for Peru and Chile to carry out a prior analysis of the matter considering its legal aspects and the interests that correspond to our two countries.” Finally, the Peruvian Minister formally proposed to conduct bilateral Chilean-Peruvian conversations in order to deal with this matter.
- 17-2-1976 By note 88, the Chilean Government stated that in “its desire to maintain the closest and most cordial relations with Peru, the Chilean Government will be most pleased to hold talks with Your Excellency’s Government aimed at establishing the most effective manner of protecting and ensuring the exercise of such rights.”

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- 3-III-1976 Por nota 6-Y/2 el Canciller peruano ofrece la ciudad de Lima como sede de estas conversaciones.
- 18-III-1976 El Ministro de Relaciones Exteriores de Chile por nota N°4378, comunica la designación de los representantes ad hoc chilenos señores Don Julio Phillipi I. y como representante alterno Don Enrique Bernstein C. Asimismo, toma nota de la designación del representante peruano Sr. Luis Marchand, que le ha comunicado el Embajador del Perú en Santiago. Además, acepto la reunión en Lima y ofrece la ciudad de Santiago si fuere necesario una reunión posterior.
- 19-IV-1976 Se lleva a efecto en Lima la Primera Rueda de Conversaciones.
- 5-VII-1976 Se celebra en Santiago la Segunda Rueda de Conversaciones.
- 29-XI-1976
18-XI-1976 El Representante ad hoc del Gobierno del Perú, Embajador D. Luis Marchand se entrevistó con el Ministro de Relaciones Exteriores de Chile, a quien comunica que el Gobierno de su país ha resuelto unilateralmente poner término a las actividades de sus representantes en las conversaciones con Chile y da a conocer un nuevo planteamiento para dar solución a la mediterraneidad de Bolivia.
- 26-XI-1976
26-XI-1976 El Gobierno chileno hace entrega de un Memorandum que alude al planteamiento hecho por el Embajador Marchand, manifestando "que a juicio del Gobierno de Chile dicho planteamiento incide en materias propias de su exclusiva soberanía nacional, y que no tiene relación con los términos generales de la negociación entre Chile y Bolivia que fueron aprobadas por ambos países".

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3-3-1976 By note 6-Y/2, the Peruvian Minister of Foreign Affairs offered the city of Lima as venue for these conversations.

18-3-1976 By note 4378, the Chilean Minister of Foreign Affairs communicated the appointment of ad hoc Chilean representatives Mr. Julio Phillipi I. and Mr. Enrique Bernstein C, the latter as the alternate. Furthermore, he acknowledged the appointment of Peruvian representative Mr. Luis Marchand, which appointment was communicated to him by the Peruvian Ambassador in Santiago. Finally, he accepted the meeting at Lima and offered the city of Santiago for any further meeting, if necessary.

19-4-1976 The First Round of Conversations is held in Lima.

5-7-1976 The Second Round of Conversations is held in Santiago.

18-11-1976 The ad hoc representative of the Peruvian Government, Ambassador Luis Marchand, had a meeting with the Chilean Minister of Foreign Affairs and informed him that the Government of his country had unilaterally decided to conclude its representatives' participation in the conversations with Chile, and to communicate a new proposal to solve Bolivia's landlocked status.

26-11-1976 The Chilean Government submitted a memorandum on Ambassador Marchand's proposal, saying that "the Chilean Government believes that such proposal impacts on matters reserved to its exclusive national sovereignty and bears no relationship to the general terms of the negotiation between Chile and Bolivia that were approved by the two countries."

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- 3-III-1976 Por nota 8-V-75 el Canciller a cargo informó:
- 24-XII-1976 El Presidente de Bolivia General de Ejército Hugo Banzer Suárez, en su Mensaje de Navidad al pueblo boliviano entre otros conceptos expone lo siguiente: "propongo al Gobierno de Chile que modifique su planteamiento eliminando la condición relativa al canje territorial. Propongo asimismo al Gobierno del Perú que modifique su planteamiento de un área territorial bajo soberanía compartida".
- 12-III-1976
- 8-III-1976 Con motivo conmemorarse el segundo aniversario de la entrevista de Charaña el Presidente de la República de Chile dirigió una conceptuosa nota al Jefe del Estado boliviano, reiterando una vez más la disposición de su Gobierno de continuar la negociación sobre la mediterraneidad boliviana. Este Mensaje fué contestado a la misma fecha por el Presidente Banzer.
- 10-IV-1976

DE LO ANTERIOR SE DESPRENDE LO SIGUIENTE:

- 1.- El Gobierno de Chile ha planteado muy claramente los lineamientos básicos de la negociación con Bolivia. En términos generales dichos lineamientos fueron aceptados por Bolivia, sin que en ningún momento Bolivia haya hecho observación alguna al "canje territorial".
- 2.- La nota chilena de 19 de diciembre de 1975 aún no ha sido contestada por el Gobierno boliviano.
- 3.- El Gobierno de Chile en todo momento ha dado cumplimiento a sus compromisos internacionales, razón por la cual procedió a la consulta al Perú.

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| 24-12-1976 | The Bolivian President, Army General Hugo Banzer Suárez, addressed the Bolivian people in his Christmas speech and said, among other things: "I propose that the Government of Chile modify its proposal to eliminate the condition regarding an exchange of territory. I further propose that the Peruvian Government modify its proposal regarding the establishment of a territorial area under shared sovereignty." |
| 8-2-1977 | On the occasion of the second anniversary of the Charaña Embrace, the President of the Republic of Chile sent a note to the Bolivian Head of State, reiterating once again his Government's willingness to continue the negotiation on Bolivia landlocked status. Such message was replied to on the same date by President Banzer. |

FROM THE FOREGOING IT FOLLOWS THAT:

1. The Chilean Government has clearly presented the basic guidelines for the negotiation with Bolivia. Such conditions were accepted by Bolivia in general terms, without it making any observation to the "territorial exchange".
2. The Chilean note of 19 December 1975 has not yet been replied by the Bolivian Government.
3. The Chilean Government has at all times abided by its international commitments, and that is why it proceeded with the consultation with Peru.

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4.- El planteamiento peruano no tiene ninguna relación con la consulta hecha al Gobierno del Perú, e incide en materias propias de la exclusiva soberanía de Chile razón por la cual fué desestimada quedando, por lo tanto aún pendiente la respuesta peruana.

5.- En todo momento ha quedado de manifiesto el espíritu de Chile por llevar adelante esta negociación.

II.- Entrevistas y conversaciones con autoridades bolivianas y peruanas

Paralelamente al intercambio de comunicaciones entre el Gobierno de Chile y los Gobiernos de Bolivia y Perú, se llevaron a efecto entrevistas personales del Ministro de Relaciones Exteriores de Chile con las Embajadas de Bolivia y Perú. Cabe hacer presente que las entrevistas con el Embajador de Bolivia han sido siempre a iniciativa del Ministro de Chile.

12-XII-1975 Se reúne el Canciller chileno con el Embajador de Bolivia. El Ministro de Chile dió a conocer en esta oportunidad las bases del planteamiento chileno frente a la negociación. Manifestó entre otras cosas "la respuesta (al Ayuda Memoria) se daba en el marco impreso a las conversaciones por el propio Presidente Banzer, este es de una realidad actual, sin reconocer antecedentes históricos o jurídico".
me detuve página
El Ministro de Chile señaló además que toda la negociación se haría sobre la base de un canje de territorio, lo que en ningún momento fué objetada por el representante boliviano ni tampoco por su Gobierno.

23-I-1976 Se lleva a efecto una nueva reunión entre el Ministro de Relaciones Exteriores y el Embajador de Bolivia. El representante boliviano manifestó su agrado y agradeció las atenciones recibidas con motivo de su visita a Arica.

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4. The Peruvian proposal bears no relation with the consultation made to the Government of Peru and concerns matters within Chile's exclusive sovereignty, hence why it was dismissed, and therefore Peru's answer is still pending.

5. At all times Chile has shown its spirit to move forward with this negotiation.

II.- Meetings and conversations with Bolivian and Peruvian authorities

In parallel to the exchange of communications between the Government of Chile and the Governments of Bolivia and Peru, the Minister of Foreign Affairs of Chile held personal meetings with the Embassies of Bolivia and Peru. It is worth mentioning that the meetings with the Ambassador of Bolivia were always held at the initiative of the Minister of Chile.

12-12-1975

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See last page.

The Chilean Minister of Foreign Affairs met the Bolivian Ambassador. On this occasion, the Chilean Minister presented the basis for the Chilean proposal towards the negotiation. Among other things, he stated that "the answer (to the Aide-Memoire) was given within the framework provided to the conversations by President Banzer himself; this refers to a current reality, without acknowledging any historical or legal antecedents." The Chilean Minister also pointed out that the entire negotiation would be carried out on the basis of an exchange of territory, which was at no time objected to by the Bolivian representative or his Government.

23-1-1976

A new meeting was held between the Minister of Foreign Affairs and the Ambassador of Bolivia. The Bolivian Representative said he was pleased and expressed thanks for the hospitality received during his visit to Arica.

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Añadió que estimaba conveniente estudiar la aclaración de ciertos conceptos que calificó como "aristas" de la negociación, tales como propias de la la "desmilitarización", el del Río Lauca. Respecto a la desmilitarización insistió en una aclaración pues las estima necesarias para que la opinión pública boliviana no la considere como una limitación de su soberanía. Agregó que haría entrega de un Aide Memoire.

17-II-1976 revisión Se reunió el Ministro de Relaciones Exteriores de Chile con el Embajador de Bolivia. El Embajador expresó que la cuestión de la desmilitarización ha provocado cierta inquietud en las Fuerzas Armadas y en la opinión pública boliviana, pues se ve en ello una limitación de la soberanía. El Ministro replicó que los acuerdos internacionales en sí siempre llevan aparejadas una limitación, a vía de ejemplo se refirió al Morro de Arica y al Estrecho de Magallanes que no pueden ser artillados.

12-III-1975 Se realizó una reunión entre el Ministro de Relaciones Exteriores de Chile y el Embajador de Bolivia. El Ministro insistió que Chile estaba en desventaja con respecto a Bolivia en las negociaciones, por cuanto aún no estaba determinado el territorio que se nos compensaría. En cuanto a la desmilitarización el Ministro chileno expresó que Bolivia debería aclarar que en la zona no había bases aérea, militares y desplazamientos de tropas que creen recelos, salvo las necesarias para el cumplimiento de los servicios indispensables. El Ministro reiteró una vez más la necesidad de conocer cuánto antes los territorios que Bolivia entregaría en compensación.

2-IV-1976 Reunión del Ministro de Relaciones de Chile con el Embajador de Bolivia Adalberto Violand. En esta reunión el Embajador Violand propuso la creación de comisiones especiales y una de ellas destinada a delimitar el territorio

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He added that he deemed it convenient to study the clarification of some concepts of the negotiations he described as “*aristas*”, such as the “demilitarization”, the River Lauca. Regarding the demilitarization, he insisted on a clarification, for he deemed it necessary for the Bolivian public opinion not to consider it as a limitation to its sovereignty. He also said that he would submit an Aide Memoire.

17-2-1976

The Minister of Foreign Affairs of Chile met the Ambassador of Bolivia. The Ambassador said that the demilitarization issue has raised concern among the Armed Forces and the Bolivian public opinion, as it is seen as a limitation to its sovereignty. The Minister replied that international agreements always entail restrictions, to illustrate, he referred to the Hill of Arica (“*Morro of Arica*”) and the Straits of Magellan, which cannot be armed with artillery.

2-4-1976

Meeting of the Minister of Foreign Affairs of Chile and the Ambassador of Bolivia. The Minister insisted that Chile was at a disadvantage vis-à-vis Bolivia in the negotiations, given that the territory to be given as compensation was still undetermined. As to the demilitarization, the Chilean Minister said that Bolivia should clarify that no air bases, military officers or troop deployments that cause suspicion were present at the area other than those necessary to provide essential services. The Minister reiterated once again the need to know as soon as possible the territories that Bolivia would surrender as compensation.

31-4-1976

Meeting of the Minister of Foreign Affairs of Chile and the Ambassador of Bolivia, Adalberto Violand. At this meeting, Ambassador Violand proposed the creation of special commissions, one of them devoted to mark the boundaries of the

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en canje. El Ministro chileno estuvo de acuerdo.

2-VI-1976

Entrevista Ministro de Relaciones Exteriores de Chile y de Bolivia. Ambos Ministros concuerdan en la necesidad de avanzar en estas negociaciones. A una consulta del Ministro de Chile, el Canciller boliviano señala el deseo de Bolivia de que Chile pueda ampliar el frente marítimo ofrecido de modo que cuando llegue el momento del trueque pueda el Gobierno boliviano exhibir a su opinión pública este argumento de la extensión del litoral marítimo. El Ministro chileno le indica que extender más al Sur es imposible. Bolivia podría continuar usando el puerto de Arica como hasta ahora. El Ministro boliviano señala el incentivo para el desarrollo. Creación de un polo de desarrollo. Se analiza la situación de las aristas. En cuanto a la desmilitarización el Ministro Adriázola, luego de la explicación dada por el Canciller chileno, señala "nos interesa mantener la gente necesaria para nuestra soberanía". "No nos anima otro criterio que coadyuvar a la paz permanente". "Respecto al Lauca, dejariamos entonces las cosas tal como están". El Ministro Carvajal señala que para ello (El Lauca) podría estimarse obra de ingeniería y sería materia de conversación.

En cuanto a la compensación el Ministro Adriázola señala que a su juicio sería conveniente establecer una Comisión que haga la evaluación de los posibles territorios de canje. El Ministro chileno encuentra de interés esta idea y recuerda el canje territorial de 1907. Esto se produjo por el trazado de Ferrocarril de Antofagasta a Oruro. La Comisión podría ser la misma Comisión de Límites. El Ministro boliviano insiste en la necesidad de constituir de inmediato la Comisión para que avance en los puntos que estamos de acuerdo. Se podría

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territory to be exchanged. The Chilean Minister agreed.

2-6-1976

Meeting between the Minister of Foreign Affairs of Chile and Bolivia. Both Ministers agreed on the need to move forward in these negotiations. With regard to a question of the Chilean Minister, the Bolivian Minister pointed out that it is his nation's desire that Chile expands the offered maritime front, so that, at the moment of the exchange, the Bolivian Government may show to its public opinion this argument of the extension of the maritime littoral. The Chilean Minister indicated that it is impossible to extend it more to the South. Bolivia could continue using the port of Arica, the same way it had been doing it up to that moment. The Bolivian Minister pointed out the incentive for development. Creation of a development area. The situation of the differences [“aristas”] is analyzed. In connection with the demilitarization, Minister Adriázola, after the Chilean Minister’s explanation, expressed the following statements: “we are interested in keeping the necessary people for our sovereignty”. “No other criterion encourages us than contributing to permanent peace”. “Concerning the Lauca, we then would leave things the way they are.” Minister Carvajal noted that to achieve that (the Lauca) a work of engineering could be considered and this matter could be the subject of a conversation.

In relation to the compensation, Minister Adriázola holds the view that it would be convenient to establish a commission that evaluates potential territories for exchange. The Chilean Minister found this idea interesting and recalled the territorial exchange in 1907.

This resulted from the railway layout, from Antofagasta to Oruro. The Commission could be the same Boundary Commission. For the agreed points to move forward, the Bolivian Minister insisted on the need to establish this Commission immediately. This could

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2-VII-1976

hacer antes del 29 de junio. El Ministro Carvajal está de acuerdo con esta proposición y propone constituir: Comisión de Límites para proponer territorios en canje; Económica-financiera para evaluación de obras (ferrocarril, aeropuerto etc) y (pide Violand) Comisión de perfeccionamiento libre tránsito. El Ministro Adriázola está de acuerdo. Se acuerda asimismo que estos acuerdos constará en una nota reversal.

9-VI-1976

Ambos Minsitros se reunen en la sede de la Asamblea de la OEA (Edificio Diego Portales). Ministro Adriázola señala que ha recibido un proyecto de nota reversal. Estima que los plazos son exciguos. El Ministro Carvajal recalca que se trata sólo de un proyecto. Lo llevará al Gobierno para discutirlo. Agrega que ha habido en Bolivia cierta reacción por el canje de territorio, pero que ello "no alterará la decisión del Gobierno de las FF.AA". "Dicho movimiento proviene de la extrema izquierda". "Pero el Gobierno Banzer desea seguir con la negociación".

21-VIII-1976

Reunión entre el Director General y el Embajador Violand. Se hace presente a Bolivia la falta de respuesta a la nota 4086 que faculta a las dos partes de la Comisión Chileno-Boliviana de Límites para estudiar la zona fronteriza. El Embajador señaló que Bolivia primariamente está interesada en la colocación y reparación de hitos y después estudiará lo relativo al canje. Se insiste al Embajador sobre la necesidad de conocer los territorios que se entregarían en canje.

El Embajador quedó de contestar con su Gobierno el asunto de la permute de territorio.

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be done before 29 June. Minister Carvajal agrees with this proposition and proposes to establish the following commissions: a Boundary Commission, to propose territories for exchange; an Economic and Finance Affairs Commission, to evaluate public works (railway, airports, etc.) and (Violand requests) a Free Transit Improvement Commission. Minister Adriázola agrees. It was also agreed that these agreements would be stated in a diplomatic note.

9-6-1976

Both Ministers met at the headquarters of the Assembly of the OAS (Diego Portales Building). Minister Adriázola points out that he had received a draft diplomatic note. He considers that the deadlines are short. Minister Carvajal emphasized the fact that it is only a draft. He would take it to the Government to be discussed. Besides, he said that there had been some reaction in Bolivia in relation to the exchange of territory, but he added that this reaction "will not change the decision of the Government of the [Armed Forces]". "This movement comes from the extreme left-wing." "But the Government of Banzer wishes to continue with the negotiations".

21-7-1976

Meeting between Director General and Ambassador Violand. Bolivia was informed about the lack of response to the note 4086 which authorized both parties to the Chilean-Bolivian Boundary Commission to study the frontier zone. The Ambassador stated that Bolivia was mainly interested in the instalment and repair of markers and, afterwards, the issues relating the exchange would be analyzed. The need to know the territories that would be given in exchange was insisted to the Ambassador. The Ambassador committed himself to give a response, with his Government, regarding the territory exchange matter.

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10-X-1976

Conversaciones celebradas en Nueva York por los Cancilleres de Chile y Bolivia. En esta reunión el Ministro boliviano insistió en la necesidad de ampliar el litoral marítimo. El Ministro Carvajal le recordó su conversación con Violand en el sentido que podría Bolivia negociar con Perú una extensión de la franja marítima. El Ministro Carvajal insistió en la necesidad de conocer cuanto antes los territorios que se darían en canje, para evitar suspicacias en Perú que creen dichos territorios pudieran estar ubicados en la frontera boliviana-peruana. El Señor Tejada (miembro de la delegación que acompañó al Ministro boliviano) señaló "que los estudios están avanzados". "El problema es concientizar al pueblo boliviano". Luego a una pregunta del Canciller Adriázola a su asesor Sr. Tejada este le informó que se han efectuado todos los estudios climatológicos, meteorológicos etc. y ya se tiene una idea clara del problema, se han estudiado los territorios concretos, se efectuaron los estudios de factibilidad para construir un puerto y pese a que no está terminado se ve que es factible, pasada la fase de concientización se podrían citar los territorios de canje. Ahora no pueden mencionarse.

11-XI-1976

Plantea también la necesidad de separar el problema del Lauca, a lo que el Ministro contestó que formaba parte del contexto de la negociación.

15-XI-1976

El Embajador Violand informó al Ministro Carvajal que el Ministro peruano propuso al Embajador de Bolivia en Lima que la tercera rueda de conversaciones fuera tripartita a lo que el Embajador contestó que no.

15-XI-1976

Embajador Mariátegui visita al Canciller chileno y le consultó si era efectivo que se había llegado a un arreglo con Bolivia en cuan-

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| 10-10-1976 | <p>Conversations held by Ministers of Foreign Affairs of Chile and Bolivia in New York. In this meeting, the Bolivian Minister insisted on the need to extend the maritime littoral. Minister Carvajal reminded him his conversation with Violand on the fact that Bolivia could negotiate with Peru an extension of the maritime strip. Minister Carvajal insisted on the need to know, as soon as possible, which territories will be exchanged, in order to deal with Peru's suspicion that such territories could be located on the border between Bolivia and Peru. Mr. Tejada (member of the delegation that accompanied the Bolivian Minister) stated "the studies are advanced". "The problem is to raise awareness of the Bolivian people". Afterwards, in response to a question raised by Minister Adriázola, Mr. Tejada explained that all climatological and meteorological studies had been carried out and that there was already a clear idea of the problem, the specific territories had been studied, feasibility studies to build a port had been performed and, despite the fact that it is not completed, it is seen to be feasible; after the awareness phase the territories for exchange could be mentioned. Now they could not be mentioned.</p> <p>He also raised the need to separate the problem of the Lauca, to which the Minister responded that it was part of the context of the negotiation.</p> |
| 15-11-1976 | <p>Ambassador Violand informed Minister Carvajal that the Peruvian Minister proposed to the Bolivian Ambassador in Lima that the third round of conversations involves all three parties, which the Ambassador refused.</p> |
| 15-11-1976 | <p>Ambassador Mariátigui visits the Chilean Minister and asked him if it was true that an agreement had been reached with Bolivia with</p> |

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10-X-1976

En lo que respecta a las aristas. Ministro Carvajal contestó que si. El Embajador agregó que Bolivia les había comunicado que el territorio que Bolivia cedería a Chile sería en la región de Lípez.

16-XI-1976

El Embajador Mariátegui precisó al Ministro Carvajal que el territorio a ceder por Bolivia sería en Sud-Lípez y consultó si sería aceptable para Chile, a lo que le contestó que en principio sí. En esta misma oportunidad el Embajador Mariátegui le informó al Ministro Carvajal que viajaría a Santiago Luis Marchand el día 18 de noviembre para hacerle entrega de un documento con la presentación del Perú.

4-I-1977

El Director de Política Exterior de Bolivia Manfredo Kempff es recibido por el Subsecretario Subrogante Coronel Jaime Lavín. En esta reunión se hace entrega al Embajador Violand el texto del Mensaje del Presidente Pinochet al Presidente Banzer, con motivo del aniversario de Charaña. El Sr. Kempff expresó su deseo de efectuar la Comisión Mixta con dos grupos de trabajo. Se llegó al acuerdo que la Comisión Mixta se reuniría en La Paz entre el 4 y 6 de abril de 1977. Esta reunión aún sigue pendiente.

20-IV-1977

Entrevista del Canciller chileno con el Embajador de Bolivia. El Ministro Carvajal puntualizó que se mantiene como punto de partida de la negociación la nota del 19 de diciembre de 1975, a lo cual podría hacersele un addendum que contendría la aclaración o interpretación de aquellas materias llamadas "aristas". Reiteró el Ministro Carvajal que se establece como condición para la cesión del corredor, la compensación territorial.

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regard to the differences [“aristas”]. Minister Carvajal confirmed that it had. The Ambassador further added that Bolivia had communicated that the territory that Bolivia would cede to Chile would be located in the region of Lípez.

16-11-1976

Ambassador Mariátigui specified to the Minister Carvajal that the territory ceded by Bolivia would be located in the region of South-Lípez and asked if this was acceptable for Chile. Minister Carvajal answered that, in principle it was. In that same opportunity, Ambassador Mariátigui informed Minister Carvajal that Luis Marchand would be travelling to Santiago on 18 November with the purpose of delivering a document with Peru’s presentation.

4-1-1977

The Director of Foreign Policy of Bolivia, Manfredo Kempff, is received by Acting Viceminister Colonel Jaime Lavín. In this meeting, Ambassador Violand was given the text of the Address of President Pinochet to President Banzer, in connection with the anniversary of Charaña. Mr. Kempff expressed his wish to establish the Mixed Commission with two working groups. It was agreed that the Mixed Commission would meet in La Paz between April 4 and April 6, 1977. This meeting is still pending.

20-4-1977

Meeting between the Chilean Minister of Foreign Affairs and the Bolivian Ambassador. Minister Carvajal pointed out that the starting point of the negotiation still was the note of 19 December 1975, to which could be added a clarification or interpretation of those matters so called “aristas”. Minister Carvajal reaffirmed that the condition to the cession of the corridor was the territorial compensation.

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DE LAS CONVERSACIONES MENCIONADAS SE
DESPRENDE LO SIGUIENTE:

- 1.- Nuevamente queda de manifiesto por parte de Chile los lineamientos básicos en que se funda la propuesta chilena.
- 2.- Asimismo, se desprende que Bolivia aceptó el principio del canje de territorio, como elemento básico de la negociación por parte de Chile.
- 3.- De la reunión celebrada en Nueva York entre ambos Ministros queda de manifiesto que se ha aclarado lo relativo a las "aristas" y que en lo referente al canje de territorio, Bolivia ha realizado los estudios correspondientes y estarían ya terminados.
- 4.- Hasta el momento Bolivia no ha desmentido oficialmente el hecho que habría comunicado al Perú los territorios que ofrecería en canje a Chile.
- 5.- El Gobierno boliviano no ha explicado tampoco porque el Presidente Banzer en su Mensaje de Navidad sólo pide al Perú retire su planteamiento respecto a la soberanía compartida en el trapecio y no se refiera a la otra parte del planteamiento peruano sobre la administración tripartita del puerto de Arica.
- 6.- No se conoce que hecho nuevo pueda haber influido en el Gobierno boliviano para que el Presidente Banzer haya anunciado el rechazo al canje territorial en su Mensaje del 24-XII-76.
- 7.- Aún Bolivia no ha fijado la nueva fecha para la reunión de la Comisión Mixta con Chile, habiendo sido Bolivia la que canceló la reunión programada para comienzos de abril pasado.
- 8.- De las conversaciones sostenidas se desprende que el Ministro ha explicado claramente al Embajador y al Canciller boliviano todos los puntos de la nota chilena de 1975, abriendo debidamente las dudas y consultas hechas por parte de Bolivia.

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CONSIDERING THE ABOVEMENTIONED CONVERSATIONS, THE FOLLOWING CONCLUSIONS CAN BE MADE:

- 1- Once again, it is shown on the part of Chile the basic guidelines on which the Chilean proposition is based.
- 2- Likewise, it is clear that Bolivia accepted the principle of territorial exchange as a basic element of the negotiation on the part of Chile.
- 3- From the meeting held by both Ministers in New York, it is evident that the issues regarding the “differences” [aristas] were settled and, in relation to the territorial exchange, Bolivia has carried out all proper studies that would already be completed.
- 4- So far, Bolivia has not officially denied the fact that it has informed Peru which territories would offer in exchange to Chile.
- 5- The Bolivian Government has not yet explained why President Banzer in his Christmas Address only requested that Peru withdraws its proposal with respect to the shared sovereignty in the territory and made no reference to the other part of the Peruvian presentation about the tripartite administration of the port of Arica.
- 6- It is unknown any new fact that may have influenced the Bolivian Government at such extent that President Banzer has announced rejection of the territorial exchange in his Address on 24 December 1976.
- 7- Bolivia has not set the new date yet for the meeting of the Mixed Commission with Chile, after it was Bolivia who cancelled the meeting scheduled for early last April.
- 8- Considering the conversations held, it may be concluded that the Minister has clearly explained the Bolivian Ambassador and Minister every point of the Chilean note of 1975, duly addressing all questions and doubts raised by Bolivia.

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16-XII-1975

Se reune Ministro Carvajal con Embajador de Bolivia. Embajador boliviano manifies ta que su Gobierno aceptaba en forma glo bal la propuesta chilena, sin perjuicio de los demás aspectos señalados en el Aide Memoire de 26 de agosto. El Ministro chi leno le hace presente que tal como le mani festara expresamente no podía aceptar vol ver a tratar aquellos territorios situados en la alternativa rechazada por el Gobierno de Chile. En dicha reunión el Embajador hace entrega de la nota aceptada en forma global los planteamientos chilenos.

El Embajador hizo presente lo difícil de aceptar compensación por la superficie marítima. Agregó que ya se estaba en condiciones de hacer la consulta al Gobierno del Perú. Bolivia aceptaba las servidumbres constituidas a favor del Perú en el Tratado de 1929. En cuanto al río Lauca el Embaja dor manifestó que su Gobierno estaba de acuerdo en que se consolidará por parte de Chile el uso de las aguas de que gozaba en la actualidad Chile. El Ministro señala que lo que se había propuesto era el aprovechamiento total de las aguas de dicho río. Luego el Embajador se refirió a la "desmilitarización", señalando que Bolivia necesitaría contar en dicha zona con medios que aseguraran una efectiva policía marítima, a fin de resguardar su soberanía e incluso el orden civil y criminal.

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16-12-1975

Minister Carvajal met the Bolivian Ambassador. The Bolivian Ambassador states that his Government accepted the Chilean proposal in a global manner, without prejudice to the remaining aspects pointed out in the Aide-Memoire of 26 August. The Chilean Minister reminded him that, as he had expressly stated, he could not accept revisiting those territories referred to in the alternative rejected by the Government of Chile. In said meeting the Ambassador delivered the note accepting in a global manner the Chilean proposal.

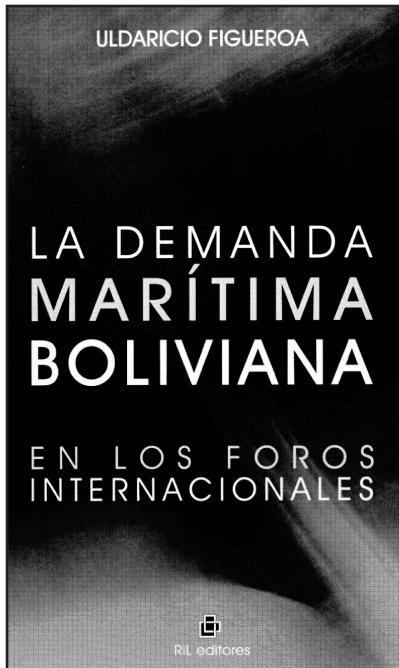
The Ambassador expressed how difficult it was to accept compensation for the maritime surface. He added that they were already in a position to consult with the Government of Peru. Bolivia accepted the easements created in favor of Peru under the 1929 Treaty. With regard to the River Lauca, the Ambassador stated that his Government agreed to the consolidation of the use currently made of its waters by Chile. The Minister pointed out that what was being proposed was the full use of the waters of said river. The Ambassador then referred to the "demilitarization," pointing out that Bolivia will need means that would guarantee effective maritime police in the area in order to protect its sovereignty and to guarantee both criminal and civil order.

Annex 424

First draft of the resolution on the maritime problem of Bolivia
circulated by Bolivia at the 11th General Assembly of the OAS,
1979

(Original in Spanish, English translation)

U. Figueroa Pla, *The Bolivian Claim Before International Fora* (2007),
pp 485 - 486



ANEXO 21

PRIMER ANTEPROYECTO DE RESOLUCIÓN CIRCULADO OFICIALMENTE EN LA IX ASAMBLEA GENERAL DE LA OEA SOBRE EL PROBLEMA MARÍTIMO DE BOLIVIA.

La Asamblea General,

Considerando:

Que el problema de la mediterraneidad de Bolivia constituye un factor de perturbación y amenaza de la paz y seguridad hemisféricas, contrariando uno de los propósitos que establece la Carta de la Organización de Estados Americanos;

Que según la Carta, está en el interés de los Estados americanos prevenir y remover las posibles causas de controversias y dificultades entre sus miembros;

Que la soberanía de los Estados Unidos de América sobre la zona del Canal de Panamá y el enclaustramiento de Bolivia, originados ambos en tratados de perpetuidad suscritos en otras circunstancias, eran las principales causas de controversias en el continente;

Que habiendo desaparecido la primera, subsiste el enclaustramiento de Bolivia como permanente causa de dificultades y divergencias entre países vecinos y hermanos;

Que la resolución aprobada por la Asamblea General de la Organización de los Estados Americanos, reunida en Atlanta el 30 de abril de 1974, determina que es deber de las naciones americanas atender situaciones como la falta de acceso propio de Bolivia al mar que no concuerden con normas de justicia internacional y representen dificultades para su desarrollo;

Que la Declaración del Consejo Permanente de la OEA de 5 de agosto de 1975 señala que la situación de mediterraneidad que afecta a Bolivia es motivo de preocupación continental y dispone que todos los Estados americanos cooperen en la búsqueda de soluciones, de acuerdo con los principios del Derecho Internacional y especialmente los contenidos en la Carta de la OEA;

Que en diversas negociaciones que se han llevado a cabo entre

ANNEX 21**FIRST DRAFT RESOLUTION UNOFFICIALLY CIRCULATED AT THE IX GENERAL ASSEMBLY OF THE OAS ON THE MARITIME PROBLEM OF BOLIVIA**

The General Assembly,

Considering:

That the problem of the landlocked status of Bolivia is a disruptive factor threatening hemispheric peace and security, which runs counter to one of the purposes of the Charter of the Organization of American States;

That, according to the Charter, it is in the interest of the American States to prevent and remove possible causes of dispute and difficulties among its members;

That the sovereignty of the United States of America over the Panama Canal Zone and Bolivia's confinement, both stemming from perpetual treaties signed under different circumstances, were the main causes of dispute in the continent;

That, the former having disappeared, Bolivia's confinement remains as a permanent cause of difficulties and differences between neighboring and brotherly countries;

That the resolution adopted by the General Assembly of the Organization of American States, held in Atlanta on April 30, 1974, provides that it is the duty of the American nations to address situations, such as Bolivia's lack of its own access to the sea, that are inconsistent with international standards of justice and create difficulties to their development;

That the Declaration of the Permanent Council of the OAS dated August 5, 1975 notes that the landlocked situation affecting Bolivia is a matter of continental concern and calls on all American States to cooperate in finding solutions, in accordance with the principles of International Law and, especially, those contained in the OAS Charter;

That in several negotiations conducted among the States

ULDARICIO FIGUEROA

los Estados interesados en resolver la mediterraneidad de Bolivia, se han encontrado puntos de coincidencia que pueden ser homologados por el Sistema Interamericano y sirve de base para recomendaciones que permitan avanzar en la solución de esta controversia que interesa a todo el Continente;

Que la Asamblea General de la OEA considera su deber, teniendo en cuenta lo dispuesto por el Capítulo V de la Carta, buscar fórmulas de entendimiento entre los países dentro de los procedimientos establecidos para la solución pacífica de las controversias;

Resuelve:

1. Afirmar que, tal como lo establece la Carta de la OEA, toda circunstancia que amenace la paz del hemisferio o altere la convivencia pacífica de los Estados Miembros constituye materia de preocupación colectiva para los países integrantes del Sistema Interamericano, como ocurre con el enclaustramiento de Bolivia.

2. Exhortar a los Gobiernos de Bolivia, Chile y Perú que, en aplicación de los propósitos y principios de la Carta de la OEA, establezcan negociaciones conducentes al acceso soberano de Bolivia al Océano Pacífico.

3. Sugerir a los mencionados Gobiernos que, entre los elementos que consideren en sus negociaciones directas, tomen en cuenta los siguientes:

a) Cesión a Bolivia de un territorio que lo vincule con el Océano Pacífico, sin romper la continuidad geográfica del territorio chileno;

b) Cesión a Bolivia de una costa que incluya soberanía plena sobre los recursos marítimos;

c) Establecimiento de una zona de desarrollo integrado entre los tres países, la cual incluiría un puerto en actual territorio chileno, que ofrezca condiciones de eficiencia u operabilidad inmediatas;

d) Garantizar al Perú una forma de acceso a la zona de desarrollo integrado mencionada en el numeral anterior;

e) Las soluciones que se acuerden no deberán incluir compensaciones territoriales.

4. Encomendar al Consejo Permanente que consulte con los Gobiernos de Bolivia, Chile y Perú sobre su interés en la eventual cooperación de los organismos del Sistema Interamericano, para el éxito de sus negociaciones y para la mejor aplicación de la presente Resolución.

interested in resolving Bolivia's landlocked situation, some common ground has been found that can be validated by the Inter-American System and that serves as the basis for recommendations towards the settlement of this dispute, which is of interest to the whole Continent;

That the OAS General Assembly considers that it is its duty, in accordance with Chapter V of the Charter, to seek frameworks for understanding among the countries, within the established procedures for the peaceful settlement of disputes;

Resolves:

1. To affirm that, as provided by the OAS Charter, any situation that endangers the peace of the hemisphere or alters the peaceful coexistence of member states is a matter of collective concern for the countries of the Inter-American System, such as Bolivia's confinement.

2. To urge, in furtherance of the purposes and principles of the OAS Charter, the Governments of Bolivia, Chile and Peru to open negotiations for the purpose of providing Bolivia with sovereign access to the Pacific Ocean.

3. To recommend to the aforementioned Governments that, among the items to be discussed in their direct negotiations, they take into account the following:

a) Cession to Bolivia of a territory connecting the country to the Pacific Ocean, without interrupting the geographical continuity of the Chilean territory;

b) Cession to Bolivia of a coast which includes full sovereignty over maritime resources;

c) Establishment of an integrated development zone among the three countries, which would include a port in current Chilean territory, offering efficiency or immediate operability;

d) Guarantee to Peru of a form of access to the integrated development zone mentioned in the preceding paragraph;

e) Solutions agreed upon should not include territorial compensation.

4. To instruct the Permanent Council to ask the Governments of Bolivia, Chile and Peru if they are interested in developing cooperation with the agencies of the Inter-American System for the success of their negotiations and for the better implementation of this Resolution.

Annex 425

Minutes of the Extraordinary Meeting of the Permanent
Council of the OAS, 14 February 1979 (extracts)

(English translation)

Organization of American States, OEA/Ser.G CP/ACTA 368/79,
14 February 1979, pp 6-57, 68, 71, 73

PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES

MINUTES OF THE EXTRAORDINARY MEETING HELD ON
14 FEBRUARY 1979

...

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...

SPEECH BY AMBASSADOR GONZALO ROMERO A.G.,
REPRESENTATIVE OF BOLIVIA, ON THE OCCASION OF THE
CENTENARY OF THE OUTBREAK OF THE WAR OF THE PACIFIC

The PRESIDENT: I would ask the Secretary to please read the note sent by the Ambassador and Permanent Representative of Bolivia, by which he requests that this meeting be called [OEA/Ser.G/CP/INF.1427/79].

The SECRETARY: [Reads. See the ANNEX.]

The PRESIDENT: Thank you. The Representative of Bolivia has the floor.

The REPRESENTATIVE OF BOLIVIA: Mr. President, I thank you for the reading that has been done by the Secretary, and to follow I will make a speech, for which I ask for indulgence.

Today Bolivia commemorates the most tragic date in its history. The 14th of February marks the centenary of the outbreak of an unjust war that ended up severing the country's maritime coast and made the country dependent on the aggressor, a circumstance that must be remedied.

My country is peaceful and respectful of its neighbors' borders. None of them can claim territories that have been wrested away by force. Respectful of rights, it can only be counted as a loyal defender of its own and by means of revering the rights of others.

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The purpose of my Mission then is to present some historic facts that show the arbitrary situation from which the Bolivian nation suffers through to its forced confinement, due to force, contrary to Inter-American proclamations and the OAS Charter, one of the principles of which reads: “The American States condemn wars of aggression: victory does not give rights.”

Bolivia became a republic with real and effective dominion over more than an indigenous population in the entire Atacama desert. That territory, which stretched from the coast inland, counted four ports: Antofagasta, Mejillones, Cobija and Tocopilla, and seven coves: Gatico, Guanillos, Michilla, Tames, Gualaguala, Cobre and Paquica. It covered 158,000 square kilometers. In Atacama, from the time it was a jurisdiction of the Royal Court of Charcas, and for the 54 years of the Republic before the war of 1879, Bolivia exercised governmental actions undisturbed by the colonial jurisdictions of its time, and later by Chile, until well into the 19th century. It was only when riches of copper, borax, guano, and nitrate were discovered and entrepreneurs realized how easy it was to gain access both by sea and land that Chile became interested, then turning that interest into a grim reality through a military takeover of that rich land. The Bolivians were not as greedy as Chile in the discovery of these natural resources since, as the Chilean diplomat Sotomayor Valdez noted succinctly in his books, Bolivia was left so down-hearted due to Melgarejo’s government that few

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of its citizens “had any interest in these discoveries, which sparked a real fever of speculation among us.”

Nonetheless, starting with José Amunátegui and later with Eyzaguirre, Ríos Gallardo, and others, the fantasy that Bolivia attacked Chile and that that country merely defended itself was created. So it turns out that the aggressor was the victim, and the attacker innocent. A story was deliberately fabricated as a “cover-

up" and an attempt to conceal the crime and somehow palliate the contempt for morality and rectitude. Things providing clear evidence of a guilt complex.

It is a sufficient illustration of the facts to note the arguments used by Chilean Minister Plenipotentiary Abraham König when, with Bismarckian insolence, he said these shameful sentences, before the entire Americas, on the Bolivian Littoral such as:

Our rights are born of victory, the supreme law of all nations. We already knew that the Littoral was valuable and worth millions. We are keeping it because it is valuable; if it were not, there would be no interest in keeping it.

Note written to the Government of Bolivia on 13 August 1900.

Bolivia is formed geographically and historically by two elements: one, social and territorial; the other, related to the times when it was integrated, as a geopolitical unit. In pre-Colombian times, it formed part of the Collasuyo, which was an expression of the Aymara-Uruchipayas kingdoms, with a nucleus organized around Lake Titicaca and also on the Pacific coasts that extended from present-day Tarapacá and Atacama to the Mapocho Valley. Later, during Inca

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rule, Collasuyo was incorporated into the Quechua Empire until the Spaniards arrived. It is during the Iberian conquest and later in the Colonial era that it would again become part of another entity through the Royal Court of Charcas, bringing together in that jurisdiction territories that had been conquered by Spain.

The Court of Charcas formed a vast jurisdiction that belonged first to the Viceroyalty of Peru and later to the Viceroyalty of Río de la Plata. From this Court and through Viceroyal provisions they financed expeditions from the Royal Coffers of Potosí, such as that by Valdivia to Chile, to conquer and organize it into a Captaincy, and those of Diego de Rojas, Heredia, and Gutiérrez to the regions of Tucumán, and those of Núñez del Prado and Garay to Chaco.

The Royal Court was active not only in the resolution of problems of law and justice, but in political and administrative questions. There were no res nullius territories in colonial times or when independence arose. Thus they were unpopulated districts, belonging to specific jurisdictions, clearly established by Spain's impressive imperial organization.

Chile's desire to expand at the cost of territories with clearly established borders makes it imperative to refer to some background with respect to Bolivia's rights over its maritime coastline on the Pacific Ocean. Paramount titles date from colonial times. When Pedro de la Gasca drew the borders of the Captaincy of Chile, and then by means of letters sent by Captain Pedro de Valdivia to Emperor Charles V,

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accepting the provisions of "peacemaker" (letters from 25 June and from 15 October 1550), those communications establish that the north of Chile was located in the Copiapó Valley.

After the colonial era and in the Republic of Bolivia's first years during the era of independence, consultations were held between Liberators Bolívar and Sucre on whether Alto Peru should become a vast confederation stretching from Venezuela to the border with the United Provinces of the Río de la Plata, or whether those who freely chose to separate from Buenos Aires, by their children's own decision, would form a new State. Eventually, the matter was decided in accordance with the opinion of the Marshall of Ayacucho and acknowledgment by Bolívar, who agreed that the new sovereign nation would bear his name, causing him to declare it "his beloved child."

Bolivia was born with an extensive coastal territory. It inherited it from the partition of Charcas. While it was part of the Viceroyalty of Peru, it obviously bordered Chile under that name. When the Court of Charcas became part of the

Viceroyalty of the Río de la Plata, it maintained its maritime jurisdiction despite a reference by the Viceroy of Peru, which still considered the coasts of the new Viceregal jurisdiction to be part of Peru.

Since the 16th century, the conquerors assigned the port of San Marcos de Arica to the Intendancy of Potosí. In 1680, Viceroy Francisco de Toledo confirmed that incorporation, which remained directly subject to Charcas for more than two centuries. It was also a coastal site defended by Spanish troops and residents against pirates.

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After the War of Independence, Bolívar continued to oversee the Bolivian right to the sea. Sucre ordered the cove named La Mar, later known as Cobija, be enabled as a major port. In those times, Arica and other regions of Peru requested its annexation into Bolivia, as on record in the request sent by Tacna to Bolivia, published on 2 March 1826. The incorporation of Arica and Moquegua is described in J.M. Valdivia's book Tacna and Arica.

As for Bolivian rights, we have already seen that prior to the founding of the Republic, Charcas had many title deeds and rights over the coasts of Atacama. The adoption of uti possidetis in 1810 provided the basis for countries to retain the borders they had in Spanish colonial jurisdictions. Bolivia, to become a sovereign entity, kept all of the territory of the Royal Court of Charcas, which entailed an extensive coastline that included all of Atacama, from the Loa River with its ports and coves to the Paposo, while Chile comprised the area included between the Salado River and Cabo de Hornos, which corresponded to the Captaincy of the same name.

Let us take a brief look at the Bolivian right. For Garcilaso de la Vega, he considered the Inca chief Yupanqui the conqueror of part of what is currently Chile. Vestiges of those conquests are found in the ruins of the two roadways stretching from Pasto to Copayapu (or Copiapó), a distance of 600 leagues. As an

excuse for entering the territories he coveted, he established nothing more than a town in Atacama “to give

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a more immediate feel to the conquest, because from that point onward a vast empty space must be crossed before Chile is reached.”

When passing through Charcas on his march toward Chile, Almagro met with envoys of the vassal peoples of Chile who were carrying tributes of gold and other riches to the Incas. He stole the booty and distributed it among his men. The chronicler Gómara recorded the event:

In Charcas, Saavedra (Almagro's second-in-command) stumbled upon some Chileans who, unaware of the current circumstances, were carrying to Cuzco their tribute in fine gold, worth one hundred fifty thousand pesos. It was a good start to the journey, particularly if that was the purpose...(sic)

We can also cite chronicles from the conquest of Chile, such as that of Pedro de Lobera Mariño, who says in his “Chronicle of the Kingdom of Chile”:

They continued traveling until they reached a province called Jupisa (Tupiza), where they found a new reason, shall we say, for their attempt. An Indian leader named Huayllullo, who came from Chile with the usual present offered by that kingdom to the King of Peru, who had imposed two governors of that kingdom in Chile, one in the Mapiche (Mapocho) Valley and the other in the Coquimbo Valley, who were represented by Huayllullo as an ambassador; at that time the Indians held their King in great reverence, of which this gift was a token. (sic)

Likewise, Alonso de Góngora Marmolejo in his History of Chile reiterated the same information:

Having acquired all that is necessary and having learned that to get from Atacama to Copiapó it was necessary to pass through eight uninhabited leagues, with no grass or water, except for small wells known as *jaqueyes*, of briny water harmful to the horses—which were very valuable in those days, he left that road and took the one the Incas used through Diaguita land, where upon arrival in the provinces of Tupiza...he continued on his way until the end in Copiapó...(sic).

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Chroniclers like Cieza de León and Agustín de Zárate also confirmed the preceding narratives. Cosmographer and chronicler Juan López de Velasco, in his work A General Geography and Description of the Indies (1571-1574), provides all the details on the limits of the countries he describes, and draws exact borders for Chilean territory, separating it from Charcas. That work was recently discovered in Spain in 1874, the year in which it was published in a modern edition. In it, the Peruvian coasts, including those of Charcas, from the ports of Areco, Ilo, Arica, Tarapacá, Tacna, Mejillones, Punta de Farallones (or Morro Moreno), and Bahía de Santa Clara are named. He notes: “Río de Copiapó and Bahía de Copiapó, where the area of the province of Charcas ends and the boundaries of the province of Chile begin.”

It is notable that all the geography texts and chronicles of the 16th to 19th centuries show the Chilean boundary in the Copiapó Valley and at the border with Charcas. This is set forth in ninth provision of the Compilation of the Laws of the Indies, which sets the limits of the Court of La Plata, “In the north with the Royal Court of Lima and undiscovered provinces, in the south with the Court of Chile, and in the west with the Southern Sea.” It can be added that the Royal Charter of 29 August 1563 also noted the definitive borders of the Court, stating in one section that:

...and all the land from said city of La Plata to that of Cuzco, including the boundaries, and said city of Cuzco with its boundaries, plus the borders that our Viceroy and Commissars communicated to said Court are subject to it and not to the Royal Court of the Kings nor to the governor of said province of Chile... (sic)

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In a document by Pedro Sánchez de Hoz waiving the provision for the conquest of Nueva Extremadura (Chile), dated in 1740, there is a reference to the territory of Charcas: “In the town of Atacama, which is on the coast of a Peruvian province.”

Valdivia, in his letters to Charles V, says that Copiapó “is the beginning of this land (Chile), passing through the great uninhabited area of Atacama,” and in another letter to the same recipient, dated 1548, he observes that the territory he governed “starts at 27 degrees latitude south.”

There are documents in the archives of the province of Tarapacá that confirm that in 1763 Viceroy Amat y Junient demanded the establishment of the limits between Lima and Charcas on the Pacific coasts to coincide with the Loa River. This analysis was done by Felipe Paz Soldán, a Peruvian scholar and author on this subject. Another of the innumerable pieces of evidence is found in the recounting of Viceroy Guirior to his successor in 1780, in which he says that Atacama was, and is, subject to the Court of La Plata.

A report by the Governor of the Intendancy of Potosí, Juan del Pino Manrique, from December 1781, refers to the parishes of Atacama and some mining settlements, saying:

The district of Atacama, located at the edge of the province, borders that of Lípez and that of Chile in the north, the province of Tucumán in the east, and the coast of the Southern Sea in the west...

Then he says:

...the aforementioned district extends one hundred leagues from north to south, sixty-five from east to west, and has a circumference of three hundred twenty leagues, being the most thinly populated of the Intendancy's districts... (sic)

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When the Intendancies of the Viceroyalty of the Río de la Plata were established, a Royal Ordinance (section No. 8) set forth the following:

...whose district (La Plata) will be the Archbishopric of Charcas, except for the town of Potosí, with all the territory of the province of Porco, in which it is located, and those of Chayanta, Atacama, Lípez, Chichas

and Tarija, since these five provinces comprise the particular district of the remaining Intendancy, which will be located in the aforementioned town and the superintendency of that Royal Mint, its mines and *mita* [forced labor], and its Banco de Rescates will form an entity with the relevant remaining portions.

Also found among the many proofs is one produced by official cosmographer Cosme Bueno, who referred to the Bishopric of Santiago of Chile and its northern limits by saying:

...that borders on the province of Atacama, belonging to the Archbishopric of La Plata, on the coast of which is found the port of Cobija, Mejillones Bay..., the port of Betas... and the Juncal...

Lastly, he assigns Atacama to the Court of Charcas.

With respect to maps, eminent professors from Bolivia, such as Manuel Frontaura Argondoña, reviewed and made an exhibit (see the Presencia newspaper of 7 October 1973) showing maps and books from colonial times, many of them of Chilean origin. In these maps, Atacama is always incorporated into Charcas, starting from the Paposo.

Finally, there are archives in Spain, the Americas, and some private hands, in which the Royal Court of Charcas appears as the possessor of those coasts.

Among other provisions in defense of the jurisdiction of Bolivian borders and territories, Liberator Simón Bolívar decided on 5

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December 1825, just months after the founding of the Republic, that Marshall Sucre would enable the port of Atacama (Cobija) and establish a tax of 8 percent on the value of merchandise entering through it.

The Marshall of Ayacucho, on 10 September 1827, dictated measures of aid, as an illustration of dominion, over the entire province of Atacama, which extended from the Paposo River to the Loa, within the limits of Alto Peru. In June

of 1829, President Andrés Santa Cruz organized a government for the Atacama coast, detaching it from the province of Potosí. Administrative actions and production contracts for guano deposits in Mejillones and other sites followed between 1831 and 1842, a period which saw the first Chilean intervention that declares part of that territory to be its property and loosely incorporating the Atacama desert into its territory. Bolivia energetically protested this action.

The political constitutions of Chile also support Bolivian rights, since those from 1822 and 1823 until that of 1828, set the Atacama desert as the northern limit of Chile.

The discovery of mineral resources in Atacama induced Chile's governing class to investigate such news further. It is true that the Government of Bolivia did not exercise sufficient control, which encouraged Chilean President Manuel Bulnes, in 1842, to submit a draft law to the Congress of Mapocho, which was unanimously approved and applied to place

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the guano deposits of Coquimbo, Atacama, and adjacent islands, under the sovereignty of that country.

By virtue of the preceding law, the frigate "Chile" appeared off the Atacama coast, released Chileans held in the guano deposits, and built a fort at Punta Angamos (Mejillones), raising the Chilean flag there. The Bolivian schooner "Sucre" destroyed the fort and lowered the flag. Chile desisted and opened negotiations.

This was the start of a long dispute with Bolivia. The system of producing decrees, government acts and laws to the detriment of its neighbors has become a permanent norm in Chile. When rights, legal title, or legitimate ownership do not exist, attempts are made to create them through laws promulgated by its various governments. This fact, repeated with other adjoining countries, results in

instruments that lead to claims, disputes or conflicts. This was the start of the system of *faits accomplis* and of the search by lawyers to subsequently justify them.

This procedure forced Bolivia to protest, through diplomatic envoy, the abrogation of this law. The envoy was Casimiro Olañeta, who was told “the matter would be studied” to modify that measure if the title deeds could not be found. Subsequently, an attempt was made to back up this arbitrary law with falsified title deeds to confirm that first annexation. This behavior went even further: in 1843, Chile created the “province of Atacama.”

Bolivia, to prevent greater problems with the clandestine production of guano and nitrate, accredited other missions, those of Joaquín Aguirre in 1846, Macedonio Salinas in 1858, José María

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Santiváñez in 1860 and Tomás Frías in 1863. None of these friendly missions achieved any success. This was followed by the negotiation phase of Chile with the government of the Bolivian dictator General Mariano Melgarejo, “who turned this grotesque petty tyrant into his personal ally, praised his passions, encouraged his madness, with the Treaty of Limits of 1866,” as recorded by Mapocho writer, Francisco Valdés Vergara.

In those years, the Spanish fleet made a threatening incursion into the port of Valparaíso, which immediately attracted unity among the South American countries and, obviously, Melgarejo’s government in Bolivia, thereby improving relations between both countries and allowing diplomats in Santiago to achieve drawing the border at the 24th parallel, the joint production of minerals, nitrate, and other resources between the 25th and 23rd parallels (the 25th parallel did not have mineral deposits, while the 23rd did), and Chile’s power to designate employees to inspect and oversee Bolivian customs accounting in Mejillones. By then, the abuse owing to the presence of a cruel and bloody despot allowed Chile to dominate the region economically. This treaty prompted the same Chilean

historian to say the following: “Upon learning this, who could be surprised that the Bolivian people felt attacked by the Government of Chile and would wish to amend the Treaty of 1866?” This quote is from Aquiles Vergara Vicuña in his book The Sea: Nexus of Peace between Bolivia and Chile, page 152.

This treaty was challenged from the beginning, and after arduous negotiations a new one was agreed upon, on 6 August 1874. While it did ameliorate many things, it was at least not as unfavorable as

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that of 1866. According to historian Basadre, from Peru, this latter treaty and its complement of 1875 cooled Bolivian enthusiasm for forming a defensive alliance “while English shipyards finished building armored vessels for Chile.”

During this time, Chile tried to get Bolivia to hand over its Atacama territories, and to help it conquer the Peruvian Tarapacá by way of compensation, a proposition that was rejected by Bolivia. The intention to annex both territories was evident. The warnings of the illustrious Bolivian diplomat Rafael Bustillo were being fulfilled; but Bolivia, aside from seeking guarantees in a defense treaty to which it did not pay great attention, did nothing to arm itself, unlike its neighbor. The interests of the English companies undoubtedly intensified the drama. With the pretext of a minimum tax of 10 cents per hundredweight of Bolivian nitrate for export, Chile found a reason to start the war, occupying Antofagasta on 14 February 1879. In the midst of the conflict, it reiterated, through two illustrious Bolivian citizens, a proposal to give the entire Atacama to Chile in exchange for conquering Peruvian territory to “restore its own (Bolivia’s) and to provide the easy access to the Pacific it currently lacks (Chile had already occupied the Bolivian coasts), without having to deal with obstacles always imposed by the Peruvian government...” (note of 29 May 1879, signed by Chilean President Domingo Santa María). These bases were rejected by Bolivia and shown to the Peruvian Government.

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The war was unfortunate for Bolivia and Peru. The number of troops and better supplies, mobilization by sea, and defense by vessels built and financed by England, permitted military success and the imposition of conditions.

The drama ended with heroic blood spilled in defense of the national territories of Bolivia and Peru. Previous pacts and treaties turned out to be worthless, and it was clear that they had only been pretexts in a plan conceived at La Moneda to seize Atacama and Tarapacá.

The Bolivian nation pulled back to their inland mountains and plains. Their transport through the Cuenca del Plata or Brasil basins were notoriously insufficient and difficult. The country did not have a road or railway infrastructure, making its commerce through its Pacific ports subject to the whims of the victor. Given this situation of growing insecurity, Bolivia sought agreements that would ensure peace and freedom. Negotiations were undertaken beginning in 1882 and 1883 until, on 4 April 1884, the Truce Pact was signed, in Valparaíso, by Bolivian delegates Belisario Salinas and Belisario Boeto and Chilean delegate Aniceto Vergara. Article 2 of this pact assigned the status of guarantee or judicial pledge to the Bolivian Littoral, which was already completely occupied by Chilean military forces. War reparations were set by commissioners. Additionally, a “free transit” system was established through Antofagasta, and the entry of merchandise for Bolivia was taxed to the benefit of Chile.

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Against the rules of a truce, which maintain the legal status quo of occupied territories, the Chilean Senate, in 1887, drafted a law that created the province of Antofagasta, with the departments of Tocopilla and Antofagasta. Despite Bolivian protests about the nullity of that arbitrary expropriation of territory, said law was approved by the Congress in 1888. When the Chilean Government

promulgated the law, Bolivia submitted a formal protest, rejecting the measure and stating that the Truce Pact had not recognized any change in the borders established in 1874. In addition, it protested against the appointment of Chilean parliamentary representatives for those Bolivian districts, and, lastly, it refused to recognize the mining concessions granted in Bolivian territory. The policy of *fait accomplis* again sprouted. It was a short step from there to the Treaty of 1904, which imposed this statement. It is not so much the treaty itself as the expropriation arising from the law that demonstrates the aggression exercised.

Subsequent to these events, President Balmaceda, of Chile, proposed to President Aniceto Arce, of Bolivia, a peaceful conclusion to the necessary acceptance of the loss of the Littoral (already usurped by our southern neighbor, as we have seen), the free import of Chilean products to Bolivia, and the construction of a railway from Arica-Oruro to La Paz for the defeated nation to use for international trade. This proposal was rejected by Bolivia, and Chile threatened to renew hostilities. Only the outbreak of a civil war, lost by Balmaceda's party, made possible new peaceful negotiations.

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This resulted in the treaty of 18 May 1895, by which "Chile would continue to exercise absolute and perpetual dominion over, and possession of, the territory it has governed to date, in accordance with the provisions of the Truce Accord."

Chile also undertook to pay Bolivian obligations for the 1867 loan and credits for mining entrepreneurs Pedro López Gama, Enrique N. Meiggs, and Juan Garday. Likewise, by means of another Treaty on Transfer of Territory, of the same date, was established arising from the Treaty of Ancón, signed with Peru, and if following a plebiscite Chile was given Tacna and Arica, it "undertook to transfer them to the Republic of Bolivia," and should it not obtain those territories, it undertook to hand over the Vitor cove, along with the sum of 5,000,000 of 25.9 grams of silver pesos. A prohibition on Bolivia producing and exporting nitrate from those territories until the fields under Chilean control were

exhausted was also agreed upon. A protocol signed on 9 December of the same year set forth that the two treaties were part of an indivisible whole.

By that time, Argentinean-Chilean relations had deteriorated nearly to the point of war. In 1899, however, the problem was solved through a meeting of Presidents Roca and Errázuri.

This new situation caused Chile to resume its harsh attitude toward nations of the Pacific. Abraham König was sent to Bolivia as Minister Plenipotentiary to impose a treaty, particularly since certain aspects had already been decided with Peru through the Billinghurst-Latorre Protocol, of 9 April 1898, which established the plebiscite on Tacna and Arica.

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All Chilean offers to Bolivia were annihilated by the actions of König, who said:

...to speak with the clarity that sometimes demanded by international negotiations, we must state that Bolivia should not expect the transfer of the territories of Tacna and Arica, even if the plebiscite favors Chile...

This person seemed to be trying to imitate the Iron Chancellor of Germany. We see his argument in the note he sent to Minister of Affairs Villazón, of Bolivia, dated 13 August 1900:

It is a very common mistake, and one that recurs daily in the press and on the street, to believe that Bolivia has the right to demand a port in compensation for its Littoral. No such thing. Chile has occupied the Littoral and took it under the same title that Germany used to annex the Empire of Alsace and Lorraine, with the same title that the United States of America took Puerto Rico. Our rights are born of victory, the supreme law of all nations. We already knew that the Littoral was valuable and worth millions. We keep it precisely because it is valuable; if it were not, there would be no interest in keeping it. Once the war ends, the winning nation imposes its conditions and demands payment for its costs involved. Bolivia was defeated, it could not pay and handed over the Littoral...

The tone of the note, some parts of which are already well-known, suffices to make the point on the form and ways the the Treaty of 1904 was imposed on American land. This note was answered by the Bolivian Minister of Foreign Affairs in a calm and energetic tone. It was not returned to avoid excuses for fresh new military attacks, since at that same time and under the circumstances Argentina declining to intervene in Pacific problems, Chile proposed to Peru by means of La Moneda diplomat Angel Custodio Vicuña, as denounced by then Peruvian Minister of Foreign Affairs Pedro de Osma, the portioning out of Bolivia, after ceding Arica to Chile, in the following terms:

...in exchange for the alliance of the States (Chile-Peru) to declare war on Bolivia, whose territory would offer ample compensation for the costs and efforts of the enterprise...

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Amid efforts to finalize the Treaty of 1904 and inducements extended to Peru, miners encouraged by the Chilean Government invaded Bolivian borax deposits in Ascotán, Chilcaya, and Pacopocani, overstepping the borders established by the Truce Pact, which were later incorporated into the victor's greed of 1879 in the aforementioned treaty.

The treaty imposed in 1904 found Bolivia with many international problems. With Brazil, it needed to resolve the problem and the cession of Acre; with Argentina, adjustment of the borders arising from the Vaca Guzmán-Quirno Costa Treaty; with Paraguay, the latent Chaco conflict; and with Peru, for the rights over Tambópata. Furthermore, Chile rejected the claims over the borax deposits of Chilcaya and Ascotán. Thus, the moment to sign the Treaty of 1904 arrived, which only freed Bolivia from Chilean customs control and provided a statement of "free transit," which was regulated in 1912 and 1937.

This treaty, which so emphatically proclaims Chile as the definitive owner of the Bolivian Littoral, has not been complied with many times. The rights of Bolivian investors that were dispossessed of the nitrate deposits of Toco without

indemnification were never recognized or compensated, despite the obligation set forth in Article 2 of that instrument. Nor has the spirit of “free transit” been respected, as it is constantly hindered by the unilateral increase in handling and freight fees in the ports of Arica and Antofagasta. In addition, those ports suffer from serious defects

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such as excessive theft of merchandise entering or exiting Bolivia, which increases insurance costs and causes serious delays; a lack of equipment such as cranes and additional material and cargo-handling equipment; the current obsolete equipment and has been in use for more than 70 years; insufficiency in the current obsolete equipment that has been in use for more than 70 years; lack of minerals cargo for export; lack of storage facilities for minerals; delays in administrative procedures for shipping; scarcity of docks and sheds; lack of workers for loading and unloading; extra charges for porters, who double or triple their fees. In sum, a noose of arbitrary dependence and daily problems, which raises costs and damages the Bolivian economy.

With the Treaty of 1904, Chile attempted to destroy any possibility of progress and growth for Bolivia, it wrested more than 400 kilometers of its coasts from it. In addition to the moral damage, this represents a true disgrace and doom for the hard-working, peaceful people I represent. Throughout a century of injustice and despoliation, it has impeded the development of its maritime transport, limited the procurement of financial resources, immigration and settlement, and tourism, limited its acquisitions of capital assets, hindered its sovereign, independent control of imports and exports, and worst of all, it has traumatized the nation. That treaty hangs over us like a sword and as an inconceivable limitation in today’s world. Although Bolivia fulfills its commitments in keeping with pacta sunt servanda, it considers

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that there are situations that merit demanding a review due to Chilean non-

fulfillment and that international pacts with no fixed end date can be subject to the principle of ribus sic stantibus, i.e., that treaties may lapse if there has been a fundamental change in the circumstances under which the document was signed.

Daniel Sánchez Bustamante, Bolivia's Minister of Foreign Affairs, sent a memorandum on 22 April 1910 to the Ministries of Foreign Affairs of Chile and Peru, that stated that both countries should allow the establishment of an intermediate Bolivian zone between their Pacific coast borders, and added "that someday the facts and high expectations will impose the only possible solution to this serious South American problem: the definitive incorporation of all or part of Tacna and Arica to Alto Peru." Chile rejected the proposal. Peru was more accommodating. The time was still not right for the treaty, or its corresponding protocol, of 1929.

Bolivia submitted a request to the League of Nations in 1920 and 1921 to amend the Treaty of 1904, which [was not] accepted so it was withdrawn, but it did obtain a statement from the President of the Chilean delegation, Agustín Edwards, who said that his country would listen to a direct proposal in those terms. Indeed, direct negotiations also failed.

In 1923, Bolivia once again, by route of direct negotiations, through Ricardo James Freyre, suggested amending the Treaty of 1904. Chile responded that it would be willing to "listen" to Bolivian proposals without modifying the treaty and "without destroying the continuity of Chilean territory," which ended this latest intent.

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On 30 November 1926, Secretary of State Frank B. Kellogg, seeking to resolve the grave injustice perpetrated against Bolivia for the loss of its maritime coasts on the Pacific, sent a memorandum to the Governments of Chile and Peru, proposing the cession of Tacna and Arica to Bolivia. Chile responded that in principle it was willing to agree to the proposal, but that it would remain pending

until the disagreement with Peru was resolved; the latter rejected it, alleging rights over those areas. All this ended in the 1929 Treaty of Lima, between Chile and Peru, whose secret protocol in Article 1 says that those countries “will not, without prior agreement between them, cede to a third power all or part of the territories that, in accordance with the Treaty, are subject to their respective sovereignties.” Bolivia, by means of a circular dated 1 August 1929, expressed its reservations about this agreement.

Bolivia, during the Chaco War, confronted the limitations of “free transit” established by the Treaty of 1904, since it could not import weapons through the ports of the Pacific under Chilean control. Two years after the end of the war, this situation was later extended in 1937. In 1943, the Bolivian Ministry of Foreign Affairs, under Luis Fernando Guachella, delivered to Secretary of State Cordell Hull a memorandum in which he reiterated Bolivia’s longing for a sovereign outlet to the sea, and to that end encouraged a direct and peaceful agreement with Chile that took into consideration the interests of both countries.

If there was a moment during these long Bolivian attempts of a just agreement when the possibilities were bettered, it would have been in 1950, when

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Chile was willing to address the requests of the Government of La Paz, as noted by President González Videla to President Harry S. Truman on a visit he made to the United States, when he spoke about the volumes of water from the high plains basin intended for agricultural and industrial development in the regions north of Atacama and Tarapacá. President Truman was enthusiastic about this proposal. The notes exchanged by Chilean Minister of Foreign Affairs Walker Martínez Larraín and Bolivian Ambassador Alberto Ostria Gutiérrez on 1-2 June 1950 were formalized. The Chilean note read:

My government will agree with this position, and motivated by a spirit of fraternal friendship toward Bolivia, is willing to formally enter into direct negotiations intended to seek a way to make it possible to give

Bolivia its own sovereign outlet to the Pacific Ocean, and for Chile to obtain non-territorial compensation and that effectively serves its interests...

This very auspicious dialogue was unfortunately interrupted.

Later, a new act of aggression would further harm Chilean-Bolivian relations: the unilateral alteration of the course of the Lauca, an international river whose waters run toward the Bolivian high plains. That behavior was yet another example of the Chilean fondness for the policy of *faits accomplis*.

Subsequent governments in Bolivia stated that it made sense to establish relations with Chile only if the end result was an outlet to the maritime coasts of the Pacific, within the framework of equality and sovereignty, as a fair historic and economic reparation to Bolivia for the despoliation it suffered as a result of the war of 1879.

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Various attempts to deal with Chile culminated in the “Charaña embrace” in 1975, where strings were pulled to induce Bolivia to renew relations by using the lure of talks to address its outlet to the sea. The demand for territorial compensation that appears in the negotiations, nullified from the time it was proposed by the unanimous rejection of the Bolivian people, once again spoiled any possibility of agreement.

In Charaña, Chile’s exclusively bilateral desire once again appeared. At the time, emphasis was placed on the necessity for commercial pragmatism, on not looking to the past, on ignoring history, on keeping Bolivia in a state of amnesia, on not remembering previous Chilean offers and on ignoring Peru, as if it were not one of the actors involved.

The entire country, without discrimination, demanded the government in power review the ahistorical methods and the cryptic demands that emerged from

the dialogue. The sterility of this type of proposal, where one of the parties seeks advantages rather than fairness, was once again underlined by failure.

With respect to the support for Bolivia's cause, we should remember that Bolivia has received evidence of heartfelt support, some of which, recognizing its hemispheric and global significance, seeks to resolve its enclosure status and its legitimate desire for a useful outlet to the coasts of the Pacific. Among these, we can mention without limitation: Colombia in 1919; Brazil in 1938; Paraguay in 1943; Venezuela in 1962, in the so-called "Maracay Declaration," and in 1974 and 1975; the United States

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in 1963 and 1978; Mexico in 1963; Costa Rica in 1964; Ecuador in 1972; Peru in 1973; Argentina, among others, in 1977; and the OAS in Atlanta in 1974. In addition to the Ayacucho Declaration, in 1975, President Carlos Andrés Pérez, of Venezuela, showed his concern on the occasion of Bolivia's 150th anniversary:

I appeal to the Latin America conscience. The agreement of our countries should be on the just decision to give Bolivia the ocean in honor of its 150 years of history. Unity and solidarity of our America. Joint effort. This involves, and is of interest to, all Latin Americans. The integrationist destiny of our regional homeland has been paralyzed by various historical circumstances that have prevented the consolidation of its grandeur...

Likewise, President Jimmy Carter expressed his concern in 1978 by saying:

Next year will mark a century from the War of the Pacific. We must see such an occasion as an opportunity to reaffirm our intention to achieve harmony in this hemisphere. The difficult decisions in their region can be made only by Bolivia, Peru, and Chile.

But we are willing, along with other countries, the OAS, and the United Nations, to find a solution to the question of Bolivia's lack of access to the sea, a solution that is acceptable to all parties, and that contributes to a lasting peace and development in the region.

In this way, we can say that the willingness of nations gives new impetus to

the hope that old and noble principles of hemispheric solidarity will prevail. The peoples have also expressed their opinions in the OAS, on the occasion of Bolivia's 150th anniversary, when it is time to assume the historic commitment of...unity and solidarity...and the fullest understanding of the landlocked status that affects Bolivia.

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I solemnly swear, Mr. President, that Bolivia believes in dialogue, but not as a dilatory tactic by means of which a peaceful solution can be indefinitely postponed, but as a measure intended to provide a sovereign and useful outlet to the sea, with its own port, to my country, without territorial compensation, and that serves to improve coexistence in the framework of the American community.

With respect to matters of justice, we can note that authorized figures of the Chilean Government and the newspapers of Santiago, such as El Mercurio, affirm that Bolivia has no problems with Chile, there are no pending matters to resolve or discuss. They also claim to have the law on their side.

However, 100 years have now passed since Bolivia was dispossessed of its territory, leaving it with no access to the sea and violating its sovereign possession over the course of 137 years. We have already seen, in a brief analysis that could be further extended, how Chile systematically advanced by means of disgraceful treaties, achieved under historical circumstances in no way favorable to the country I have the honor to represent, and how the concept of presumptive rights was used and abused. In other words, we see how events and antecedents steeped in violence, sometimes moral and sometimes physical, have added up, giving a veneer of legality. This is what we can say about rights arising from an imposed treaty.

But there is something more we cannot, and should not, accept. It is the problem of legal legitimacy, whether or not it causes

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great damage, of consent under duress. There are, then, defects that can void contracts. By analogy, there are defects that can void treaties signed by States. In the Treaty of 1904, signed and in force, between Bolivia and Chile there are facets so aberrant that in the modern understanding of international conventions they must be taken as attacks on free consent. Despite this, Bolivia has respected and respects its treaties.

Bolivia cannot, by ill-omened circumstances be left dispossessed of its sovereign access to the sea. This is not merely a problem of rights acquired through a harmful treaty, but a principle of universal justice. Yes, justice, because it is above all an ethical principle. It is based on an idea of balance that does not permit excesses, a rule in keeping with the harmony of the Universe and its sense of proportion. A country cannot be dispossessed of an element essential to its life and its independence, such as its access to the sea, and this is even more true if this is accompanied by the dispossession of natural resources in full production, such as nitrate, guano, copper, etc., that allow the fact of dispossession of the appropriation of wealth by the dispossessor. Chile may keep the 100 years of prolific production, spoils that constitute a veritable fortune; but the nations of the hemisphere and the world must be conscious of the demand for justice posed by the landlocked nation of Bolivia, which was never landlocked, mutilated, harmed; Bolivia clamors to return to its own seacoast, a sea that is essential and vital, and without which it cannot be independent of its southern neighbor. This is a sacrosanct aspiration, as was freedom for

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all the peoples of the Americas in its time. The indomitable struggle and true desire to return to the sea will endure in Bolivia, regardless of how much time passes.

Today the sea is not only a means of transport and communications, or commerce and trade. It is also a fount of resources; it is freedom, it is the

economy, it is development; it is a right, especially if the country once possessed it. Bolivia is not asking for anything from anyone else: it is asking for its own property. It will be alleged that this right was transferred under international law. But, let us state clearly and firmly, the most important thing is natural rights and the right to life; those rights are not negotiable, since they are not granted by humans but by God and nature, the original, nurturing mother. These rights are inborn and cannot be pledged or transferred, and anyone arguing the contrary is an unprincipled looter. This was vividly expressed millennia ago by Antigone.

Bolivia fought with its sister nations to achieve independence. Nowadays, it is not possible to exist as part of the great American family without an action of basic cooperation and justice, without remedying such a great wrong.

We do not want to tread the path of war, of violence, but that of fair treatment, of understanding of the problem, of a remedy, of a rectification of such serious and long-lasting damage. The great Mexican Vasconcellos said that if Bolivia had never had a seacoast, it would have been necessary to give it one, and with even more justification if it was taken from it.

The Hemisphere and the world should be aware of the facts. My country is not asking that a vengeful Nemesis remedy the large injury, but

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rather that a fraternal change result in comprehensive agreements, without excesses or false arrogance. The peoples, all peoples are good. The people of my country have nothing against the Chilean people. On the contrary, they are clearly willing to be friendly, and I am sure that the Chilean people feel the same way about the Bolivian people. We must seek results at the summits of government, at the heights of power. And above all else, we must eschew false pride and useless vainglory.

All these problems could be overcome by signing a new treaty, as the United

States and Panama did, that gives Bolivia access to its own coasts with a sovereign port, with no territorial compensation.

Conclusions: (1) There can certainly be doubts about whether societies seeking merely material development can succeed in reforming social norms, human rights, freedom and spiritual values in ways comparable to the technological progress or inventive genius of applied science. Political institutions lack the rhythm of progress of industrial procedures.

Nations are created by human beings of flesh and blood and they have rights as communities, just as human beings have rights. It is not possible to decouple the destiny of people from that of their national communities. Proclaiming respect for peoples' rights and relegating the rights of nations, to keep them oppressed, suppress freedom, and make them dependent; it is to consciously or unconsciously flout the basic values on which the future of our species depends.

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Having said this, it is fair to pay special attention to Bolivia. Undoubtedly, in this Hemisphere, my country has suffered from this contempt. That is why it considers its case to be of continent-wide interest, since it involves the order, justice, and balance of a community of nations, in the same way that individual humans and society are intertwined.

Natural rights cannot be decided solely by bipartite agreements. Much less if they relate to international harmony and justice. Obviously, this has nothing to do with the principle of "non-intervention," but it does affirm the pressing need to adopt modes of diplomatic influence to identify abuses in relationships, aggressions of all types, and an imbalance between good and evil. Bolivia claims its sovereign sea and asks its sister nations of the Americas to examine their consciences and to help it achieve this, without suffering further territorial mutilations.

(2) A bilateral or trilateral agreement, with a guarantee from the countries of the Americas, would benefit the interested parties and the entire Hemisphere. The fraternal possibilities for relations and joint interests would allow for a promising future for these nations in economic, political, and social terms.

(3) In terms of obtaining justice, there is the exemplary solution reached by nations like the United States of America and the Republic of Panama on the problem of the Canal. The OAS and the United Nations should take note of this peaceful solution that shows that where there is a friendly will, there is a way.

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(4) Chile cannot demand territorial compensation, since in 1879 it appropriated a vast area containing borax, guano, nitrate, copper, and silver, not to mention coasts and ports. It has been involved in production for more than a century on these Bolivian lands and seas, and it has accumulated wealth that has enabled it to grow and progress to the detriment of its neighbors to the north. On the contrary, Chile is obligated to compensate Bolivia, as it has been promising to do since 1879, with a convenient, sovereign outlet to the sea and with its own, useful port. Therefore, Chile has two obligations: one, to give Bolivia back its sea access with a sovereign port; and two, resolve any problems with Peru in this respect, if necessary.

(5) Bolivia will never renounce its return to the sea, since it is of vital importance to its present and future to have its own sovereign port, not only out of economic necessity, and for communication and transport of its import and export cargo, but also to cease being dependent on Chile in terms of costs and handling in harbors, warehouses, and railways. We reiterate that “free transit” is barely worth the paper on which it is written, and is in truth an instrument of extortion and dependency.

Illustrious representatives of the Hemisphere, I end my speech with a request: that the problem of Bolivia’s confinement be included in the agenda of topics of

greatest interest to be debated in the Organization of American States.

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Bolivia was born with a sea, and God, History, the unshakable determination of its children, and the understanding of its sister nations in the Americas will return it as a measure of peace and justice!

...

SPEECH BY THE REPRESENTATIVE OF CHILE IN RESPONSE TO THE PROPOSAL BY THE AMBASSADOR OF BOLIVIA

The PRESIDENT: The Representative of Chile has the floor.

The REPRESENTATIVE OF CHILE: Thank you, Mr. President. The process of interpreting history is always complex. Not only because there are different conceptions and doctrines to be studied, but because there are many circumstances that can influence the views of a historic event in the eyes of those who try to interpret it.

If that complexity only exists in academic or intellectual domains, raising in a political-government entity—as the Ambassador of Bolivia has done—the memory of the historic events of our region, in a self-serving interpretation of the facts, is completely inappropriate.

Regional cooperation has been forged from an often hostile past. Reminding the Inter-American community of what our people experienced in the past and that divided us in another historic context, contributes nothing to consolidating understanding and harmony among our nations. On the contrary, they merely roil the present.

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The previous century of our Continent's history is very bellicose and many of

the countries present here were involved in those conflicts. Since then, international cooperation has enriched international relations and contributed significantly to peace. We must commit ourselves to that work. But it does not help in any way if each country here present reminds others of the bellicose events of the past. We would need more than one extraordinary session of the Council every month for that purpose.

To attain the objectives for which this Organization was founded, to satisfy our peoples' wish for cooperation, and to build the future we hope for, it is necessary to look to the future, to raise our sights to positive, viable, and constructive actions.

My country's war with Bolivia in 1879 was the result of a long process, in which diplomatic opportunities were exhausted after more than 30 years of active negotiations in which each one of the nations invoked the rights it hoped to have over the disputed territory.

Conflicts owing to territorial causes were not unusual on our Continent. This is something we may now lament. Blurred colonial borders and the imprecise drawing of territorial jurisdictions by the administrative bodies of Spain caused many border disputes

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among the new independent States of Latin America, disputes that often led to wars between our people.

The war between Chile and Bolivia was not anything out of the ordinary on this Continent.

Our nations have the obligation to put those events in historic perspective and to do so without making the mistake of allowing them to influence our actions of today.

The Ambassador of Bolivia has mentioned events and situations that, in our opinion, clash with history and reality.

Before referring to them, I would like to clarify something. I do so in response to what he said, so that the delegates will have sufficient information on the topic raised here, without this implying that we grant the OAS Council, the Organization, or any other international body, any jurisdiction whatsoever over our territory and our sovereign rights.

The Ambassador of Bolivia, in a speech complete with evidence, raised certain points I would summarize as follows: Chile deliberately planned a war; the war had to do with a territory that was never in dispute, which resulted in the mutilation of Bolivia; the Treaty that ended the war was imposed by force; the free Transit system is barely worth the paper on which it is written, and does not represent the spirit in which the Treaty was signed.

I will refer separately to each one of these points, possibly expanding upon some of them.

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Any current attempt to judge the war we fought in the previous century against Bolivia must include an objective look at the events that led to that conflict. It was a long process. During the colonial era, the authorities in Santiago likewise exercised jurisdiction over the district that was later in dispute.

Once the country became an independent nation, the Government deemed it necessary, because it considered this a matter of a territory over which it exercised sovereignty, to send an exploratory commission to examine the littoral between the port of Coquimbo and Morro de Mejillones to study its economic potential. As a result of this investigation in 1842, the guano deposits to the south of Mejillones Bay were declared the property of the nation.

As noted by the Ambassador of Bolivia, the Government of Bolivia protested this law and requested its revocation, invoking rights as far as the Salado River. This sparked a diplomatic discussion in which the colonial title deeds the two countries claimed figured largely. Chile also invoked the effective jurisdiction it had exercised to the south of the 23rd parallel. That was when the title deeds mentioned by the Ambassador of Bolivia appeared. Chile presented others, including a compilation of the Laws of the Indies. Bolivia countered with Law 5; Chile insisted on Law 12 and Law 9. Bolivia invoked the documents it mentioned. Chile, in turn, also cited opinions from cartographers and historic narratives of the journey to medieval America by Juan José and Antonio Ulloa. It pointed to the Historical Geographic

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Dictionary of the Americas, by Quito native Antonio Alcedo, which noted that Chile extended to Peru. There was likewise mention of the voyage by scientist Hipólito Ruiz to the Kingdoms of Peru and Chile at the request of the Crown.

I will not attempt to revive this discussion of history. What I would like to note is that this was a situation in which the two countries invoked historic rights during that lengthy diplomatic discussion. I have no wish to provoke a debate on the validity of those elements, but that those historic elements were present. This process, and I agree with the Ambassador of Bolivia, reached its first milestone with the signing of the Treaty of 1866.

The aforementioned instrument, which was an agreement that arose from these discussions, established the 24th parallel as a border between the two nations. In addition, it was decided that the two countries would divide equally the products from the production of guano discovered and to be discovered between degrees 23 and 25. The border was the 24th parallel and joint production was envisaged in the area.

In 1871, a new Government in Bolivia declared void all the actions taken by the Government that had concluded the Treaty.

Another stage of these already intense negotiations concluded in 1874, when a new document was signed. The new Treaty retained the 24th parallel as the border between Chile and Bolivia. Joint economic production ended in the area the two countries both claimed as their own. But in compensation for this change, Bolivia committed to a term of 25 years. [Reading:]

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...that the Chilean people, industries, and capitals situated in the area which Chile renounced north of the 24th parallel, will not be subject to taxes of any kind except for those currently in existence.

In relation to the interests that were being created, this clause, which was intended to replace the joint use principle that represented the interests of the two countries, was essential.

A new Bolivian Government under President General Hilarión Daza proposed a law. It is the one mentioned by the Ambassador of Bolivia, which imposed a tax of 10 cents per hundredweight of nitrate exported by the Chilean Nitrate and Railway Company of Antofagasta.

He mentioned that the war occurred because of a tax, but this tax was linked to this basic clause of the Treaty of 1874.

In La Paz, the Government of Chile began the negotiations necessary to fully implement the Treaty. The negotiations were unproductive. The Government of General Daza clung to its position. In a new effort, the Chilean Government instructed its Representative in La Paz to propose to the Bolivian Government that the issue be submitted to arbitration; the law would be suspended while awaiting a decision.

Another reiteration of the request for arbitration not only did not receive any response, but direct action was taken against the rights of Chile. The Chilean Representative left La Paz and in the last note to the Bolivian Government explained the nature of the problem that led to the War, the nature of the problem

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being a function of the reality experienced by the two nations at that time. The note reads:

The Treaty of 6 August 1874 having been violated because Bolivia has not fulfilled the obligations stipulated therein, Chile reclaims the rights it legitimately possessed before the Treaty of 1866 over the territory mentioned in this Treaty.

Consequently, the Government of Chile will take all necessary actions to defend its rights and the Esteemed Government of Bolivia should understand this as the logical result of its repeated refusal to seek a fair solution that is equally honorable for both countries.

And, what rights did Chile defend? The same ones it had been invoking during the long diplomatic process I have mentioned: that it had made conditional concessions through an agreement that was not fulfilled, and that its active presence in the area that led to the conflict was another significant fact. A revealing datum about the true situation in the area can be obtained from the "General History of Bolivia" by Bolivian historian Alcides Arguedas, and I quote it in order to give an idea of the reality and the situation at the time: a disputed territory. The following data is obtained here:

The population of Antofagasta in 1874 can be broken down as follows: Chileans, 93 percent; Bolivians, 2 percent; Europeans, 1.5 percent; North and South Americans, 2 percent; Asians and others, 1.5 percent.

I have quoted this background information in order to demonstrate that the war was not caused by an alleged systematic, and to a certain point evil, plan by Chile, but because at a certain juncture in our history, both countries were convinced they were defending their rights and their cause.

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The other statement made by the Ambassador of Bolivia is that the Treaty of 1904 was imposed by force, by pressure, and by violence. The Treaty of 1904 was signed 24 years after the war between the two nations ended. There were several negotiations and diplomatic efforts during that period. The Ambassador of Bolivia mentioned this..

To say the least, it is notable that a victor with the intentions attributed to it by the Ambassador of Bolivia would have waited so long to conclude a Treaty in which it also assumed heavy obligations. The truth is that the leaders and politicians of Bolivia involved in the negotiations for the Treaty of 1904 did so with complete freedom and in consideration of what Bolivia would obtain from those negotiations.

The Ambassador of Bolivia has quoted here the note from the Representative of Chile, Abraham Koenig. That note is completely true. But it is also true that the first reaction to this note occurred in Chile not in Bolivia, and negotiations for the Treaty of 1904 were not carried out by Abraham Koenig, but began with the visit to Santiago of an official Representative of Bolivia, distinguished Bolivian diplomat Félix Avelino Aramayo, who traveled to Chile on a confidential mission and presented concrete, immediate, and specific initiatives for the negotiations of the Treaty of 1904.

The final negotiations were begun during the Presidency of General José María Pando. General Ismael Montes, General Pando's Minister of Defense,

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and who succeeded him as the next President, used the draft treaty as an emblem of his candidacy.

Therefore, the Treaty of 1904 was truly subjected to a national plebiscite in

Bolivia.

Minister of Foreign Affairs Eleodoro Villazón, who negotiated the Treaty, was also elected President of the Republic in 1909.

If that international document had indeed extorted or dispossessed Bolivia, how can we explain that the country raised its negotiators to the highest offices in the land?

But there is more. The Minister of Foreign Affairs and Worship, Mr. Claudio Pinilla, noted in a Report to his country's National Congress:

The national vote, which attracted a fair number of voters, ratified His Excellency Mr. Montes's plan in Bolivia to replace the provisional regime of the Truce.

A similar idea was voiced by Alberto Gutiérrez, a distinguished politician and negotiator of the Treaty, when he said:

The people of Bolivia responded at the ballot box in May of 1904, with a majority of votes unprecedented in the history of our free suffrage.

As I noted before, the Government of Chile,—that victor that only wanted to mutilate Bolivia, as has been said here—assumed significant obligations. I will mention a few:

The first was to recognize in favor of Bolivia in perpetuity the fullest and most unrestricted right of commercial transit through its territory and Pacific ports.

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In accordance with this provision, Bolivia can make use of all the ports on the Chilean littoral. Another provision of the Treaty allows it to participate in controlling its trade through customs agencies it can set up in the ports it designates.

Likewise, Chile assumed the commitment to build, at its own cost, the railway from Arica to La Paz and to transfer to Bolivia the section that passes through its territory, which it did in 1928. This Chilean effort gave Bolivia a link to the ocean routes of the Pacific.

The Chilean Government also assumed the obligation to pay the debts incurred by Bolivia by a pledge of up to 5 percent of the capital intended for the construction of the following domestic railways, Uyuni to Potosí; Oruro to La Paz; Oruro to Santa Cruz via Cochabamba; La Paz to Beni; and Potosí to Santa Cruz.

There are also other Chilean obligations, including the payment of 300,000 pounds sterling and the recognition of the rights referred to by the Ambassador of Bolivia.

I ask the Representatives here if a treaty that includes these obligations indicates a document imposed by force. The truth is that it is the result of negotiations in which both governments freely considered the benefits for their countries.

There is another factor that formed part of the reality of the times and that more than force, which was not applied, was present in the minds of Bolivian Leaders: Bolivia never had a true presence in the Pacific. During the short time it exercised jurisdiction over the littoral, it figuratively kept its back to the Ocean.

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In a speech to the Bolivian Congress in 1883, Mariano Batista, left us with these thoughts: "Our population on the littoral was never more than 7 percent and our capital was basically nil. We were separated from the coast by that Sahara desert that made it difficult to even police, and to provide people there with bread, meat, and water."

That territory that Chile discussed during the long diplomatic process that preceded the war, and over which it felt it had rights, was essentially populated by Chileans and survived owing to the efforts of Chileans. The help, the initiatives, and the manpower were Chilean.

I have already mentioned the figure noted by Bolivian historian Alcides Arguedas with respect to Antofagasta. Although it might sound paradoxical, hard evidence shows that it was the Treaty of 1904, which gave rise to the railway network —the construction of which received a substantial contribution from Chile— and the port facilities that put Bolivian activities in active and vital contact with the Pacific Ocean.

The Ambassador of Bolivia has also mentioned that the free transit regime is barely worth the paper on which it is written and is not a real regime.

In the world there are approximately thirty landlocked nations. Among these nations, Bolivia has a very privileged position owing to the international agreement with my country. I have already mentioned that the Treaty of 1904 gave Bolivia the fullest

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and most unrestricted transit through Chilean ports. But this has not been a static regime. It has been improved over time in order to better serve the interests of our neighbor.

On 6 August 1912, in Santiago, a free transit agreement was signed, that among others regulated international procedures and export, and the final action taken in them by Bolivian customs agents.

On 16 August 1937, in response to Bolivian concerns, a transit agreement intended to further clarify the free transit regime was signed. Article 1 notes that

valid Chilean-Bolivian stipulations set forth that free transit covers all types of cargo, at all times, and with no exceptions. In addition, provisions that reinforced the actions of Bolivian customs agents in Chilean ports were agreed upon.

On 31 January 1955, in the city of Arica a Treaty of Chilean-Bolivian Economic Complementarity, which aimed at expanding and improving the agreed upon free transit system, was signed. It likewise contained a very important element that gave free transit a much greater scope, and it is pertinent to recall that multilateral transit agreements to favor countries with no littoral do not include such privileges at the international level: Chile's commitment to grant Bolivia facilities to construct an oil pipeline through Chilean territory that would allow an outlet for Bolivian oil

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to reach world markets. The commitment was improved through agreements that gave Bolivia a concession that would last as long as production continued in the land freely ceded by Chile.

A terminal station with six tanks holding 50,000 barrels each was established in the port of Arica, with equipment for pumping and for loading tanker ships, not to mention the accompanying infrastructure.

In 1974, the capacity of the tanks in Arica was increased to 700,000 barrels. The entire oil pipeline operation is carried out and controlled by Bolivians, without any participation from Chile.

Thus a servitude has been created in Chilean territory that goes well beyond the classic concept of free transit. We therefore have the satisfaction of being pioneers in this matter. Bolivia has not previously, and is not currently, using the available capacity.

With an eye toward improving free transit and adapting it to the constant

changes in transport technology, in 1974 the Governments of Chile and Bolivia requested a technical study from CEPAL intended to streamline the system of flow of merchandise and the document procedures related to Bolivian cargo passing through the ports of Arica and Antofagasta.

That study resulted in an integrated transit system that has been implemented in the aforementioned ports, and whose usefulness and efficiency has been officially recognized by the Bolivian authorities. I say this precisely because of the statements made by the Ambassador of Bolivia.

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I have here the Final Minutes on the meeting of the transit authorities in which the two delegations point out that the referenced integrated transit system has made it possible to optimally speed up port operations, noticeably improving the treatment and integrity of cargo thanks to better handling. They stated that “a rational use of port and railroad equipment has been achieved; and in the administrative aspect, fewer documents are required for transit of merchandise toward Bolivia, and there is better use of personnel in these operations and in document handling.”

The free transit system is thoroughly efficient. I have taken the trouble to obtain information on whether there have been any complaints of theft in Chilean ports, and I have been informed that there has been only one in the last three years; it was routed to the Courts and those responsible were obviously punished. One complaint in three years might be a lamentable occurrence, but it is nothing extraordinary in the life of the ports.

In addition to the contractual obligations I mentioned and as a reflection of the spirit of Chile to ensure the real usefulness and modernity of the principle of free transit —and not the fantasy spun by the Ambassador of Bolivia—, my country grants Bolivia concessions and exemptions that go well beyond its obligations.

The Chilean railways that serve the traffic with Bolivia —one is state-owned and the other privately-owned— move Bolivian merchandise

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at rates lower than those applied by Bolivian railways to the same products in its territory.

In the ports of Antofagasta and Arica, Bolivia has exclusive customs warehouses where it can leave its merchandise for a year without paying any type of storage fee. In addition, the handling of its merchandise in port takes precedence over that of users with Chilean nationality. The fees on Bolivian merchandise are 24 percent lower than those paid by Chilean user.

These circumstances means that, both for the State railway exclusively serving Bolivia and for the port company, the movement of Bolivian cargo produces a deficit. Therefore, the Chilean State is permanently subsidizing Bolivian foreign Trade.

The Ambassador of Bolivia has mentioned the lack of capacity of Chilean ports. The truth is that Arica can handle 1,000,000 tons a year. It is one of the most efficient ports in Latin America today. In 1977, this port handled 237,650 tons, of which 118,497 tons were Bolivian. Bolivia accounted for only 24 percent of the total handled, a figure well below port capacity.

The situation in Antofagasta is similar. Bolivia does not use even one third of the capacity that would be available.

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There is a significant fact that is relevant to this problem of free transit and should be recalled at this time. In 1965, after a long process that emerged from the United Nations Conference on Trade and Development (UNCTAD), the United Nations called a international conference to address and resolve the

problems of transit in landlocked countries. This painstakingly prepared document includes the principles, norms, and benefits that the international community considered sufficient to resolve the problems of transit in landlocked countries. Bolivia has not ratified this document owing to the fact that the facilities it includes are very inferior to those granted it by my country and that have over time become enshrined in the documents and actions I have explained to the Representatives here. So Bolivia enjoys a privileged position with respect to any landlocked country in the world. Bolivia's failure to ratify the 1965 convention represents the most categorical confirmation of the breadth of the bilateral treatment by Chile and that there is no truth to the statement made by the Ambassador of Bolivia that this system only exists on paper.

The Ambassador of Bolivia has also referred to the last negotiations between his country and mine. In 1975, as everyone knows, we began negotiations to satisfy the Bolivian aspiration for a sovereign outlet to the Pacific. But it was Bolivia that obstructed the success of these and that decided to end them, twisting and distorting an initiative that reflected a deep Americanist spirit.

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On 12 December 1975, the Government of Chile made an offer to give Bolivia a sovereign outlet to the Pacific Ocean through a corridor, north of the city of Arica.

The Chilean offer was based on an exchange of territory. Bolivia generally accepted the proposal. Its representatives, at the highest level, expressed satisfaction with the Chilean proposal. The President of the Republic of Bolivia, its Minister of Foreign Affairs, and leaders of the armed forces recognized Chile's contribution to addressing Bolivia's aspiration. Specific Bolivian authorities —an ad hoc committee— explicitly supported the exchange of territory that was the essence of the negotiations.

Despite the hopeful perspectives for the negotiations in progress, the bases of

which, I repeat, were accepted by that country, the negotiations were suspended from events caused by the Bolivians. It was Bolivia that withdrew its acceptance given; it was Bolivia that refused to continue the talks; it was Bolivia that in October of 1977 recalled its Ambassador in Santiago in a completely inexplicable move, and it was President Bánzer himself who, on 29 September 1977 in statements to the La Paz newspaper Presencia, recognized that the events related to the negotiations had been very dynamic, for which reason he announced that his Government would take a break in order to analyze the situation and it would be the next Parliament that would decide whether Bolivia would accept or reject the exchange

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of territory proposed by Chile. He added that his Government would not make any final decisions on the matter.

But there is more. Given that the negotiations were suspended, the Ministers of Foreign Affairs of Bolivia, Chile, and Peru agreed in September of 1977 to name Special Representatives in order to facilitate continued dialogue.

Chile named its Special Representative, but Bolivia never named its own. Efforts by Chile to make the mechanism of Special Representatives work and to forward the negotiations were unsuccessful. A clear and objective expression of the goals of my Government is contained in a letter sent by the President of Chile to the Bolivian Head of State on 23 November 1977:

My government remains firmly disposed to continue with these negotiations and it is willing to forward them in accordance with the desires and at the pace Your Excellency deems appropriate. Our Ministers of Foreign Affairs agreed in New York, on the occasion of the United Nations Assembly, to name Special Representatives to restart the negotiations. On this issue, my Government is also prepared to agree, if Your Excellency considers it useful and appropriate, to speed up the actions of the Special Representatives in our countries.

I consider that at the current stage of the negotiations it would advisable

to evaluate the actions already taken, define the problems to be overcome, and suggest future actions. The Special Representatives would be able to do useful work in this respect.

The Chilean Head of State received no positive response from the Bolivian President. Later, a new letter from the Chilean Head of State tried again to restart the negotiations.

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The preceding all illustrates the persistent willingness of the Government of Chile to continue negotiations, and show that the constant efforts made by Chile were not equally matched by Bolivia. Bolivia suspended the negotiations by breaking off diplomatic relations with my country on the 17th of last March.

The rights of Chile arise from an international treaty, freely signed by Chile and by Bolivia, and as I noted, one that had the support of Bolivian public opinion and was approved by the Bolivian Congress.

International treaties constitute the irreplaceable basis of coexistence in America. The safety of our nations and peaceful relations are directly linked to respect for, and compliance with, them. Our borders throughout the region were defined by treaties, for which the lack of respect threatens to envelop the Continent in uncertainty and anarchy. The weakening of this concept, recognized as an essential principle of the Organization of American States and the United Nations, would set our Continent back and would seriously undermine possibilities for regional cooperation.

The rights of Chile over the territory mentioned by Bolivia, that we have invoked from the first years of our independence and enshrined in the Treaty, are additionally reinforced by reality: it is Chilean efforts that have given life to that region; it is Chilean presence that has transformed an endless sweep

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of sand into a dynamic hub of activity; it is the work, the creative spirit, the often painful struggle with harsh and unforgiving nature that has raised cities with several hundred thousand inhabitants who are proud of their history and proud to have been, and to be, Chilean.

The Treaty of 1904 definitively decided the situation of our borders with Bolivia. Bolivia has no rights whatsoever over Chilean territory. Chile owes Bolivia nothing.

Having thus clarified the integrity of the Chilean territory and the inviolability of its sovereignty, in order to make a new contribution to our relationship with Bolivia and to “look to the future” with more valuable cooperation with our neighbor country, in 1975 we were willing to begin the negotiations I mentioned, negotiations aimed at satisfying not a Bolivian right, but a Bolivian aspiration, of having a sovereign outlet to the Pacific. As I have noted, Bolivia, instead of continuing to walk the path of friendly, open, and realistic negotiations, preferred to cut off dialogue. Negotiations intended to satisfy the territorial aspirations of one party and the interests of those involved should reflect the kind of relationships that make feasible the cooperation that should result from them. It should reflect a positive spirit that moves and encourages the public opinion that is essential to supporting its loftier proposals; it must be an expression of a common spirit. The Government and Chilean public opinion

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optimistically and altruistically supported the negotiations obstructed by Bolivia. However, it has unfortunately been proven that Bolivia changed that climate. The campaign against Chile that has been unleashed in that country is incompatible with the lofty ideals that need to be reconciled. The Bolivian press constantly casts aspersions against my country. Animosity can never be an intelligent and productive basis for international cooperation. Thank you, Mr. President.

...

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The REPRESENTATIVE OF BOLIVIA: Mr. President, I have listened carefully to the response by the Ambassador of Chile, to which I will naturally not refer for obvious reasons. I would only like to express the following. With respect to history, eminent Spanish philosopher and writer Miguel de Unamuno said that our present does not exist in a vacuum, because the present is the child of history, and the future is also the present. The future we create depends on the history we make today. Unamuno noted that it can be said that there exists an intra-history that governs the life of humans as historical beings.

Mr. President, I wish to convey my utmost gratitude for the expressions of willingness from the various countries and delegations here present that would like to see a peaceful and amicable solution to Bolivia's desire to connect to the sea. Bolivia seeks peace and harmony, not ineffective clauses in allegedly generous negotiations, but rather reality and realization. Nothing more, Mr. President.

...

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ANNEX

PERMANENT COUNCIL

OEA/Ser.G
CP/INF.1427/79
9 February 1979
Original: Spanish

The Secretary of the Permanent Council of the Organization warmly greets the Representative, and in accordance with the instructions from the President of that body, has the honor of informing him that the Council will hold an extraordinary session next Wednesday 14 February at 10:30 a.m., at the request of the Delegation of Bolivia, according to the attached note.

9 February 1979

...

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PERMANENT MISSION OF BOLIVIA
BEFORE THE ORGANIZATION OF AMERICAN STATES
WASHINGTON D.C.
OEA/CP-009/79

8 January 1979

Mr. President:

It is an honor for me to address Your Excellency to ask that in accordance with Article 18 of the Statute of the Permanent Council, you call an Extraordinary Session of the Council for Wednesday the 14th of this month so that on behalf of my government, I can present Bolivia's rights to possess coastlines and sovereign ports, on the occasion of the hundredth anniversary of the beginning of the War of the Pacific.

I take this opportunity to reiterate to Your Excellency the assurance of my highest and most distinguished consideration.

Gonzalo Romero A.G.
Ambassador

His Excellency
Lic. Gustavo Santiso-Galvez
Ambassador, Permanent Representative
of Guatemala, President of the Council
of the Organization of American States
Washington, D.C.

Annex 426

Report on the Maritime Problem of Bolivia,
26 October 1979

(Original in English)

Organization of American States, General Assembly, Ninth Regular Session,
OEA/Ser.P AG/doc. 1145/79, 26 October 1979

ORGANIZATION OF AMERICAN STATES

NINTH REGULAR SESSION
October 22, 1979
La Paz, Bolivia

GENERAL ASSEMBLY

AG

OEA/Ser.P
AG/doc. 1145/79
26 October 1979
Original: Spanish

REPORT ON THE MARITIME PROBLEM OF BOLIVIA
(Topic 19 on the Agenda)
(Presented by the Delegation of Bolivia)

REPORT ON THE MARITIME PROBLEM OF BOLIVIA

GENERAL SECRETARIAT OF THE ORGANIZATION OF AMERICAN STATES, WASHINGTON, D.C. 20000

1. History

For the last 100 years, Bolivia has been existing in a situation of enforced geographic containment as a result of the war with Chile in 1879.

On account of that war, Bolivia lost 158,000 square kilometers of territory from the department of Litoral. The coastline lost exceeded 400 kilometers in length and included the good ports of Tocopilla, Cobija, Mejillones and Antofagasta, and the coves of Paquica, Gualeguana, Cabre and Tames.

Bolivia's rights to its territory of Atacama on the Pacific ocean go back to pre-Columbian times. Since Spanish colonial days, they have been based on incontrovertible legal terms. Indeed, the Pacific coastal border of the Real Audiencia of Charcas and later, that of the Republic of Bolivia, extended from the mouth of the Loa river at 21° 27' south latitude in the north, to the upper end of the Copiapó valley, at 27° south latitude in the south.

During the days when our nations were declaring independence, their new territorial boundaries were based on the principle of "Uti possidetis juris of 1810", a long standing principle of American Public International Law. Consequently, as far as Chile was concerned, there could be no doubt about the legitimacy, sovereignty and jurisdiction that Bolivia exercised over its territory on the Pacific Coast. Chile's recognition of these Bolivian rights was evident not only in the text of that country's constitution, but also in the first bilateral instrument signed by both nations, the Treaty of Friendship, Trade and Navigation, approved by the Chilean Congress in 1833 and 1834.

After 1842, a change came about in Chile's conduct as that country became aware of the existence of enormous riches in Bolivia's coastal areas. We will make more specific reference to this point later. It was then that the Chilean Government got its National Congress to pass a law by which it pushed its boundary with our country north to the 23rd parallel, south latitude. In view of this development Bolivia sent several successive diplomatic missions to Chile to defend her sovereignty and assert her rights. Nevertheless, from 1843 on Chile made several advances north toward Bolivian territory. New advances came in the 1850's as part of a deliberate policy of expansion as laid out in no uncertain terms by their geopolitician, Diego Portales. These plans even went beyond Bolivia's territory, as the invasion did not stop at the Bolivian territory that Chile said was hers but continued into Peru.

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So much did Chile's interest grow that she proposed to the Bolivian envoy Dr. Tomás Frías, in 1864, the purchase of the rich Bolivian zone of Mejillón - des. This proposal showed clearly that Chile considered those territories to belong to Bolivia, because no one buys what is already theirs.

So serious became the problems caused by the frequent Chilean incursions into Bolivian territory that it became imperative to sign a boundary treaty, which was done in 1866. In that treaty, Bolivia ceded to Chile, the land between the 27th and 24th parallels and Bolivia's southern boundary with Chile was fixed at the latter. In addition, the treaty established a nefarious ~~mediocerña~~, ~~concerning~~ by which both countries shared in whatever resources were found in the area between the 25th and 23rd parallels.

In 1874, only eight years after the first boundary treaty, and following new difficulties, a second instrument had to be signed. This fixed the 24th parallel. the boundary, eliminated the mediocerña, and stipulated in the fourth clause, a new source of problems, that for 25 years Bolivia could not levy any new taxes on Chilean persons, industries or capital.

Sheltered by the arbitrary concessions of a dictatorial Bolivian government, groups of Chilean citizens settled on coastal lands. One of these groups which represented certain extracontinental economic interests gave the Chilean government a pretext for starting the conflict. While the terms of these concessions were being finalized with the Bolivian state, the company offered a payment of 10% of its profits. The Bolivian Congress preferred, however to impose a tax of 10 cents per hundred pounds on exports of saltpeter. For protection the company turned to the Chilean government which invoked the 1874 treaty. Faced with Chile's threats, the Government of Bolivia rescinded the contract with the company and Chile with no declaration of war, occupied Bolivia's coast by force of arms.

Thus, in 1879 Bolivia found herself dragged into a war which she neither wanted nor sought. Unarmed, she had to defend her sovereignty, and requested the application of the Defense Treaty of Alliance which she had signed with Peru in 1873.

The war was waged on unequal terms. Chile had armed herself on a par with her intentions. Bolivia and Peru were caught napping and were almost completely without arms. The inevitable result was the consummation of Chile's expansionist plans towards Atacama and Tarapacá.

In 1884, Bolivia had to sign a truce. Under the terms of the truce Chile continued occupying the Bolivian territory conquered during the war, controlled the customs houses and imposed advantages in terms in which they could send their goods freely into Bolivian territory. Because of this treaty, Bolivia had her coast under military occupation and was left without ports or transportation facilities.

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It had to endure a burdensome customs yoke and was economically strangled to the degree that it had no choice but to sign the Treaty of 1904.

Since it signed this treaty, Bolivia has not ceased its efforts to return to the Pacific Ocean. In 1910 the Bolivian Government requested the foreign ministries of Peru and Chile to re-establish Bolivian access to the sea by ceding to it the territories of Tacna and Arica, which were in the temporary possession of Chile.

After that, the problem took on such importance that in 1926 the U.S. Secretary of State, Frank Kellogg, the arbitrator of the frustrated plebiscite over possession of the territories of Tacna and Arica, proposed their transfer to Bolivia. The proposal was not accepted. Three years later, Peru and Chile signed a treaty whereby Arica was delivered to Chile and Tacna returned to Peru. The protocol to this treaty specified that neither party could turn over the territories in question to a third party without the prior consent of the other party.

In their bilateral relations, and continuing Bolivian efforts, Chile offered Bolivia access to the Pacific Ocean on several occasions. Among these are the following:

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- Under the terms of the Treaty of Transfer of Territories of 1895, Chile was committed to deliver Tacna and Arica to Bolivia if the plebiscite agreed upon with Peru favored it.
- If this attempt failed, Chile agreed to turn over Vítor Cove, up to the Cenarones gorge, or an equivalent piece of land.
- In January 1920, Chile agreed to give Bolivia access to the sea, north of Arica.
- In 1923, when Bolivia proposed a revision of the 1904 Treaty, Chile agreed to sign a new treaty to placate Bolivian demands, provided that it did not imply any disruption of Chilean territorial continuity.
- In 1950, Chile agreed to enter into direct negotiations designed to find a formula that would make it possible for Bolivia to obtain its own sovereign access to the Pacific Ocean, and to give Chile compensation of a non-territorial nature that would safeguard its interests.
- In 1956, Chile once again expressed interest in resolving the problem of Bolivia's landlocked status, through strictly confidential negotiations.
- In 1961, the Chilean ambassador in La Paz reiterated his country's offer, in a memorandum addressed to the Bolivian Ministry of Foreign Affairs.
- In 1975, new negotiations between Chile and Bolivia started. The negotiations failed because of Chile's insistence on receiving territorial compensation which, in the end, brought about the rupture of diplomatic ties between the two countries.

All of these agreements amounted to nothing in the end since Chile, made offers that depended on the convenience of the moment or to avoid any chance of conflict with third powers. Once the danger passed or circumstances changed, Chile forgot the negotiations.

On the other hand, if it were true--as has been alleged--that Bolivia never had any right to the sea, how then can it be explained that Chile was willing on several occasions to negotiate the matter?

2. Background of the 1904 Treaty

After the battle of Tacna, or Alto de la Alianza, on May 26, 1880, Bolivia terminated its active participation in the War of the Pacific. Four years later, on April 4, 1884, the governments of Bolivia and Chile, as said before, signed a Truce in Valparaiso.

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Article 2 of this pact provided that the lands of the Atacama coast would remain in the possession of Chile until a peace treaty were signed. During the term of this truce, Chile was to govern the lands between the 23rd parallel and the mouth of the Loa River at the Pacific Ocean under the political and administrative regulations established by Chilean law.

Moreover, to benefit its own industry, Chile demanded in Article 5 that Bolivia would not change any duties on Chilean products.

Finally, under Article 6, Chile imposed a heavy war compensation because it charged Bolivia had confiscated property owned by Chilean residents. This article stipulated that, at the port of Arica import fees based on the Chilean tariff schedule would be charged on goods going to Bolivia, and that no other fees could be levied on them upon entry into Bolivia. Chile provided that it would take approximately 55% of the total amount collected by the Arica customs house, that is, 25% to cover the customs service and 30% to cover the value of the Chilean property mentioned above.

Four years after the pact was signed, Chile created the Province of Antofagasta in the Bolivian territory it had occupied. The formal protest made by Bolivian government against this violation of the provisions of the truce was completely ignored.

The tense relations between Argentina and Chile stemming from border problems and the possibility that Bolivia might form an alliance with Argentina to relieve the oppressive effects of the truce led the Government of Chile to the decision to sign a new treaty with Bolivia.

As a result, three treaties were signed in Santiago on May 18, 1895.

The first was a treaty of peace and friendship. In it, Bolivia acknowledged Chile's domain over the lands south of the Loa River to the 23rd, parallel.

The second was a trade and transit agreement.

The third was a special treaty covering the transfer of territories, this provided that if Chile acquired permanent domain and sovereignty over the territories of Tacna and Arica, it was required to transfer them to Bolivia in the same form and extension in which it received them. Should it not obtain those territories, Chile was to cede Victor Cove or some similar lands to Bolivia, as noted in the preceding chapter.

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Even though they were ratified by both countries, those treaties were never enforced.

At the beginning of this century, when Bolivia was suffering the damaging effects of the situation imposed by the truce, Chile sent as its Ambassador Plenipotentiary, Mr. Abraham Konig, who gave in his country's name, in an official note addressed to our Ministry of Foreign Affairs, the most eloquent possible proof of how things actually stood. The note began by retracting the commitment made in 1895 with respect to Tacna and Arica. In an attempt put it as clearly as international affairs sometimes demand, Chile stated in Konig's note that FOLI-
VIA MUST NOT COUNT ON THE TRANSFER OF THE TERRITORIES OF TACNA AND ARICA,
EVEN IF THE RESULTS OF THE PLEBISCITE ARE FAVOURABLE TO CHILE... CHILE HAS
OCCUPIED THE DEPARTMENT OF LITORAL AND HAS TAKEN IT OVER ON THE BASIS OF
THE SAME RIGHT THAT GERMANY HAD TO ANNEX ALSACEE LORRAINE TO ITS EMPIRE...
OUR RIGHTS ARE BORN OF OUR VICTORY, THE HIGHEST LAW AMONG NATIONS... THAT
THE LITORAL IS RICH IN RESOURCES AND WORTH MANY MILLIONS WE ALREADY KNEW.
WE ARE KEEPING IT BECAUSE IT IS VALUABLE: IF IT WERE NOT, RETAINING IT
WOULD BE OF NO INTEREST.

With these arguments as the true causes of the war, Chile successfully forced the signing of the Peace Treaty of October 20, 1904 which signified the loss of the Bolivian coast.

The 1904 Treaty was imposed at a time there was already a clear understanding in the Americas with respect to proscribing the use of force in international relations. A century before Europe was to do so, the Americas denied the validity of territorial gains won by the use of armed force. The Marshall of Ayacucho, Antonio José de Sucre, Bolívar's chief lieutenant, had already proclaimed in 1829 that victory does not confer rights.

The principle of proscription of armed force had been advocated in the Americas since the appearance of the first multilateral instruments aimed at regulating relations among nations. It appeared in the conclusions of the Congress of Panama of 1826 the First Congress of Lima, 1847 the Washington Agreement, 1856, and the Second Congress of Lima, 1864.

But it was at the First International Conference of American States, held in Washington in 1889 a series of conferences that would ultimately bring the Organization of American States existence, that it was proclaimed that no res nullius territories existed in the Americas; that wars of conquest between American nations were unjustifiable acts of violence; that territorial insecurity inevitably led to the ruinous system of armed peace.

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At this International Conference of American States of 1889, the participating countries --Argentina, Bolivia, Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Paraguay, Perú, El Salvador, Venezuela and the United States of America-- signed an unanimous Recommendation (the only abstention, logically enough, being that of Chile), which contained the following basic points:

- 1) The principle of conquest shall be repudiated by American international law;
- 2) Any cession of territory carried out under the treat of war or in the presence of armed force shall not be recognized and shall be null and void;
- 3) Any nation which has been deprived of its territory in this way may demand that the validity of the cession be submitted to arbitration.

The 1904 Treaty, concluded after the categorical Recommendation signed by the participants in the Congress of 1889, contradicts the principles set forth in that Recommendation Chilean armed forces occupied the coastal territory of Bolivia. A country under military occupation does not have freedom of consent.

The aforementioned principles, as well as those set forth in later International Conferences of American States, were admitted in Article 52 of the Vienna Convention on the Law of Treaties adopted on May 7, 1968. That convention states that a treaty is void if it has been procured by the threat or the use of force in violation of the principles of international law embodied in the Charter of the United Nations.

Bolivia mentions these antecedents because, in its opinion, they fully demonstrate the justice of its case.

3. Economic damages resulting from the War of the Pacific

The economic damages that Bolivia has suffered, and still suffers, as a result of the Peace Treaty of 1904 are enormous.

In the first place, as already noted, that instrument meant the loss of 158.000 square kilometers of its coastal territory, that is, an area larger than that of Cuba, Jamaica, Trinidad and Tobago and El Salvador put together. That simple comparison reveals the magnitude of the loss.

But in the economic area, the losses are even greater.

The territory lost to Bolivia as a result of the war, was the site of a discovery made at the end of the last century. This discovery was the fabulous Chuquicamata copper deposits, considered among the most important in the world. Thanks to them Chile is the world's largest exporter of copper and the second-largest producer of that metal, after the United States.

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To date, Chile has exported more than 20 million tons of copper. Although this figure is difficult to comprehend precisely, compare it with the reserves of all of Asia, almost 1.5 million tons, the reserves of Western Europe, estimated at 2.3 million tons, and those of the USSR, approximately 16 million tons.

In other words, in this century Chile has exported as much copper as these other continents put together. This does not take into account the enormous reserves still being discovered.

It is estimated that at the current rate of extraction, the mines of Chuquicamata will not run out of copper until the end of the next century. Quite justifiably, the late Chilean President, Salvador Allende, termed Chuquicamata the "wages of Chile." Wages that for a century Bolivia has been paying with the resources of mines located in what was once its territory.

Chile's booty from the War of the Pacific was not restricted to land and copper. One of the economic causes of the War of 1879 was Chile's intention to take the guano deposits, a natural fertilizer left by sea birds over the centuries.

It is estimated that in the last fifty years, Chile has extracted from these natural guano deposits more than one million ton of fertilizer for the farm lands of central and southern Chile. This is also a natural resource taken away from Bolivia.

Besides guano, there are the sodium nitrate (saltpeter) deposits in the former Peruvian province of Tarapacá and the Bolivian one of Atacama.

After the military occupation of that Bolivian province had been completed in 1880, Chile exported annually some 12,500 tons of saltpeter, which accounted for approximately 20 percent of its total export earnings. While synthetic nitrate invented early in the century, drastically cut international consumption of natural saltpeter, until that time, Chilean exports of saltpeter and its derivative, iodine, provided nearly 70 per cent of government revenues. Until just before World War I, Chile had a world monopoly on saltpeter production.

Some medium-sized saltpeter firms are still operating in that former Bolivian coastal province.

Another point worth mentioning is that at present Chile produces nearly ten thousand tons of sulfur and some of the major deposits of this mineral are in the Ollague district, in the former Bolivian province of Atacama.

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That province also has depotists of molybdenum, manganese, lithium, iron, and silver in varying quantities.

The port city of Antofagasta owes its progress and prosperity particularly to its trade with Bolivia. It is one of the Chilean ports that Bolivia is virtually forced to use for its exports and imports. The rates of the railway to that port are also being constantly and unilaterally raised. On the other hand, Bolivian goods are subject in all Chilean ports to regular deterioration and pilferage.

Last, but not least, the economic damages that Bolivia suffers are similar high in marine resources. Without a coast, Bolivia has been deprived of great fish and shellfish riches and the natural resources of the ocean floor.

4. Jurisdiction and competence

The topic of the maritime problem of Bolivia on the Agenda of the ninth regular session of the General Assembly of the Organization of American States, and its consideration, are based on a solid legal foundation, as apellded out in the Charter of the U.N., the world agency of which the Organization of American States is a regional organ.

In its Article 14, the Charter of the U.N. states: "The General Assembly (unless the matter is before the Security Council) may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare of friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations".

These purposes and principles are also mentioned in Article 1 of the Charter in the sense of bringing about "by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace". And again in Article 2, 3: "All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered".

Moreover, in the part on Regional Arrangements, Article 52.2 of chapter VIII states: "The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council".

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Paragraph 3 of the same article states: "The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council".

The aforementioned article reinforces the application of Articles 34 and 35 of the Charter which state that "the Security Council may investigate any dispute or any situation which might lead to international friction", and "Any Member of the United Nations may bring any dispute, or any situation" -- regardless of origin -- "to the attention of the Security Council or of the General Assembly".

In complete accord with those universal precepts, the Charter of the Organization of American States, in which the Organization is declared to be a regional agency of the United Nations, unequivocally establishes in Article 1 the main purpose of its existence and of its service on behalf of the Member States. It states that the goal is "to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence".

Article 2 of the Charter specifies that one of the essential purposes of the organization is "to prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States".

Furthermore, Article 52.a establishes that the General Assembly may "consider any matter relating to friendly relations among the American States".

Because it lies at the geographical center of the continent, forming part of all the three major regional basins of the River Plate, the Pacific Ocean and the Amazon, Bolivia's logical role has been that of regulator of the continental balance.

As a result of the 1879 war, Bolivia's influence and presence on the shores of the Pacific Ocean came to an end. The balance between the states was upset in such a way that so far, it has not been possible to restore it. The result has been a tense situation that is characterized by, among other developments, the break in relations between Bolivia and Chile. The break is the result of Chile's persistence in imposing conditions that are unacceptable if an understanding is to be reached, and the unrelenting will of the people of Bolivia to regain access to the Pacific.

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The justice of the Bolivian cause and the existence of un-settling factors, deriving a situation imposed by force that has not changed in the 100 years since the War of the Pacific, are obvious. In fact, the cause has been acknowledged internationally in a long series of declarations expressing concern for keeping the peace and harmony of the region. The most recent of these is the Declaration of Havana whereby the countries of the world gave their support to the just and legitimate claim of Bolivia to regain full and sovereign access to the Pacific Ocean. The declaration also called upon the member states of the international community to declare their solidarity with that alienable right of the Bolivian people. The countries reaffirmed that constructive and fruitful security and peace in the Americas demands that that problem be solved. Consequently, they supported all efforts made with so noble a motive and by means of the peaceful procedures set forth in the United Nations Charter. The tensions created by the situation described above are also seen in the arms race the subject of formal international declarations and the root cause behind the opening of official disarmament negotiations.

The 1879 war must end. The state of anxiety that lingers in the southern Pacific must dissipate. The 100-year separation of Bolivia from the Pacific, a status closely tied to these circumstances, must come to an end. Rules for peace and stability in the region must be found. This matter is unquestionably within the jurisdiction of the Organization of American States and it is the duty of the Organization to help find a prompt solution to the problem.

Distinguished Delegates, this is Bolivia's position on topic 19 on the agenda for the ninth regular session of the General Assembly of the Organization of American States.

2/292/79/I

Annex 427

Minutes of the 6th Meeting of the General Committee of the
OAS General Assembly, 19 November 1982 (extracts)

(English translation)

Organization of American States, General Assembly, Twelfth Regular Session,
OEA/Ser.P/XII.O.2, 29 July 1983, Vol. II, Part I, pp 662, 696-705, 710-715,
717-720

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MINUTES OF THE SIXTH MEETING OF THE GENERAL COMMITTEE

Date: 19 November 1982

Time: 4:25 p.m.

Place: Hall of the Americas

President: Mr. Rodrigo Lloreda Caicedo
Minister of Foreign Affairs of Colombia

Present: Messrs.

Fabio Herrera Cabral	(Dominican Republic)
Raúl Falconí	(Ecuador)
Fernando Volio Jiménez	(Costa Rica)
Mario Velarde Dorado	(Bolivia)
Carlos Alberto Maeso	(Uruguay)
Javier Arias Stella	(Peru)
Victor C. McIntyre	(Trinidad and Tobago)
Ruwaldo E. van Bochove	(Suriname)
Sonia M. Johnny	(Saint Lucia)
M. Patricia Durrant	(Jamaica)
Edmund. H. Lake	(Antigua and Barbuda)
Francisco Posada de la Peña	(Colombia)
Jorge Ramón Hernández Alcerro	(Honduras)
Rafael de la Colina	(Mexico)
J. William Middendorf II	(United States)
René Rojas Galdames	(Chile)
Juan Manuel Castulovich	(Panama)
Alberto Nogués	(Paraguay)
Mario Marroquín Nájera	(Guatemala)
Ivette Goddard	(Barbados)
Dessima Williams	(Grenada)
Harcourt Turnquest	(Bahamas)
Raúl A. Quijano	(Argentina)
Ernesto Arrieta Peralta	(El Salvador)
Alarico Silveira Junior	(Brazil)
Víctor Giménez Landínez	(Venezuela)
Ramón J. Meneses Martínez	(Nicaragua)
Gabriel Ancion	(Haiti)
Val T. McComie	(Assistant Secretary General of the OAS)

...

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...

9. Report on the maritime problem of Bolivia (AG/doc.1496/82 (Draft resolution submitted by the Delegations of Bolivia, Grenada, Nicaragua, Panama and Venezuela) (AG/CG/ doc. 9/82 rev. 2) (item 21 on the agenda).

THE PRESIDENT: We move on to the next item on the order of business, item 21 on the agenda, which refers to the report on the maritime problem of Bolivia [AG/doc.1496/82]. The Foreign Minister of Chile has submitted a point of order on this item and, to that end, I give him the floor.

THE REPRESENTATIVE OF CHILE (Mr. Rojas): Thank you, Mr. President. At the beginning of this Assembly, my Delegation made a formal, express reservation with regard to the inclusion of item 21 on the agenda in the order of business for this meeting. This stance is based on the fact that we do not believe that the Organization of American States, or any other international organization, has the power to rule on matters that are within the exclusive internal jurisdiction of the States and that affect their territorial integrity or the bilateral relations between Member States. I have already indicated that the boundaries between Bolivia and Chile were definitively established by an international treaty that is binding on my country and on Bolivia. To claim that the OAS can issue opinions on the content of that treaty, or that it can rule on my country's territorial integrity, or can interfere with the way Chile should conduct its bilateral relations would not only be a flagrant violation by the Organization of its own Charter, but would mean that the Organization is being used to

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meddle in the internal affairs of another country. The draft resolution being circulated confirms the illegality of the action attempted to be taken in this matter.

In effect, instead of merely encouraging the parties to initiate a dialogue, it prejudgets substantive issues. That the OAS might take action in this matter, and even attempt to include it in the Assembly, constitutes a flagrant violation of Article 18 of the Charter, which prohibits States or groups of States from intervening, directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other. This principle, Mr. President, according to Article 18, precludes not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political,

economic, and cultural elements that comprise it. Intervention by the OAS in this matter also violates Article 19 of the Charter, which prohibits States from using or encouraging the use of measures to force the sovereign will of another State and obtain from it advantages of any kind. Finally—and this is also very serious—it is the draft resolution that suggests that there is not a stable peace in the region. I want to dwell on this point and draw your attention to the scope of this statement.

The existence of an unstable situation or the non-existence of peace cannot be created with draft resolutions, Mr. President. Events such as armed aggression, the interruption of trade, and threatened aggression are what endangers or alters peace. The notion that there is an unstable peace, which is introduced in the resolution, is extremely grave, because it is not based on fact. What event occurred between the Assembly in Saint Lucia and this one that would allow it to confirm the claim by Bolivia and the cosponsors that a situation has arisen that has altered the peace between the parties directly concerned by the draft resolution? Nothing has happened. Nothing has occurred that would permit introducing such a serious allegation in the draft resolution. I again ask the Representatives stop and think about this matter. Nothing has happened that would permit stating that there is an unstable peace. This is not the area where peace is unstable. There are other areas in Latin America where there is tension and a genuine threat to peace. Some of them directly affect some of the cosponsors. In conclusion, Mr. President, Chile ratifies the following: the OAS completely lacks jurisdiction to deal with this matter; there is not disruption or any possibility thereof that could affect the peace in the area as far as Chile is concerned; the draft proposed to be approved goes beyond the powers of the Assembly, and Bolivia continues to disrupt the climate that is indispensable for sovereign nations to agree to negotiations.

Therefore, Mr. President, just as in the past, I do not wish to support with my presence the discussion of any of the stages of a matter that is beyond the jurisdiction of this Assembly, that violates the basic principles

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of Inter-American coexistence, such as non-intervention, and that affects the legitimacy of its acts. Therefore, Mr. President, I beg you to forgive me for leaving this room.

THE PRESIDENT: The President laments the decision of the Delegation of Chile. We respect it, of course. Since this is a topic that is included in the agenda, we are going to go ahead and discuss it. To that end, and since it is a

topic that was requested by the Government of Bolivia, I give the floor to the Foreign Minister of Bolivia.

THE REPRESENTATIVE OF BOLIVIA: (Mr. Velarde) Thank you, Mr. President. The report that my Delegation prepared on this issue will be circulated among the distinguished delegations. In view of the time, and for the distinguished representatives who are thoroughly familiar with this issue, I am simply going to summarize the report, but I request that the full report that has been or will be distributed be considered the official document. I am not going to address the background to the War of the Pacific; I will go directly to the matter.

On 14 February 1879, the Chilean army disembarked and occupied the port of Antofagasta, thereby starting the War of the Pacific. Several weeks later, Peru also entered the war, faithful to a defensive alliance treaty with Bolivia signed in 1873. Caught unaware by the aggression at the outer tip of its territory, and incapable of properly defending itself using arms, Bolivia suffered an unequal and unfair war that culminated in the triumph of Chilean arms. The War of the Pacific was a typical war of expansionism that found an easy prey for its purposes. In the final stages of the War of the Pacific, the United States offered its mediation to the three belligerents, Bolivia, Chile and Peru, but that did not produce any results because of the intransigence of the Chilean representatives, who came not to negotiate, but to impose the law of the victor.

Having lost the war and withdrawn behind the Andes, Bolivia increased its isolation from the rest of the world. It was dependent on the ports on the Pacific, which were now under Chilean control. With a vast territory that had been torn apart, Bolivia's situation of dependency was made even worse by the noose imposed on Bolivian customs houses by the victorious nation. On 4 April 1884, the Bolivian Government was forced to sign a truce pact in Valparaíso and to cede the entire littoral occupied in its entirety by the Chilean army as a guarantee. Chile proved to be a merciless and skilled victor. The discovery of the fabulous copper mine in Chuquicamata, near Calama, a town on the former Bolivian littoral, confirmed the Chilean decision to appropriate this territory for itself in its entirety. For a century, Chuquicamata would be one of the most important sources of income for the Chilean State, so much so that Salvador Allende admiringly said: "Chuquicamata is Chile's salary". And it still is. In the treaty of 18 May 1895, it was agreed that Chile would continue to exercise dominion over the territory compromised by the Truce Pact of 1884. A second treaty of the same date established that,

if Chile acquired possession of Tacna and Arica pursuant to the plebiscite stipulated in the Treaty of Ancón, Chile agreed to transfer those territories to Bolivia or, as an alternative solution, to transfer the Cove of Vítor located to the south of the city of Arica. Chile did not comply with either of these agreements. Bolivia signed the Peace Treaty of 20 October 1904 with Chile, whereby Bolivia lost its outlet to the sea while remaining under military occupation by Chile. The Treaty was the legal consolidation of an act of force and compliance with a military defeat. Although the Treaty was signed in these circumstances, Bolivia does not deny its legal validity, but does object to its moral value. It does not now intend, nor has it ever intended, to unilaterally denounce a commitment, but at the same time, it believes that treaties are inviolable but not intangible when they are no longer consistent with the notions of fairness and justice that must govern relations between nations.

In 1926, the United States Secretary of State, Frank B. Kellogg, proposed to Chile and Peru that they cede to Bolivia all rights, title or interest in the provinces of Tacna and Arica. This initiative by the American Secretary of State did not succeed and three years later, on 3 July 1929, Peru and Chile signed a treaty in Lima that put an end to their territorial dispute. It was agreed that the territory of Tacna and Arica would be divided into two parts, Tacna for Peru and Arica for Chile. This Treaty sealed Bolivia's confinement aggravated by the additional Protocol which prohibited the contracting Parties from ceding all or part of the territories of Arica and Tacna without the prior agreement of the other Party.

On 1 June 1950, 32 years ago, Mr. President, the Ambassador of Bolivia in Santiago proposed direct negotiations with the Government of Chile to satisfy the Bolivian fundamental need to obtain its own sovereign outlet to the Pacific Ocean. Twenty days later, the Chilean Foreign Minister stated that it was predisposed to seek formulas for direct negotiation to find a possible way to give Bolivia its own sovereign outlet to the Pacific Ocean and to allow Chile to obtain non-territorial compensation that effectively takes account of its interests. The Chilean note of 20 July of that year, signed in Santiago by the Minister of Foreign Affairs of Chile, Horacio Walker Larraín, expressly stated:

On this occasion, I have the honor of informing Your Excellency that my Government will be consistent with that position, and that, motivated by a spirit of fraternal friendship with Bolivia, it is willing to formally enter into direct negotiations to seek a solution that would make it possible to give Bolivia its own sovereign outlet to the Pacific Ocean and for Chile to obtain compensation

of a non-territorial nature that effectively takes account of its interests.

Like all the ones that had preceded them, the negotiations in 1950, which were in fact bilateral, did not achieve a positive result. However, it is worth underscoring that on that occasion, Chile did not impose any requirements

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of territorial compensation. Shortly thereafter, relations between Bolivia and Chile deteriorated because of the arbitrary use, by the latter country, of the waters of the Lauca River, whose basin is located in Chilean territory, but which empties into the Salar de Colipasa, which is located in Bolivian territory. Bolivia broke off diplomatic relations in 1962, a fact that did not prevent the waters of the Lauca River from being used by their neighbor, even today. At the meetings of the Presidents of Peru, Venezuela, Colombia and Panama and the Representatives of Argentina, Ecuador and Chile, on the occasion of the sesquicentennial of the Battle of Ayacucho on 9 December 1974, signed the "Declaration of Ayacucho", one of whose paragraphs says the following:

In reaffirming our historical commitment to continue strengthening the unity and solidarity between our peoples, we have the greatest understanding for the landlocked status affecting Bolivia, a situation which must demand the most careful consideration of constructive agreements.

In March 1974, on the occasion of the swearing-in of the new President of Brazil, the Presidents of Bolivia and Chile met in the capital of that country, where they agreed to study a way to resume relations between the two countries and seek a way to resolve the Bolivian maritime problem within a spirit of understanding and friendship that would take into account their mutual interests. On 8 February 1975, at a meeting of the two Presidents held in Charaña, it was agreed to resume diplomatic relations between Bolivia and Chile. On 19 December 1975, in response to a Bolivian proposal, the Government of Chile stated that it was willing to reach an agreement that was in both parties' best interest. The cession to Bolivia of a sovereign maritime coastline, linked to Bolivian territory by a sovereign strip of land, would be considered. Chile would be willing to negotiate the cession of that strip of land to the north of Arica up to the *Línea de la Concordia* with Bolivia. On 19 December 1975, the Chilean Government consulted Peru's Government as to whether it consented to the cession requested by Bolivia. On 31 December 1975, Peru responded, indicating that, to be able to state its position on this matter, it considered it indispensable to

officially and completely study the text of the documents exchanged between Bolivia and Chile.

On 18 November 1976, Peru's answer was reported to the Government in Santiago. In short, the Peruvian proposal was as follows: cession by Chile to Bolivia of a sovereign corridor to the north of the province of Arica parallel to the *Línea de la Concordia* which starts at the Bolivian or Chilean border and extends until it reaches the highway from Arica to Tacna; establishment in the province of Arica, after the corridor, of a territorial area under the shared sovereignty of the three States, Bolivia, Chile and Peru, located to the south of the Peruvian-Chilean border, between the *Línea de la Concordia*, the highway from Tacna to Arica, the northern hull of the city of Arica and the littoral of the Pacific Ocean. The Government in Santiago rejected the Peruvian proposal in a memorandum dated the 26th of the same month. Chile's rejection of the Peruvian proposal caused the negotiations to stagnate

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and ultimately to a breakdown in diplomatic relations between Chile and Bolivia, which occurred on 17 March 1978.

With the bilateral approach exhausted, and within the goal of reaching a frank and satisfactory understanding with Chile, the Government of Bolivia decided to pursue the path of the Organization of American States. That is why it sought and obtained the inclusion of this topic in the agenda of the ninth regular session of the General Assembly, the development of which we will discuss below. In 1979, the ninth session of the General Assembly of the OAS approved Resolution AG/RES426. I am only going to read operative point 1. It says:

1. To recommend that the States most directly concerned with this problem open negotiations for the purpose of giving Bolivia a free and sovereign territorial connection with the Pacific Ocean. Such negotiations shall take into account the rights and interests of the Parties involved, and might consider, among other things, the inclusion of a port area for integrated multinational development, as well as take into account the Bolivian proposal that no territorial compensation be included.

The resolution was a constructive document that responded to the just and inalienable right that Bolivia has to a sovereign return to the Pacific coasts. It also clearly reflected the echoed expressions of support that this case had received in the international hemisphere, such as the declarations made in Atlanta at the fourth regular session of the General Assembly and the Declaration of Ayacucho,

both in 1974. When the text of Resolution 426 of the General Assembly of 1979, held in La Paz, was discussed, the majority of the representatives in attendance unequivocally expressed their support for Bolivia's maritime cause. The Foreign Minister of Venezuela, Dr. José A. Zambrano Velasco, put it like this:

I must begin my remarks in this country that bears the name of the Liberator Simón Bolívar by ratifying Venezuela's solidarity with Bolivia's endeavor to recover an outlet to the Pacific Ocean. I am now reaffirming this solidarity, present throughout Venezuelan history, on behalf of the Government of President Herrera Campíns. The mutilating landlocked status of Bolivia weighs on the minds of the Continent.

Foreign Minister Zambrano went on to add:

For the past century, we Venezuelans have supported Bolivia's right to the sea. Our moral authority is derived from our liberating troops, who only crossed our borders from the Caribbean coast to the hill of Potosí, behind Bolívar, constructing sister republics, without increasing our territory by one inch.

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The Representative of the United States, Secretary of State, Mr. Cyrus R. Vance, acknowledged that the OAS was an important instrument for creating feasible solutions to the century-old confinement of Bolivia, and advocated that a mutually acceptable solution to Bolivia's landlocked status may be found and for having the Assembly take positive steps in that direction. The Secretary General of the Ministry of Foreign Affairs of Brazil, Mr. J. C. Baena Soares, said that Bolivia's situation continued to be a matter of concern to the member states of the American community, and the Foreign Minister of Peru, Mr. Carlos García Bedoya, said that his country understood and supported the Bolivian cause, and therefore, it would give its political support to the solution of the problem to guarantee peace in this region.

The Representative of Mexico, Ambassador Rafael de la Colina, commented: "The Bolivian problem hurts us Mexicans as if it were our own" and qualified the Bolivian people's demand to return to the coasts of the Pacific as legitimate. Diego Uribe Vargas, the Representative of Colombia, vigorously supported that the OAS has jurisdiction to hear the problem affecting Chile and Bolivia, adding that this jurisdiction was fully in line with international law in the Americas. The Undersecretary of Political Affairs of Ecuador, Mr. Mario Alemán, said that his country was pleased that formulas for a solution would be

sought in the OAS. The Representative of Uruguay, Mr. Julio César Lupinacci, pointed out that the OAS was legally authorized to take jurisdiction over the Bolivian maritime problem and expressed the desire that, starting today, mechanisms ought to be sought that would facilitate the dialogue between the interested countries, so that on a basis of fairness and justice, a solution could be found to the Bolivian problem. Then, the Representative of the Dominican Republic, Mr. Ramón Emilio Jiménez, said that Bolivia's proposal was legitimate and just from every point of view, and that the OAS could not remain passive when faced with this problem, and said: "We Dominicans believe that the entire Americas ought to make a decisive contribution to solve the problem of the geographic confinement of the Republic of Bolivia."

The Foreign Minister of Panama, Mr. Carlos Ozores, said that the legitimate demand to obtain, through peaceful means, an outlet to the sea under Bolivian sovereignty not only counts on the support and solidarity of his country, but that Panama makes this historic claim of the Bolivian people its own.

The Representatives of Central America and the Caribbean, including the English-speaking representatives, spoke with an equally emotional tone. Jamaica said: "My Delegation encourages the parties to continue their efforts with a renewed spirit until they reach an adequate solution that would allow Bolivia to ensure its presence in a territory that used to belong to it." Grenada, even being very far away, supports Bolivia's maritime cause because in so doing it will achieve economic and social development. Dominica said: "The case of Bolivia is historic, and therefore, we have no objections to supporting it." Barbados said: "Attending to the maritime problem that

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Bolivia claims is a responsibility of the entire American family." For his part, the Representative of Nicaragua said: "With that same American solidarity that made the triumph of the Sandinista Revolution possible, we support the maritime cause of Bolivia, which ought to concern the OAS."

Rarely, Mr. President, has the American family acted with such unanimity. We have felt that it was relevant to include in this report, and in some detail, some of the expressions released by the overwhelming majority of the Representatives at the ninth regular session of the OAS General Assembly, because they faithfully reflect America's awareness with respect to the Bolivian maritime problem. By submitting this report to the consideration of the 12th regular session of the General Assembly, the Delegation of Bolivia is guided by a dual goal. First, to comply with the mandate of Resolution 426 and the

subsequent ones, which establish the power that the Assembly has to recognize the Bolivian maritime problem with a view to finding a satisfactory solution, and second, because currently the Bolivian Government and people have the conviction that there is a clear awareness of the justice and the Bolivian cause, and there is a sincere purpose to satisfy the legitimate claims of the Bolivian people justly and honorably on the Continent. The Bolivian people, who have just recovered their political freedom and democratic institutions through a bloody sacrifice, believe that they are entitled to hope that their brothers in the Americas, understanding their problems, will not deny them the satisfaction of finding that their desire to return to the sea is understood and regarded with sympathy by the rest of the Continent. The current Bolivian Government is not unaware that it is a complex problem that cannot be easily resolved and that the road ahead may still be long, but it trusts that under the auspices of the Member States of the OAS, a fair and just solution can and has to be possible within a spirit of understanding and friendship. Such is the spirit with which this report is submitted to the Assembly. Thank you very much, Mr. President.

THE PRESIDENT: Thank you very much, Mr. Foreign Minister. Now that you have summarized the report that the Delegation of Bolivia has submitted to the Assembly for its consideration, to back the initiative, I want to inform the distinguished representatives that, in connection with this issue, there is a draft resolution that will be read for illustration to the representatives, who should already have a copy of it. I ask the Secretary to read the draft resolution.

THE SECRETARY: [reads]

THE GENERAL ASSEMBLY,

HAVING CONSIDERED:

Resolutions AG/RES. 426 of 31 October 1979, AG/RES. 481 of 27 November 1980 and AG/RES. 560 of 10 December 1981, which had declared it to be of continuing hemispheric interest

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that an equitable solution be found whereby Bolivia would obtain useful sovereign access to the Pacific Ocean, and

WHEREAS:

The objective indicated in the preceding paragraph must be accomplished in a spirit of brotherhood and American integration to strengthen the stable peace that will stimulate economic and social

progress in the area of the Americas directly affected by the consequences of the confinement that affects Bolivia,

RESOLVES:

1. To reaffirm Resolution AG/RES. 426, approved on 31 October 1979 and ratified by the subsequent resolutions of the 10th and 11th regular sessions of the General Assembly.

2. To recommend, once again, to the Parties directly involved in this problem to commence negotiations in an effort to give Bolivia a free and sovereign territorial connection to the Pacific Ocean.

3. To invite the interested Parties to inform the Permanent Council, when they deem it suitable to do so, of the progress made in applying the recommendation contained in the previous paragraph.

4. To continue the discussion of the “Report on the maritime problem of Bolivia” at the next regular session of the General Assembly.

THE PRESIDENT: Thank you very much. The Foreign Minister of Bolivia has the floor.

THE REPRESENTATIVE OF BOLIVIA (Mr. Velarde): Mr. President, I would like to present the draft resolution and explain it. This draft, corrected, is a draft that does not reflect everything that Bolivia would like, but it does, in a cordial and amicable spirit, intend to reaffirm the framework of principles in Resolution 426 of 31 October 1979. Whereas the clauses in the draft resolution cite the three resolutions approved by this Assembly in 1979, 1980 and 1981, respectively, which specifically mention the continuing hemispheric interest in finding an equitable solution whereby Bolivia would obtain useful sovereign access to the Pacific Ocean. This hemispheric interest in solving Bolivia's landlocked status was mentioned in the preamble to the three resolutions already mentioned and also in a prior declaration of the Permanent Council of the OAS.

The considerations paragraph of this resolution is a repetition of the one included in the resolution of 1979 and the mention of the need for a stable peace

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was also mentioned at that time, not as a prevention of a potential armed conflict, but on the contrary in the most positive spirit of the overall concept of peace. And as Pope John Paul II has said, to be real and lasting, peace must be human and give importance among its elements to justice and equity. And we must

remember that this Pontiff, when he visited this very room in October 1979, said that the American continent counted on the OAS as an organization entrusted with ensuring the greatest continuity in the dialogue between governments and with promoting peace.

Along these lines, the distinguished President of this Assembly and Foreign Minister of Colombia, Dr. Rodrigo Lloreda Caicedo, rightly told us four days ago that ultimately the road to peace, in the words of President Betancur, would require us not only to reduce the subjective agents that inspire violence, but also to conquer the objective agents, i.e., injustice and backwardness. It is this thought that reinforces the considerations paragraph which, I repeat, was already approved in 1979 by the ninth OAS General Assembly. In the operative part, point 1 reaffirms the 1979 resolution in particular because it was the first in which the countries on the Continent expressed the framework in which possible solutions to Bolivia's confinement must be sought, and although this resolution was ratified in 1980 and 1981, we believe that it warrants a special mention again. Point 2 recommends to the parties affected by the problem that they negotiate the search for a solution that would allow Bolivia to connect to the Pacific Ocean through a free and sovereign expansion of its territory. This paragraph simply repeats the call on the Parties to negotiate, and this invitation is also present in the three resolutions already mentioned, i.e., of 1979, 1980 and 1981. Mr. President, Foreign Ministers, Heads of Delegation, the Government and people of Bolivia, as in 1979, asks its brothers in the Americas to support us by approving this resolution. Thank you very much.

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THE PRESIDENT: Thank you, distinguished Representative of Grenada. Foreign Minister Volio of Costa Rica has the floor.

THE REPRESENTATIVE OF COSTA RICA (Mr. Volio): Thank you, Mr. President. On behalf of several delegations which have a consensus on this important matter, I would take the liberty of respectfully asking the distinguished Representation of Bolivia and the other distinguished delegation cosponsors to consider whether it would be a good idea to replace the current text of the draft resolution with another text, the operative part of which could read as follows:

RESOLVES:

1. To reaffirm Resolution AG/RES. 426, approved on 31 October 1979 and the subsequent resolutions AG/RES. 481 of 27 November 1980 and AG/RES. 560 of 7 December 1981.

2. To recommend, once again, to the Parties directly involved in this problem to commence negotiations in an effort to give Bolivia a free and sovereign territorial connection to the Pacific Ocean.

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3. Either of the Parties may ask that the “Report on the maritime problem of Bolivia” be included at the next regular session of the General Assembly.

Thank you very much, Mr. President.

THE PRESIDENT: Thank you, Mr. Foreign Minister. The Foreign Minister of Bolivia has the floor.

THE REPRESENTATIVE OF BOLIVIA (Mr. Velarde): Provided that the cosponsors who have honored us have no objections and that the amendments to the operative part submitted by the distinguished Foreign Minister of Costa Rica are going to have an absolute consensus—although nothing in this world is absolute—the Delegation of Bolivia, at the suggestion of many of its friendly countries, would withdraw operative point 3 of the draft resolution in the interest of friendship and giving time for the OAS mechanisms to adjust better to the resolution of problems like the one that concerns us. Operative point 3 introduced an invitation to the Parties, respecting their sovereign will and asking them to report to the Permanent Council on the progress made with this resolution, and we said to the Permanent Council because this is the body in our Inter-American system that meets on a permanent basis and could be informed at any time; we did not say the General Assembly, since it only meets once a year, and frankly we believe and optimistically wish that future negotiations could be held and would allow the Parties to inform the Member States in a timely manner through the Council.

I would note that this paragraph was an invitation that respected the sovereign will of each party to inform or not to inform; it did not require them, but only invited them to do so. I want to stress again that Bolivia will withdraw this paragraph to facilitate the dialogue that we are seeking within a spirit of brotherhood. One more thing, Mr. President: we also agree to the amendments introduced by the distinguished Foreign Minister of Costa Rica, because they come from the vast majority of friendly countries, asking that this resolution be

voted upon in the manner in which it was just presented by the Foreign Minister of Costa Rica. Thank you very much.

THE PRESIDENT: Thank you very much. I want to summarize and would like to clarify this point. The Foreign Minister of Costa Rica has asked that the following changes be made to the operative part: in the first part, to change the wording to indicate reaffirmation of Resolution 426, approved on 31 October 1979, as well as those of Resolutions 481 of 27 November 1980 and 560 of 10 December 1981, in order to make this point of view clearer by specifically mentioning the background. I believe that the Foreign Minister of Bolivia would not have any objection to this change, which is purely procedural. The second point would remain as it is in the draft. And instead of points 3 and 4 in the draft, the Foreign Minister of Costa Rica proposes a point 3 that would say that either

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of the Parties may request inclusion of the “Report on the maritime problem of Bolivia” at the next regular session, or to be discussed... What exactly does the text say, Mr. Foreign Minister?

THE REPRESENTATIVE OF COSTA RICA (Mr. Volio): The text says that it may request the inclusion of the “Report on the maritime problem of Bolivia” in the next regular session of the General Assembly.

THE PRESIDENT: That means that points 3 and 4 would be merged. Well, the Foreign Minister of Bolivia agrees to the elimination of point 3, but I would like to know whether he agrees with the text proposed by the Foreign Minister of Costa Rica to replace point 4, because it says “either of the Parties,” which in practice is the same thing, because either of the two countries can request the inclusion of the issue. The only thing is that in the draft resolution, point 4 says that the topic would continue being considered in all manners, regardless of whether the Parties so request, so there is a slight discrepancy in nuance that I want to clarify. The Foreign Minister of Bolivia has the floor.

THE REPRESENTATIVE OF BOLIVIA (Mr. Velarde): Mr. President, since there is a consensus, my Delegation would have no objection to supporting the text presented by the distinguished Foreign Minister of Costa Rica. Thank you.

THE PRESIDENT: Thank you very much, Mr. Foreign Minister. The Representative of Venezuela has the floor.

THE REPRESENTATIVE OF VENEZUELA (Mr. Giménez): Thank you very much, Mr. President. There are many ties and historical reasons that lead us to support the Bolivian people in their efforts to obtain one of their most cherished aspirations, which is its outlet to the sea. These have been explained on various occasions, and therefore I will not spend any time on them. But there are also current reasons related to the balanced development of the Inter-American community that also support the legitimacy and justice of this aspiration. That is why Venezuela has cosponsored this draft resolution, because we believe that it places Bolivia's aspiration within a framework of justice, equity, understanding and fraternity, in which Venezuela always believes that these problems between the sister nations of the Continent should be resolved. Moreover, in keeping with the proposal by the Foreign Minister of Costa Rica, and adopting the Foreign Minister of Bolivia's attitude of conciliation and seeking an understanding, I confirm my agreement with the changes that have been proposed. Thank you very much.

THE PRESIDENT: Thank you very much, Mr. Ambassador of Venezuela. The Representative of Argentina has the floor.

THE REPRESENTATIVE OF ARGENTINA (Mr. Quijano): Thank you very much, Mr. President. In the long history of the Inter-American nations,

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the confinement of Bolivia has been a cause of constant consideration, and for Argentina it is a cause of major concern that has been reflected over the years in numerous instruments and declarations in which my country has expressed its aspiration and confidence that our neighbor and sister Republic, with bonds born of our shared history, will achieve its sovereign outlet to the Pacific. The OAS General Assembly has made a pronouncement on the issue in the past three years at its meetings in La Paz, Washington, and then in Saint Lucia. This shows that the Organization is very interested in the problem and hopes that the Parties will take steps to seek a solution. We therefore agree that this call be repeated on terms similar to the ones that we have been using.

But we think that we would be entering dangerous terrain if we attempt to move too far ahead on these precedents. The objective should be a heartfelt, brotherly recommendation that a solution be sought for this problem, taking into account the rights and interests of the parties involved. We are convinced that in these cases, the fundamental contribution that our Organization could make is persuasion. Our position is very clear. We trust that Bolivia will solve its problem and can again have a coastline on the Pacific Ocean, and we also trust that this

solution will be reached in broad, free negotiations between the parties directly involved, which are sister nations of Argentina. On these bases we support the draft resolution in the form in which it was made because it encourages its purposes, but we also express some reservations about any aspects that could introduce an element that affects the liberty of the Parties in any eventual negotiations.

In that regard, we want to make the following points clear: one, the recommendation that this Assembly makes is understood in the context of full respect of the treaties in force between the interested parties, for whom a solution to the problem falls to, and two, the resolution adopted does not affect the right of the interested Parties to sovereignly determine all matters related to the negotiations mentioned. Thank you very much.

THE PRESIDENT: Thank you, Mr. Ambassador. The Representative of Panama once again has the floor.

THE REPRESENTATIVE OF PANAMA (Mr. Castulovich): Thank you once again, Mr. President. Mr. President, as a cosponsoring country of this draft, I want to state that Panama gives its solidary support to Bolivia, and therefore, a draft that is all right with Bolivia is also all right with Panama. The Foreign Minister of Bolivia has said that Bolivia accepts the reforms submitted by the distinguished Foreign Minister of Costa Rica, Dr. Volio, and it also seemed to me when I listened to Foreign Minister Velarde that his country asks that the draft be submitted to a vote in the form amended by the proposal of Costa Rica. I think, Mr. President, that we should take the temperature of the Room, because this Delegation's impression is that the amended draft has the broad acceptance in the Room, and we could move towards approving it. Thank you very much.

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THE PRESIDENT: Thank you, Mr. Representative. The Representative of Colombia has the floor.

THE REPRESENTATIVE OF COLOMBIA (Mr. Posada): Thank you, Mr. President. The Delegation of Colombia, at this twelfth regular session of the OAS General Assembly, announces its vote in favor of the draft regarding the maritime problem of Bolivia, item 21 on the agenda, with the changes presented by the Foreign Minister of Costa Rica, which have been accepted by the Foreign Minister of Bolivia. Its decision is based on the following considerations: it is an issue that has been on the OAS agenda for several years and therefore reflects the continental concern with the problems resulting from the landlocked isolation of our sister Republic of Bolivia and the desire to seek equitable solutions to a

situation that is clearly real. The resolution merely recommends the resumption of negotiations between the interested Parties. Therefore, it is a legally viable solution that in no way violates the legitimate rights of the States involved, nor does it attempt to ignore the treaties in force. Consequently, my Delegation announces its vote in favor of the draft resolution being discussed right now. Thank you very much.

THE PRESIDENT: Thank you very much, Mr. Ambassador. The Representative of the United States has the floor.

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THE PRESIDENT: Thank you, Mr. Representative. He has proposed the formation of a working group to reconcile the terms between the parties involved in this issue. It is a proposal that we should naturally consider, whether we accept it or not. The Foreign Minister of Bolivia has the floor.

THE REPRESENTATIVE OF BOLIVIA (Mr. Velarde): Mr. President, I believe that the proposal by the distinguished Representative of the United States is somewhat untimely. We have maintained a loyal and constant dialogue with the Delegation of the United States throughout this Assembly, and it never even suggested what it is proposing now. We do not want to think that its last minute stance is an indication of a change in the bases of all the matters that we have agreed to discuss in our bilateral relationship. It is no secret that we have held many talks, many meetings and countless negotiations to reach this resolution. In some of them, the Delegation of the United States did participate. Meanwhile, my Delegation has been more than generous in the negotiations, but everything has a limit, and I must point out that Bolivia does not accept the proposal of the United States, not only because it is untimely, but also because it will not lead to a positive result for the OAS or for the justice of our cause. We therefore do not agree with the dilatory idea of organizing special commissions. This is the Commission, Mr. President. Thank you very much.

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THE PRESIDENT: Thank you very much, Mr. Representative. I understand that it is a suggestion, an offer of good offices, to seek consensus on the text. However, through the various speeches, I have understood that one of the Parties who would have to participate in that group, indisputably Bolivia, finds

the proposal to be untimely because of the efforts that have already been made during the last hours in an attempt to obtain precisely that consensus. In other words, to a certain point, this process, this procedure now suggested by the Representative of the United States, with the best intentions, has been completed and since there is therefore no willingness to resume a procedure that has already been tried, it gives me the impression that the proper thing would be to go to the merits of the question and to submit the draft resolution to a vote with the changes that have already been suggested and accepted by Costa Rica and Bolivia. Under these circumstances I am therefore going to request that we proceed to a vote with the changes to the operative part that I have already had the opportunity to read. I do not think that there is any need to reread the text. Therefore, I submit the draft resolution to a vote. The Representatives who are in favor will so indicate by raising their hands. [Voting.] The result of the vote is 23 votes in favor, none against and three abstentions. The draft resolution is approved. [Applause.] The Foreign Minister of Bolivia has the floor.

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THE REPRESENTATIVE OF BOLIVIA (Mr. Velarde): Mr. President, I want to thank the distinguished Representatives of Panama, Nicaragua, Mexico, Grenada, Venezuela, Argentina, Colombia and the Dominican Republic for their comments. I would also like to take this opportunity to express the profound gratitude of my Government and my people for the resolution that has just been approved by this OAS General Assembly, which is reminiscent of the spirit of the General Assembly held in the city of La Paz, in 1979.

My homeland, the favorite daughter of the Liberator, as it was referred to by Simón Bolívar, acknowledges with satisfaction the continental solidarity that it has just received again, but since Bolívar's battles are not over, Mr. President, we will have to continue the efforts for Bolivia to have a sovereign, free and useful access to the Pacific Ocean. We want to follow a pathway of peace, friendship and American integration. In conclusion, Mr. President, I want to say that there is nothing more unjust than failure to oppose injustice. That there can be no greater injustice in this case than silencing the injustice. Just as there is nothing more gratifying than repairing an injustice. Thank you very much, Mr. President; thank you, Foreign Ministers.

THE PRESIDENT: Thank you very much, Mr. Foreign Minister. The Representative of Guatemala has the floor.

THE REPRESENTATIVE OF GUATEMALA (Mr. Marroquín): Thank you very much, Mr. President. I would like to make a very brief statement on

behalf of my Delegation. Mr. President, in the Preparatory Commission of the General Assembly, Guatemala voted in favor of including the "Report on the maritime problem of Bolivia" on the agenda of the same, as a question of principle because it believes that any of the member countries have the right to request the treatment of an issue by the Assembly. Guatemala maintains cordial and friendly relations with Chile and with Bolivia. And it abstained from voting on the resolution that was just approved to maintain its impartiality on the problem that involves both nations. But it would like point out its fervent desire that a peaceful, equitable and fair solution to that dispute can be reached through dialogue and negotiations between the interested Parties. Thank you, Mr. President.

THE PRESIDENT: Thank you. The Representative of the United States has the floor

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THE PRESIDENT: Thank you. The Foreign Minister of Uruguay has the floor.

THE REPRESENTATIVE OF URUGUAY (Mr. Maeso): Thank you, Mr. President. Mr. President, this resolution recommends that the interested Parties start negotiations to resolve the question, a solution that has always had the support of our country. It will thus be up to them, acting sovereignly, to find the desired solution, and it will have to be sought with a constructive spirit and through the path of respect for the legal order and the ideal of dialogue that motivates the nations in the American globe. We therefore give our vote because we believe that this resolution is based on the principle of peaceful solution while at the same time reaffirming this principle, which traditionally governs the international policy of Uruguay and ultimately consists of a philosophy based on agreement and on the understanding that is in turn rooted in the most authentic sentiments of our nationality. Thank you, Mr. President.

THE PRESIDENT: Thank you very much, Mr. Foreign Minister of Uruguay. The Foreign Minister of Paraguay has the floor.

THE REPRESENTATIVE OF PARAGUAY (Mr. Nogués): Mr. President, my Delegation voted in favor of the draft resolution that has just been approved, with the express reservation that we believe, conforming to what we have stated on prior occasions, that said resolution must be interpreted as an exhortation to the Parties involved in the so-called "maritime problem of Bolivia"

to find a solution through peaceful negotiations. Therefore, Mr. President, Paraguay reiterates and notes that, respectful of the sovereignty of nations and faithful to its policy of non-intervention in the internal affairs of other States, what is called the maritime problem of Bolivia must be conducted within the principles established in Article 3 of the OAS Charter. Thank you very much.

THE PRESIDENT: Thank you very much, illustrious Foreign Minister of Paraguay. The Foreign Minister of Peru has the floor.

THE REPRESENTATIVE OF PERU (Mr. Arias): Thank you, Mr. President. There are spiritual ties between Bolivia and Peru rooted in their

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shared history. It is by virtue of these ties and that history that Peru understands the Bolivian maritime issue. Therefore, at all times, it has shown concrete indications of its political will to contribute to its solution in the framework of full respect of the treaties in force between the Parties. Therefore, the Delegation of Peru reiterates, as on prior occasions, that the recommendation again made by this Organization can only be understood with respect for the sovereignty, interests and rights established in the legal framework in force between the Parties who have responsibility for and jurisdiction over this matter. We believe that it is appropriate to point out that a hasty resolution does not and cannot affect the right of the parties directly involved to sovereignly determine all matters related to these negotiations. Thank you very much, Mr. President.

...

Annex 428

Letter from the President of Colombia to the President of Chile,
18 November 1983

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

REPUBLICA DE CHILE
MINISTERIO DE RELACIONES
EXTERIORES

TEXTO DE LA INVITACION DEL PRESIDENTE
BETANCUR AL PRESIDENTE PINOCHET

Bogotá, noviembre 18 de 1983.

Excelentísimo Señor
General Augusto Pinochet
Presidente de Chile
Santiago.

Excelentísimo Señor:

Con mi más atento saludo, quiero expresarle mi especial complacencia ante la aprobación hecha hoy en Washington, por la Asamblea General de la O.E.A., de una Resolución mediante la cual se exhorta a Bolivia y Chile a "superar las dificultades que los separan, incluyendo en especial una fórmula que haga posible dar a Bolivia una salida soberana al Océano Pacífico, sobre bases que consulten las reciprocas conveniencias y los derechos e intereses de las Partes involucradas".

El voto favorable de Chile y Bolivia, y el respaldo unánime de toda la comunidad americana a los puntos resolutivos, significa un paso sustantivo en el camino del diálogo y el entendimiento entre las dos naciones hermanas.

Con el fin de avanzar en los propósitos enunciados, sería particularmente honroso para Colombia servir de sede para un encuentro, en fecha próxima, de los dos Gobiernos, representados por sus Ministros de Relaciones Exteriores. En tal sentido, me es grato invitar a su Gobierno a participar en dicha Reunión, con la certeza de que ello contribuiría al acercamiento de los dos países y constituiría un admirable ejemplo de madurez política para el hemisferio y el mundo.

Del Señor Presidente, con sentimientos de especial consideración, y aprecio,

BELISARIO BETANCUR
PRESIDENTE DE COLOMBIA

REPUBLIC OF CHILE
 MINISTRY OF FOREIGN
 AFFAIRS

TEXT OF THE INVITATION FROM PRESIDENT

BETANCUR TO PRESIDENT PINOCHET

Bogota, 18 November 1983.

His Excellency
 General Augusto Pinochet
 President of Chile
 Santiago.

Your Excellency:

With my highest regard, I would like to express my immense satisfaction with the adoption today in Washington by the General Assembly of the OAS of a resolution calling on Bolivia and Chile “[to] overcom[e] the difficulties that separate them – including, especially, a formula for giving Bolivia a sovereign outlet to the Pacific Ocean, on bases that take into account mutual conveniences and the rights and interests of all parties involved.”

The favorable vote by Chile and Bolivia, and the unanimous support from the American community to the operative paragraphs of such resolution, means a substantive step forward on the road leading to dialogue and to an understanding between both sister nations.

With the aim of advancing the above purposes, Colombia would be particularly honored to serve as a venue for the meeting to be held in the near future by the two Governments represented by their Ministers of Foreign Affairs. In that regard, I am most pleased to invite your Government to take part in such meeting, for I am certain that it will contribute to a rapprochement between the two countries and will constitute an admirable example of political maturity to the Hemisphere and the world.

I take this opportunity to extend to you my immense appreciation and consideration,

BELISARIO BETANCUR
 PRESIDENT OF COLOMBIA

Annex 429

Official Message from the Embassy of Chile in Peru to
the General Directorate for Foreign Policy of Chile,
21 December 1983

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

REPUBLICA DE CHILE MINISTERIO DE RELACIONES EXTERIORES		EJEMPLAR: 1	PAGINA: 1 <i>864</i>
		MINUTA POLITICA	0356472
		MENSAJE OFICIAL	
CLASIFICACION RESERVADO	NUMERO 843	HORA ORIGEN 211652	MES DICIEMBRE
			AÑO 1983
DE: EMBACHILE PERU			
A: DIGEN INFO C. A. M. DIPLAN			
COMINF			
<p>PRESIDENTE SILES SUAZO, DE PASO AYER POR LIMA, LUEGO PARTICIPAR CUMBRE PRESIDENCIAL CARTAGENA, DECLARO PROXIMAMENTE CANCILLERES CHILE Y BOLIVIA SE REUNIRAN BOGOTA, "PARA ENCONTRAR FORMULA SOLUCION A PROBLEMA ENCLAUSTRAMIENTO SU PAIS". ASIMISMO, PRECISO PLAN ACERCAMIENTO AMBOS PAISES, SURGIDO SENO OEA, "HACE VISLUMBRAR QUE SE CONCRETARA VIEJO ANHELO DE BOLIVIA DE TENER SALIDA AL MAR".</p>			
WINTER			
REFERENCIA PROHIBIDO FOTOCOPIAR SIN AUTORIZACION O REPRODUCIR SIN PARAFRASEAR	DECLARACIONES PRESIDENTE SILES SUAZO EN LIMA.  OPERADOR J. B. J. VERB CLAVE 17954 CORRELATIVO 17954		
FECHA 21/12/83	HORA LLEGADA 211920	HORA PROCESO 19:39:34	

COPY: 1 PAGE: 1

REPUBLIC OF CHILE

MINISTRY OF FOREIGN AFFAIRS

AREA: POLITICAL AFFAIRS

OFFICIAL MESSAGE

Classification	Number	Time of delivery	Month	Year
CONFIDENTIAL	843	211652	DECEMBER	1983

From : Embassy of Chile in Peru (EMBACHILE PERU)

To : Foreign Policy General Division (DIGIN) INFO C.A.M. Office of Planning (DIPLAN)

COMINF

PRESIDENT SILES SUAZO, ON A VISIT TO LIMA YESTERDAY, AFTER PARTICIPATING IN THE PRESIDENTIAL SUMMIT IN CARTAGENA, STATED THAT THE CHILEAN AND BOLIVIAN FOREIGN MINISTERS WOULD MEET IN BOGOTA SOON "TO FIND FORMULA SOLUTION TO THE CONFINEMENT PROBLEM OF HIS COUNTRY." HE FURTHER NOTED THAT THE RAPPROCHEMENT PLAN, DEVELOPED AT THE OAS, "ALLOWS IT TO BE INFERRED THAT BOLIVIA'S AGE-OLD DESIRE TO GET AN OUTLET TO THE SEA WILL COME TRUE."

WINTER

REFERENCE: STATEMENTS OF PRESIDENT SILES SUAZO IN LIMA
 PHOTOCOPYING THIS DOCUMENT OR REPRODUCING IT WITHOUT PARAPHRASING IS FORBIDDEN.

OPERATOR: J.S.J.

SIGNATURE: [signature]

DATE: 12/21/83 TIME OF RECEIPT: 211920 TIME OF PROCESS: 19:39:34

Sequential: 19954

Annex 430

Official Message from the Consulate General of Chile
in Bolivia to the Directorate of Bilateral Affairs of the
Ministry of Foreign Affairs of Chile, 26 June 1984

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

OFICIAL		OFICIAL													
REPUBLICA DE CHILE MINISTERIO DE RELACIONES EXTERIORES				EJEMPLAR: 8	PAGINA: 1										
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				317											
MENSAJE		OFICIAL													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>CLASIFICACION</th> <th>NUMERO</th> <th>HORA ORIGEN</th> <th>MES</th> <th>AÑO</th> </tr> </thead> <tbody> <tr> <td>RESERVADO</td> <td>159</td> <td>261200</td> <td>JUNIO</td> <td>1984</td> </tr> </tbody> </table>		CLASIFICACION	NUMERO	HORA ORIGEN	MES	AÑO	RESERVADO	159	261200	JUNIO	1984				
CLASIFICACION	NUMERO	HORA ORIGEN	MES	AÑO											
RESERVADO	159	261200	JUNIO	1984											
DE: CONGECHILE LA PAZ A: ✓DIBILAT INFO DIMULTI															
<p>COMINF. REMITELEX 158</p> <p>1. -ANOche, LUEGO ENTREVISTA CON PRESIDENTE SILES, CANCELLER FERNANDEZ EMITIO DECLARACIONES SENALANDO CONVERSACION SOSTUVO CON US. (CARTAGENA) NO PRESUPONE -EN NINGUN MOMENTO- UN ACERCAMIENTO HACIA REANUDACION RELACIONES. SOLO SE HABLO -DIJO- SOBRE PROCEDIMIENTOS Y ESTADO DIALOGO ACORDADO ASAMBLEA O. E. A. ANO PASADO.</p> <p>2. -AL PREGUNTARSELE SI POSICION BOLIVIANA MANTENIASE SENTIDO PEDIR A CHILE RESOLVER ASUNTO MARITIMO ANTES ESTABLECER VINCULOS DIPLOMATICOS, INDICO: "SI, LINEA SIGUE SIENDO LA MISMA, NO HA CAMBIADO EN ABSOLUTO".</p> <p>3. -ASIMISMO REITERO CONTINUARA -PROXIMOS DIAS- CONSULTAS TANTO A NIVEL POLITICO COMO INSTITUCIONAL, OBJETO DEFINIR POSTURA Y ESTRATEGIA SEGUIR. ANADIO ESTAS SE EXTENDERAN HASTA JULIO O AGOSTO PROXIMO.</p> <p>4. -FERNANDEZ RECONOCIO QUE SRS. MINISTROS DEL VALLE Y LLOREDA CACEO COMPRENDIERON RAZONES BOLIVIA, POR LO CUAL RESOLVIERON REEXAMINAR AVANCE SITUACION MES SEPTIEMBRE ANTES, DURANTE O DESPUES ASAMBLEA GENERAL O. N. U. (NUEVA YORK). ESTE ENCUENTRO TENDRIA CARACTER PREPARATORIO. "VERIAMOS EN QUE SITUACION ESTAMOS Y COMO AVANZAMOS PARA EL FUTURO".</p> <p>5. -FINALMENTE CALIFICO ENTREVISTA BOGOTA COMO POSITIVA PUES EXISTE VOLUNTAD "AVANZAR CON PRUDENCIA Y FIRMEZA EN UN TEMA QUE TIENE LA MAYOR IMPORTANCIA".</p> <p style="text-align: right; margin-top: 20px;"><i>América Rehabsmitir a Missiones para Aclarar Referencia: Encuentro Cartagena</i></p>															
PADILLA <i>América Rehabsmitir a Missiones para Aclarar Referencia: Encuentro Cartagena</i>															
REFERENCIA: ENCUENTRO CARTAGENA.															
PROHIBIDO FOTOCOPIAR SIN AUTORIZACION O REPRODUCIR SIN PARAFRASEAR															
			J. F. T. OPERADOR <i>V. B° CLAVE</i>												
FECHA 26/06/84 HORA ALLEGADA 261257			HORA PROCESO 13: 49: 28 CORRELATIVO 09830												

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REPUBLIC OF CHILE
MINISTRY OF FOREIGN AFFAIRS

AREA: POLITICAL AFFAIRS

090225

OFFICIAL MESSAGE

317

Classification	Number	Time of delivery	Month	Year				
CONFIDENTIAL	159	261200	JUNE	1984				
From	CONGECHILE LA PAZ							
To	DIBILAT INFO DIMULTI							
COMINF RE: My telex No. 158								
1. Yesterday evening, after meeting with President Siles, Minister of Foreign Affairs Fernández issued a statement describing conversations held with you in Cartagena. At no time did he assume that a rapprochement toward the restoration of relations would be likely. The conversation, he said, focused only on procedures and on the status of the discussions agreed upon during last year's OAS Assembly. 2. When asked whether the Bolivian position requiring Chile to resolve the maritime issue before establishing diplomatic ties made any sense, he replied: "Yes, our stance remains the same. Nothing has changed at all". 3. He further reiterated that consultations would continue in the coming days, both at the political and at the institutional levels, with the aim of defining the stance and the strategy to follow. He added that these would extend until next July or August. 4. Fernández acknowledged that Ministers del Valle and Lloreda Caicedo understood the reasons behind Bolivia, in respect of which they agreed to reassess the progress of the situation in September, before, during, or after the UN General Assembly (New York). This meeting will be preparatory. "We will see where we are standing and how we will move forward thereafter". 5. Finally, he described the Bogotá meeting as positive, for there is a willingness to "move forward with caution and determination in respect of an issue of the utmost importance".								
Padilla	[Handwritten:] America. Forward to Missions in the usual manner.							
REFERENCE: CARTAGENA MEETING. PHOTOCOPYING THIS DOCUMENT OR REPRODUCING IT WITHOUT PARAPHRASING IS FORBIDDEN.								
OPERATOR: J.F.T..			SIGNATURE: [Signature]					

DATE: 26/06/84 TIME OF RECEIPT: 261257 TIME OF PROCESS: 3:49:28 Sequential: 09830

Annex 431

Minutes of the 2nd Plenary Meeting of the OAS
General Assembly, 12 November 1984 (extract)

(English translation)

Organization of American States, General Assembly, Fourteenth Regular Session,
OEA/Ser.P AG/Actas 200/84, 12 November 1984, pp 1-9

...

FOURTEENTH ORDINARY PERIOD OF MEETINGS
November 12, 1984
Brasilia, Brazil

OAS/Ser. P
GA/MINUTES 200/84
12 November 1984
Verbatim

MINUTES OF THE SECOND PLENARY MEETING

Date: Monday, 12 November 1984.
Time: 4.30 p.m.
Place: Itamaraty Palace
President: Mr. Ramiro Saraiva Guerreiro,
Minister of Foreign Affairs of Brazil.

Present: Messrs.

Isidro Morales Paúl	(Venezuela)
Joseph Edsel Edmunds	(Saint Lucia)
Edmund H. Lake	(Antigua and Barbuda)
J. William Middendorf, II	(United States)
Jorge Sábato	(Argentina)
Jorge Eduardo Tenorio	(El Salvador)
Bernardo Sepúlveda Amor	(Mexico)
Jean-Robert Estimé	(Haiti)
Jaime del Valle	(Chile)
Luis Pércovich Roca	(Peru)
Carlos José Gutiérrez	(Costa Rica)
Gustavo Fernández Saavedra	(Bolivia)
Clement T. Maynard	(Bahamas)
Nora Astorga	(Nicaragua)
Carlos A. Maeso	(Uruguay)
William V. Herbert	(San Cristobal and Nieves)
José A. Vega Imbert	(Dominican Republic)
Fernando Cardoze Fábrega	(Panama)
Carlos A. Saldívar	(Paraguay)
Keith Johnson	(Jamaica)
Fernando Andrade Díaz-Durán	(Guatemala)
Fernando P. Simas Magalhães	(Brasil)
Augusto Ramírez Ocampo	(Colombia)
Albert O. Xavier	(Grenada)
James O'Neil Lewis	(Trinidad and Tobago)
Cecil M. Johns	(Saint Vincent and the Grenadines)
Franklin A. Baron	(Dominica)
Frank A. Antonius	(Suriname)
Edgar Terán Terán	(Ecuador)
Roberto Martínez Ordóñez	(Honduras)
Luis R. Tull	(Barbados)
João Clemente Baena Soares	(Secretary General of the OAS)
Val T. McComie	(Assistant Secretary General)

[p 2]

...

1. Statements of the Chilean Minister of Foreign Affairs

The PRESIDENT: The Chilean Minister of Foreign Affairs, Mr. Jaime del Valle, first has the floor.

The MINISTER OF FOREIGN AFFAIRS OF CHILE (Mr. del Valle):
 Mr. President, I would like to begin my statement by offering, on behalf of my Government and myself, our congratulations on your election for such an honorable position. It is a well-deserved acknowledgement of your personal qualities and your outstanding career as Minister of Foreign Affairs of your Country.

In addition, I would like to reiterate my special satisfaction in seeing the distinguished Brazilian diplomatic representative, Ambassador João Clemente Baena Soares, in charge of our Organization. I extend to him, once again, our sincere wishes of success in the fulfillment of his duties and my Government's dedicated collaboration.

At the same time, I am very glad to highlight the warm welcome received by the Brazilian people and how pleased we are to be in Brasilia. I am sure that this will be the most suitable context to work on issues that concern us in a fruitful manner.

The American community has recently received the incorporation of San Cristobal and Nieves to the Organization of American States with a wholehearted welcome. As this General Assembly is the first to actively incorporate that American country, I am especially pleased to express the satisfaction of the Government of Chile to have San Cristobal and Nieves in this regional body.

[p 3]

On prior opportunities, several Heads of Delegations have already stated their opinion on the imperative need to revitalize the mechanisms that our Inter-American system counts on. In our regular meetings, we have been constantly looking for a way to make the operations of the Organization of American States more effective.

A decade ago, the Organization of American States entrusted a special commission with the study of the measures that would be necessary to achieve the desired agility of the System. From that moment on, efforts to consolidate the validity of the fundamental principles on which our countries' coexistence is based have multiplied.

Joined by our history and a common sense, we eagerly look for the political, economic, and social unity and solidarity, which allow us to achieve the Pan-American dream of the Fathers of Independence.

History and experience have shown us how large the gap is in our hemispheric relations, due to the lack of that union and solidarity and the lack in agility of the Organization.

Thus, a political willingness to work together is needed in order to get around the great challenges that is imposed on our countries by current times; the same that would difficultly be overcome with only the individual effort of each of the American States.

America should observe with special attention not only its regional domain, but also the global community where it necessarily has to perform. We should not stray from such a reality nor leave our current responsibility to the generations to come.

Despite the countless efforts made, we must note, with bewilderment and indisputable apprehension, that our main challenges have not been overcome yet; and, today more than ever, the call from a decade ago to strengthen our action is still in force and it is an imperative we cannot ignore.

However, these years were not in vain. They allowed each of us and all American countries to get closer to a better diagnosis of the causes that prevented our people from reaching adequate development, and to discover the defects of the mechanisms that we currently have available to us.

In the opinion of the Government of Chile, the reasons preventing our nations from reaching a better progress are mainly two: Lack of a real political willingness to reach a greater and more effective American integration, and gradual abandonment of the governing principles on which the instruments of the Inter-American system today have been conceived and based; and of which I especially remark the respect for sovereignty of each Member State and the non-intervention in their domestic affairs.

[p 4]

My Government is convinced that it is an unavoidable imperative to be aware of this, and to translate it into specific and global actions tending to overcome this picture of immobilization as soon as possible.

This morning, the President of Brazil, His Excellency Mr. João Figueiredo, explained to us the role international cooperation should play as an instrument to speed up the process of overcoming the difficulties that afflict us.

In that sense, my Government has determined that when the countries of the Inter-American System so intend it, it is possible for them to collectively and successfully face a particular crisis situation by resorting to the appropriate mechanisms.

That is the case, Mr. President, of the recent deliberations of the Special Committee for Consultation and Negotiation regarding the possible application of restrictions on exports of some basic goods from our countries to the main consumer market on the Continent.

Beyond all doubt, the fact that these eventualities did not finally succeed was mainly due to the support of the Member States of the regional organism; and also, due to an understanding attitude of the Government of the United States towards the consequences that the adoption of measures that substantially limit the general principle of free trade would have brought to the countries involved, including Chile.

The Government of Chile takes this opportunity to reiterate its public recognition to the Member States of the Organization of American States for the cooperation provided by the referenced Special Committee for Consultation and Negotiation regarding its copper issue.

Should this successful supportive behavior be applied to all other fields of American action, how fast would we bring peace and progress to our peoples!

The positive results achieved in this matter confirm, once again, that when America, as a whole, expresses its will through a single voice, the mechanisms and instruments of the System can properly be applied.

Mr. President, the dizzying technological developments of the last decades are penetrating and influencing American society. Our peoples are beginning to feel the changes, but they also know, by means of the advances in communications, that these developments have occurred in the most developed countries. As an obvious consequence, several expectations have arisen, most

[p 5]

of which our Governments are not able to fulfill, thus leading to the increasing and strong frustration of our current generations.

These unfulfilled expectations only contribute to a suitable environment which strengthens foreign, violence-related ideas in the spirit of our people.

Indeed, scourges such as hunger, misery, violence and terrorism continue to significantly harm the humanist values and principles which motivate our society. We can also mention the crisis that originated with the international economic recession; the lack of understanding in political dialogue and the lack of a true interest to abandon individualism for the sake of universal prosperity, something our people rightfully yearn for.

It is with very deep concern that we observe the worsening of the disequilibrium between our countries and the most developed nations. This gap extends to every field of expression of modern development, and it has been responsible for progressively keeping our desire for integration away.

In this sense, we are especially worried about the maintenance of high interest rates in international financial markets; the continuous and significant deterioration of trade terms, as well as the revival of old protectionist tendencies.

All this has forced our countries to face greater difficulties in order to honorably afford regular payment of their external debts. Our payment capacity is becoming deteriorated at an alarming rate, thus forcing us to use excessive resources which, in other circumstances, we would have allocated to economic development policies of high social content for the medium and long term.

What is the role of the political and economic integration and cooperation mechanisms of the Inter-American System in this dark scenario?

They should undoubtedly play a significantly relevant role. For this, each Member State should commit its will and real cooperation to provide the organism with an effective operational capacity.

Without any doubt, every country at this Assembly has been affected, to a lesser or greater extent, by an increasing social and political instability as a consequence of the economic scenario described. Our humanist principles of solidarity and balanced development are seriously compromised.

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Most developed nations should be fully aware of this obvious reality, as well as our people who should also assume their responsibility. It has been demonstrated that any situation of political and social crisis that is as important as the one being examined progressively and necessarily exceeds any regional or continental border, affecting even those who consider themselves to be away from them.

In this disappointing context, the scourge of terrorism is revitalized. My country gives special attention to this contemporary issue, and it will not cease to strive for hemispheric solutions to stop its continuous development.

In that sense, I am glad to announce to this General Assembly that my country, on 19 September 1984, has ratified the 1971 Washington Convention on terrorism, thus becoming part of the American States who search for concrete solutions to fight against this scourge.

Mr. President, the crisis situation is fertile ground for the return of warmongering ideas which may force our countries to incur in high weaponry expenses. Such resources could be obviously allocated to ease the grave effects of the economic recession, which is currently one of our major concerns.

The Government of Chile honestly appreciates the initiative taken by the sister Republic of Colombia to establish an arms control and military forces inspection mechanism in America. My Government has grant and will continue to grant its support to this noble initiative aimed at reaching lasting and stable peace.

In this sense, it is my country's belief that this proposal should be concluded with the signing of a treaty or agreement on the reduction or limitation of conventional weaponry. Such a treaty could be based on the concepts that gave life to the Treaty of Tlatelolco on the prohibition of Nuclear Weapons in America, already in force.

My Government's suggestion only confirms the traditional pacifist spirit by which my nation is inspired and demonstrates our will to consolidate the basic principles upon which the Inter-American System was originally based.

I would like to take this opportunity at this Inter-American forum, to make a reference to the southern dispute between Chile and Argentina. Thanks to the intervention of His Holiness, Juan Pablo II, the Delegations of Chile and Argentina, meeting in Rome, reached a full understanding for a definite solution to the dispute arisen in that area. This understanding was written down in a document formally delivered to both Governments on 18 October of last year.

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This document, which has the shape of a treaty and which we hope to be signed and ratified soon, will finally resolve the dispute that has arisen in the southern region. It literally states that the boundaries indicated therein shall constitute a final and irrevocable confine, and that both countries renounce any right to future claims or interpretations that are contrary to what was agreed upon.

In addition, the parties expressly confirm their solemn commitment to refrain from ever resorting to any form of threat or the use of force and to always solve by peaceful means all controversies which for any cause have arisen or may arise between them. In this respect, the text includes very important clauses to prevent disputes and to settle them by resorting to the means recognized under international law, particularly, direct negotiation, conciliation, and arbitration.

I believe it is important to point out that the agreed upon text is not only aimed at putting an end to the dispute under mediation at the Holy See, but rather it also opens up very broad and precise prospects for economic cooperation and the physical integration of two sister nations and neighbors, following the wise advice given by His Holiness, Juan Pablo II, in His recommendation.

I avail myself of this opportunity to reiterate, from this tribune, the gratitude of the people and Government of Chile to His Holiness for His continuous and patient efforts to reach a successful outcome in mediation.

I am convinced that this General Assembly will properly value this promising event, which demonstrates that when governments have good faith, mutual respect, political will and future vision, international disputes can always be resolved by amiable means.

Mr. President, the tense situation affecting Central America is a major and constant concern for the Government of Chile and its people, and for that reason we understand the urgent need to develop every possible effort to achieve peace in that distressed region.

With this spirit, Chile has noticed very encouraging signs at the tireless peace efforts developed by the Grupo Contadora, to which we renew, once again, our support and recognition.

My country honestly hopes that a true and effective consensus spirit among every party involved would allow for the kind of dialogue and cooperation necessary to reach authentic and lasting peace in Central America.

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Mr. President, for some time now, Bolivia has been addressing its maritime aspiration to this Assembly. Chile has been willing to jointly analyze that aspiration on several occasions.

My country's position regarding this topic is already well-known and it has been invariable throughout the years. It could not have been any other way since it is based on basic principles governing Inter-American relations, such as the faithful observance of treaties and the principle of non-intervention in the domestic and foreign affairs of States.

Chile cannot recognize the competence of the Organization of American States, or any other international organism over matters which considerably affect its sovereignty and territorial integrity.

Notwithstanding the foregoing, and based on the capacity to understand described above, my country is willing to reach a bilateral dialogue with Bolivia in order to consider, as a whole, all those subjects which are currently affecting the relation between both nations. However, we consider it essential to establish a suitable environment in advance, characterized by good faith, true disposition to dialogue and an effective willingness to seek understanding.

Throughout the years, Chile's position towards Bolivia has been characterized by a deep feeling of respect to its Government officials and the entire Bolivian nation. It has also been demonstrated by Chile's adoption of specific and sustained measures with the view of creating a suitable environment for a better mutual understanding. In this way, Chile's actions have always been consistent with its ideas.

By the end of 1983, Chile started what might have become a process of rapprochement with Bolivia aimed at fully normalize their relations and examine the issues affecting their bilateral relations, without any exceptions.

In this spirit, the Government of my country accepted, in November 1983, the friendly invitation of the President of Colombia, His Excellency Mr. Belisario Betancur, in order to promote the grounds for a Chilean-Bolivian rapprochement.

As a consequence, several meetings with some Bolivian diplomatic representatives were held which allowed for the outlining of the adequate context for bilateral dialogue. Prestigious Colombian diplomatic representatives, including the former Foreign Minister, Rodrigo Lloreda Caicedo, and the current Minister of Foreign Affairs, Mr. Augusto Ramírez Ocampo, decisively collaborated at some of those meetings.

These discussions, as well as the ones I personally had with the Bolivian Foreign Minister, Mr. Gustavo Fernández, in Montevideo, Cartagena

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de Indias, and Mar del Plata this year allowed us to predict a promising future.

Consequently, at the beginning of the current General Assembly of the United Nations, last October, after discussions held with the Bolivian Foreign Minister, we agreed to sign a joint declaration where we would state our will to continue with this process of rapprochement. I personally applied all my will and efforts to meet that end.

However, in the context of those promising discussions, not only did Bolivia unexpectedly insist on the treatment of its maritime aspiration at this General Assembly by bringing it up once again, but it also made reference to this issue at the General Assembly of the United Nations. Such behavior is not consistent with the necessary creation of an environment suitable for dialogue and mutual understanding, a task Chile was honestly determined to accomplish.

My Government will not be able to conduct a serious and thoughtful process of rapprochement with Bolivia so long as that country continues to simultaneously use the forums of international organizations to create a debate atmosphere which is incompatible with a bilateral dialogue.

I avail myself to reiterate, Mr. President, the good intentions and comprehension which inspire Chile on this matter, as well as its willingness to dialogue with Bolivia with the purpose of creating an adequate framework which facilitates bilateral discussion. This is the only acceptable way for a country that, as ours, has historically shown its will to respect the fundamental principles underlying Inter-American relations. Thank you very much, Mr. President. [Applauses]

The PRESIDENT: Thank you very much, Mr. Representative of Foreign Affairs of Chile.

...

Annex 432

Minutes of the 3rd Meeting of the General Committee of
the OAS General Assembly, 15 November 1984 (extracts)

(English translation)

Organization of American States, General Assembly, Fourteenth Regular Session,
OEA/Ser.P/XIV.O.2, 17 September 1985, Vol. II, Part I, pp 350, 368-372, 375-376,
380-382

[p 350]

MINUTES OF THE THIRD MEETING OF THE GENERAL COMMITTEE

Date: 15 November 1984

Time: 10:30 a.m.

Place: Itamaraty Palace – Room “A”

President: Mr. Ramiro Saraiva Guerreiro
Minister of Foreign Affairs of Brazil

Present: Messrs.

Isidro Morales Paúl	(Venezuela)
Joseph Edsel Edmunds	(Saint Lucia)
Edmund H. Lake	(Antigua and Barbuda)
John J. Crowley	(United States)
Jorge Sábato	(Argentina)
Jorge Eduardo Tenorio	(El Salvador)
Rafael de la Colina	(Mexico)
Mónica Madariaga	(Chile)
Luis Pércovich Roca	(Peru)
Carlos José Gutiérrez	(Costa Rica)
Fernando Salazar Paredes	(Bolivia)
Joshua Sears	(Bahamas)
María Mercedes Salgado	(Nicaragua)
Rolando Visconti	(Uruguay)
Kennedy A. Simmonds	(Saint Kitts and Nevis)
Ciriaco Landolfi	(Dominican Republic)
Oscar Vargas Velarde	(Panama)
Carlos A. Saldívar	(Paraguay)
Oswald G. Harding	(Jamaica)
Hernán Hurtado Prem	(Guatemala)
Fernando P. Simas Magalhães	(Brazil)
Augusto Ramírez Ocampo	(Colombia)
Albert O. Xavier	(Grenada)
Basil E. Ince	(Trinidad and Tobago)
Cecil M. John	(Saint Vincent and the Grenadines)
Franklin A. Baron	(Dominica)
Eugenie L. Eersel	(Suriname)
Edgar Terán	(Ecuador)
Roberto Martínez Ordóñez	(Honduras)
Peter D. Laurie	(Barbados)
João Clemente Baena Soares	(Secretary General of the OAS)
Val T. McComie	(Assistant Secretary General)

...

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...

3. Report on the maritime problem of Bolivia (AG/doc.1756) (item 18 on the agenda)

The PRESIDENT: We now have the “Report on the maritime problem of Bolivia” [AG/doc.1756/84]. I ask the Delegation of Bolivia, which had suggested a transposition, whether this is still the case, or whether we are ready to start discussing this item. I give the floor to the Delegation of Bolivia.

The REPRESENTATIVE OF BOLIVIA (Mr. Salazar Paredes): Thank you very much, Mr. President. The Delegation of Bolivia has no objection to considering item 18 on the agenda now.

The PRESIDENT: Thank you very much. We have a note here that appears on document AG/doc.1756/84. I believe that I should first give the floor to the Delegation of Bolivia.

The REPRESENTATIVE OF BOLIVIA (Mr. Salazar Paredes): Thank you very much, Mr. President. In accordance with what was set forth on this issue in the thirteenth General Assembly, at this time my Delegation would like to provide a report on everything that has taken place in relation to it since last year. Consequently, the following is the report that Bolivia provides for this Assembly’s consideration.

On 31 October 1979, the General Assembly of the OAS approved Resolution AG/RES. 426 (IX-0/79), which declared that:

It is of continuing hemispheric interest that an equitable solution be found whereby Bolivia will obtain appropriate sovereign access to the Pacific Ocean

...to consolidate a stable peace that will promote the economic and social progress of the area of the Americas directly affected by the consequences of the landlocked status of Bolivia.

With this proposal, the said resolution recommended that the States concerned with this problem:

... open negotiations for the purpose of providing Bolivia with a free and sovereign territorial connection with the Pacific Ocean... negotiations [that] shall take into account the rights and interests of the parties

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involved, and might consider, among other things, the inclusion of a port area for integrated multinational development, as well as the Bolivian proposal that no territorial compensation be included.

The thirteenth General Assembly of the OAS in Washington, in November 1983, approved Resolution AG/RES 686 (XIII-0/83) calling Bolivia and Chile, for the sake of American brotherhood, to initiate a process of rapprochement and friendship between the nations, aimed at normalizing their relations and overcoming the difficulties that separate them, especially including a formula that would make it possible to give Bolivia a sovereign outlet to the Pacific Ocean on bases that take into account reciprocal conveniences and the rights and interests of the parties involved.

Subsequently, on 19 November 1983, Belisario Betancur, the President of Colombia, invited the Governments of Bolivia and Chile to have their Ministers of Foreign Affairs meet in Bogotá in order to find a solution to the Bolivian maritime problem that includes a useful and sovereign access to the Pacific Ocean.

In order to move these proposals forward, the Ministers of Foreign Affairs of Bolivia and Chile used several international conferences to set up talks aimed at defining the procedure and the context in which Resolution 686 of the OAS General Assembly would be fulfilled.

During the Latin American Integration Association (ALADI) meeting held in Montevideo in April 1984, Bolivia argued that it was necessary to ensure the continuity and depth of the dialogue, and asked for time in which to hold a domestic referendum to reach national consensus about the negotiations, and the result would be proposed to Chile at the next opportunity.

In the Mar del Plata meeting on 20 June 1984, Bolivia proposed commencing the talks with an in-depth discussion of the matter: Bolivian outlet to the Pacific Ocean. The normalization of relations and their official establishment would advance in parallel with the in-depth discussion of the matter. The Minister of Foreign Affairs of Chile offered to respond to the Bolivian proposal at a meeting in New York.

These talks clearly culminated in New York City on the 2nd of last October, when the United Nations General Assembly, in the presence of the Minister of Foreign Affairs of Colombia, reached an agreement regarding the procedure and the scope of the negotiations that would be initiated with a meeting of the Ministers of Foreign Affairs of Bolivia and Chile in Bogotá, to engage in negotiations regarding an array of pending bilateral problems.

A joint communiqué from Bolivia and Chile was to finalize this New York agreement, indicating that the preparatory phase for the

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negotiations had been completed by agreement on their procedures. The Minister of Foreign Affairs of Chile submitted a draft of that communiqué to the Ministers of Bolivia and Colombia on 3 October 1984.

On that same date, the Minister of Foreign Affairs of Chile communicated to the Ministers of Foreign Affairs of Colombia and Bolivia his Government's decision to suspend the signing of the joint communiqué in which the aforementioned agreement would be made public, alleging discrepancies with the text of the speech given by the Bolivian Minister of Foreign Affairs at the UN, which defined the framework of Bolivia's rights to access the sea.

Despite this, in the contacts made through the Minister of Foreign Affairs of Colombia, Bolivia and Chile later proposed to continue the talks. Bolivia prepared to do so, pursuant to the statement issued by its Ministry of Foreign Affairs on the 7th of this month, in the following terms:

Bolivia remains firm in its will to comply with the exhortation of the American countries to hold negotiations with the parties involved within the framework of the Inter-American system and based on the New York agreements.

Bolivia, faithful to its position of principle and respect for the OAS agreements, maintains its proposal to hold frank, open talks with the parties involved, without any conditions, regarding Bolivia's maritime problem and the difficulties that separate the countries of this area.

Mr. President, this is the report that my Government has charged me with presenting to this Assembly for its consideration in this General Committee. Thank you very much.

The PRESIDENT: Thank you very much, Mr. Representative of Bolivia. The Representative of Chile has the floor.

The REPRESENTATIVE OF CHILE (Ms. Madariaga): Thank you, Mr. President. Mr. President, as you all know, Bolivia has insisted on bringing the matter of its maritime aspiration before this multilateral forum. In the last five General Assemblies, my Delegation has repeatedly stated that it does not recognize the authority of this Organization to issue an opinion on situations that are within the exclusive domestic jurisdiction of the States, that affect matters concerning their territorial integrity or the relations between them. We have declared ourselves to be against this Assembly interfering in the manner in which Chile should conduct its bilateral relations. We have not accepted that the OAS, in violation of its own Charter, can issue opinions regarding a border demarcation established by virtue of a treaty. Nor have we been able to accept that there is an Inter-American doctrine or an OAS doctrine on this matter. On the contrary, we feel that the nature

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of the Organization is precisely to defend the sovereignty, territorial integrity, and independence of its members. So the members of the OAS could not very well share opinions at odds with the principles that support the entire hemispheric system. What can be upheld as doctrine is the unanimous opinion of the members of this Organization that the Bolivian maritime aspiration can only be considered bilaterally.

The Delegation of Bolivia has once again qualified its desire to have access to the Pacific Ocean as a right. I must once more remind you of the existence of a treaty that definitively established the borders between Chile and Bolivia. Thus, there are no pending problems between the countries, either of a border or territorial nature. Chile is the only holder of rights over its territory. These rights belong to Chile, not only through the imperative of a treaty, but also because that territory is inhabited by Chileans.

The Bolivian aspiration to have a sovereign outlet to the Pacific Ocean through Chilean territory thus does not constitute a right. The sources of a right have been defined and classified by international law. The rights of my country arise from the first and most qualified of sources recognized by international law, i.e., treaties. On the other hand, the unilateral desire or wish of one party is not a source of international law. The Bolivian aspiration does not, therefore, make Bolivia the holder of a right, nor does it obligate Chile.

Therefore, neither the OAS nor any of its member countries have the authority to opine on rights that have a single and exclusive holder—Chile and its people.

The principle of non-interference has been one of the central pillars of the System of which we are all a part.

Articles 18 and 19 of the OAS Charter are the foundation of Inter-American coexistence and indicate that no State or group of States has the right to intervene directly or indirectly, no matter the reason, in the internal or external affairs of any other; nor can any State apply or promote measures that force the sovereign will of another country in order to obtain advantages of any kind.

If the OAS has repeatedly recommended, called, and recognized that the Bolivian maritime aspiration can only be addressed bilaterally, then why compromise the Organization and insist on actions that exceed its jurisdiction and the respectability of its decisions?

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Chile has reiterated before the hemispheric community its willingness to dialogue with Bolivia, and to bilaterally consider the problems that affect them. Likewise, it has repeated its opposition to this Organization's hearing of matters that appreciably affect its sovereignty and territorial integrity.

We have persistently indicated that this willingness to talk would be seriously affected by the OAS's participation. We have said, from the first time the matter was introduced, that by bringing its aspiration before this forum, Bolivia is making it more difficult to achieve a good understanding.

Last year, making an effort at compromise, Chile agreed to the consensus on the operative part of Resolution 686. It did so to show its spirit and desire for rapprochement with Bolivia, especially bearing in mind the friendly gesture by the distinguished President of Colombia, His Excellency Belisario Betancur, and the predisposition shown by the Government of Bolivia to channel a fruitful dialogue between both countries through a bilateral route. But last year we were also very emphatic in rejecting the interference of this Assembly with regard to how Chile should conduct its international affairs. We accepted the consensus of the operative part that called for starting a process of rapprochement.

In this Assembly's general debate, my Delegation informed the representatives about how this process was conducted during the course of this year. We have invariably insisted that it is difficult to hold bilateral negotiations while Bolivia appeals to a multilateral forum. We made this position clear as recently as a few weeks ago to the honorable Government of Bolivia. Nevertheless, it has again brought this matter before this Assembly; this is being done when the bilateral contacts under the auspices of the Government of Colombia are progressing.

We have learned that it will insist on presenting a resolution involving the Organization in a matter resolved by virtue of a fully effective treaty, which entails, as we have indicated so many times before, interfering in the internal affairs of Chile by issuing opinions on the conduct of its bilateral relations. Chile accepted the cooperation offered by the President of Colombia and does not require a resolution to remind it of the terms under which that cooperation should continue to be implemented. For all of these reasons, Mr. President, my Delegation will vote against any resolution that is submitted in that regard. We are very sorry that this insistence on bringing to this Assembly a matter that affects the sovereignty of my country is disturbing and not contributing to the bilateral dialogue that Chile is willing to continue. Thank you very much, Mr. President.

The PRESIDENT: Thank you, Ms. Representative of Chile. The Representative of Mexico has the floor.

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...

The PRESIDENT: Yes, Mr. Representative of the Dominican Republic. I am going to ask the Secretary to read aloud the text that has just been distributed.

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The SECRETARY: [Reads:]

THE GENERAL ASSEMBLY,

HAVING SEEN:

Resolutions AG/RES. 426 (IX-O/79) of October 31, 1979 AG/RES. 481 (X-0/80) of November 27, 1980; AG/RES. 580 (XI-0/81) of December 10, 1981; AG/RES. 602 (XII-0/82) of November 20, 1982, and AG/RES. 686 (XIII-0/83) of November 18, 1983, which repeatedly declared that it is of continuing hemispheric interest to find an equitable solution whereby Bolivia may obtain sovereign and useful access to the Pacific Ocean; and

The report presented by the Delegation of Bolivia (AG/doc. 1858/84);

CONSIDERING:

That, under the sponsorship of Colombia, Bolivia and Chile held meetings to determine the procedure whereby and the context within which the process of rapprochement and negotiation described in resolution AG/RES. 686 (XIII-0/83) would be advanced,

RESOLVES:

1. To express its satisfaction with the fact that the governments of Bolivia and Chile have accepted the invitation extended by the Government of Colombia to meet next January in Bogotá to start conversations to settle their differences, and particularly to agree upon a formula that will give Bolivia a free and sovereign territorial outlet to the Pacific Ocean, in a process of rapprochement that would contribute to the dialogue and to normalizing their relations, on bases taking into account the rights and interests of all parties involved.

2. To reiterate its interest in the success of the negotiations aimed at solving the maritime problem of Bolivia, with the participation of the states this matter directly concerns.

3. To declare that either of the parties may request inclusion of the topic "Report on the Maritime Problem of Bolivia" on the draft agenda of the next regular session of the General Assembly.

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The PRESIDENT: The Delegation of Chile has requested a roll-call vote. We are going to determine which delegation will vote first by drawing straws. [He draws a paper.] The Delegation of Saint Vincent and the Grenadines will vote first.

[The roll-call vote is held, with the following result:]

Saint Vincent and the Grenadines	-
Dominica	-
Suriname	Abstention
Ecuador	Yes
Honduras	Yes
Barbados	Abstention
Venezuela	Yes
Saint Lucia	-
Antigua and Barbuda	Yes
United States	Yes
Argentina	Yes
El Salvador	Yes
Mexico	Yes
Haiti	[Absent]
Chile	No

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Peru	Yes
Costa Rica	Yes
Bolivia	Yes
Bahamas	-
Nicaragua	Yes
Uruguay	Yes
Saint Kitts and Nevis	Abstention
Dominican Republic	Yes
Panama	Yes
Paraguay	Yes
Jamaica	Yes
Guatemala	Yes
Brazil	Yes
Colombia	Yes
Grenada	Abstention
Trinidad and Tobago	Abstention

The SECRETARY: The result of the vote was 20 votes in favor, one against and five abstentions.

The PRESIDENT: Thank you very much. The draft resolution is thus approved. The Representative of Paraguay has the floor for an explanation of vote.

The REPRESENTATIVE OF PARAGUAY (Mr. Saldívar): Thank you, Mr. President. The Republic of Paraguay, faithful to its desire for Pan-American unity, has given its support to the draft resolution on this occasion as in previous Assemblies—we believe we understand the position of a landlocked country well, Paraguay is the only other landlocked country in the Americas—but let the record show that our support should be understood as an appeal to the Parties involved to find a solution to the problem through peaceful negotiations.

On all previous occasions, the Republic of Paraguay has at the same time clearly and firmly put on record its dedication to and respect for the principle of non-interference in the internal matters of other States. Thank you very much.

The PRESIDENT: Thank you to the Representative of Paraguay. The Representative of Peru has the floor.

The REPRESENTATIVE OF PERU (Mr. Pércovich): Thank you very much, Mr. President. The Delegation of Peru wishes the record to reflect the following explanation of vote.

The Delegation of Peru reiterates its support and understanding of the Bolivian maritime problem and at the same time states that it supported the resolutions that have been passed by this Organization on the issue.

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The recommendation contained in the resolution that was just adopted, to continue the dialogue started between the Governments of Bolivia and Chile, should be understood within the framework of respect for the sovereignty, rights, and interests of the parties directly concerned and within the legal framework in force. I therefore ask, Mr. President, that this comment be entered in the record. Thank you very much, Mr. President.

...

The REPRESENTATIVE OF BOLIVIA (Mr. Salazar Paredes): Thank you very much, Mr. President. My country has always had faith and confidence in the principles and purposes set forth in the OAS Charter. That is why it has always contributed to the strengthening of the OAS, and today we are engaged in the process of revitalizing our Organization. Today, once again, we realize, we are convinced that we were not mistaken, because the majority of the members of this Organization have reaffirmed the principles and purposes of this Charter when they approved the resolution that we have just discussed.

My country thanks all those who supported us, and particularly the cosponsors of this draft resolution. As time goes on, you will see the great contribution that you are making to peace on our Continent. Thank you very much, Mr. President.

...

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H. Muñoz, *The Foreign Relations of the Chilean Military Government* (1986), pp 142-144 (extract)

(Original in Spanish, English translation)

concurrir a dicho acto, pero, finalmente, desistió de su propósito aduciendo que “por la situación económica no son momentos para salir del país”¹⁴. Anteriormente, personeros vinculados a Alfonsín habían sugerido que la asistencia de Pinochet a estos actos no resultaba conveniente¹⁵.

Las relaciones de Chile con los países vecinos

Bolivia

La calidad de las relaciones establecidas entre Chile y sus vecinos ha sido un elemento tradicionalmente significativo en la política exterior del país. Desde esta perspectiva, una demostración cualitativa del aislamiento político de Chile es el apoyo sin precedentes recibido por Bolivia desde finales de los años '70 a sus demandas para obtener una salida al Pacífico a través de territorio chileno. Aunque en el pasado la diplomacia chilena había impedido que la mediterraneidad de Bolivia se discutiera en foros internacionales¹⁶, similares esfuerzos realizados por el gobierno del General Pinochet tuvieron escaso éxito.

A principios de 1975 el General Pinochet tomó la iniciativa para dar término a las ya centenarias demandas bolivianas. El 8 de febrero se reunió con su colega boliviano Hugo Banzer en las localidades fronterizas de Charaña y Visviri, donde, junto con acordar la reanudación de las relaciones diplomáticas interrumpidas por un lapso de 13 años, se comprometieron a “buscar fórmulas de solución a los asuntos vitales que ambos países confrontan... dentro de las recíprocas conveniencias y atendiendo a las aspiraciones de los pueblos boliviano y chileno”¹⁷. En agosto el gobierno boliviano hizo llegar a la Cancillería chilena algunas proposiciones tentativas, que consistían básicamente en la cesión de un corredor que comunicara su territorio con el océano y un enclave de 750 kilómetros cuadrados en territorio chileno ubicado en los aledaños de alguno de los principales puertos marítimos. La respuesta chilena se conoció a media-

¹⁴ Citado en *El Mercurio*, 24 de noviembre, 1983, p. C3; y *El Mercurio*, 23 de noviembre, 1983, p. A10.

¹⁵ Ver *El Mercurio*, 18 de noviembre, 1983, pp. A1 y A12.

¹⁶ Por ejemplo, antes de la celebración de la Reunión de Presidentes en Punta del Este de 1967, Bolivia condicionó su participación a la inclusión en la agenda del problema de su mediterraneidad. Chile se opuso a la moción boliviana y el tema no pudo ser discutido. El Presidente de Bolivia no asistió a la reunión.

¹⁷ “Acta de Charaña”, citada en Luis Jerez Ramírez, *Chile: La Vecindad Difícil* (Holanda, sin fecha), p. 139.

...

Chile's relations with neighboring countries

Bolivia

The quality of relations established between Chile and its neighbors has been a traditionally significant element in the foreign policy of the country. From that perspective, a qualitative demonstration of Chile's political isolation is the unprecedented support Bolivia has received since the late 1970's in relation to its claim to obtain an outlet to the Pacific through Chilean territory. Although in the past, Chilean diplomacy had prevented Bolivia's landlocked condition from being discussed within international fora,¹⁶ similar efforts made by the government of General Pinochet had limited success.

By early 1975, General Pinochet took the initiative to put an end to Bolivia's already-centenary claims. On 8 February, he met his Bolivian colleague, Hugo Banzer, at the frontier locations of Charaña and Visiviri, where, together with agreeing to resume diplomatic relations –interrupted for 13 years– they committed to “seek formulas for solving the vital matters that both countries face... taking into account their reciprocal interests and addressing the aspirations of the Bolivian and Chilean peoples”.¹⁷ In August, the Bolivian government sent to the Chilean Ministry of Foreign Affairs some tentative propositions which basically consisted of the cession of a corridor that would connect its territory with the ocean and a 750 square-kilometer enclave in Chilean territory, located within the vicinities of some of its main maritime ports. The Chilean response

...

¹⁶ For instance, before the Presidential meeting of Punta del Este of 1967, Bolivia conditioned its participation on the inclusion of its landlocked situation problem in the agenda. Chile opposed this motion by Bolivian and the issue could not be discussed. The Bolivian President did not attend the meeting.

¹⁷ “Act of Charaña”, quoted by Luis Jerez Ramirez, Chile, a complex neighborliness, (Netherlands, undated,) p. 139

dos de diciembre, aceptándose solamente la idea del corredor y de una franja costera soberana para Bolivia a cambio de una superficie territorial compensatoria, como mínimo, al área de tierra y mar cedida a Bolivia¹⁸.

Aunque el gobierno de Banzer se mostró partidario de negociar el canje territorial, finalmente las conversaciones se estancaron en medio de la oposición desatada en el altiplano y en las consultas que hubo que hacer a Perú en virtud a que la zona en cuestión quedaba comprendida dentro del área disputada en la guerra de 1879 y sujeta a lo dispuesto en el artículo 1 del Protocolo Complementario del Tratado de Lima, por medio del cual zanjaron este conflicto Chile y Perú en 1929. Este artículo estipula que los gobiernos de estos dos países no podrán, "sin previo acuerdo entre ellos, ceder a una tercera potencia la totalidad o parte de los territorios que, en conformidad al Tratado de esta misma fecha, quedan bajo sus respectivas soberanías..."¹⁹. Frente a la consulta chilena de cesión de una franja territorial a Bolivia, que se suponía debería ser respondida con un "sí" o un "no", la Cancillería peruana contestó introduciendo nuevos elementos que apuntaban a establecer la existencia de supuestos derechos del Perú en la zona norte de Chile. Esto configuraba un nuevo escenario, y la Cancillería chilena no consideró los planteamientos peruanos sosteniendo que no respondían la consulta formulada.

Con posterioridad a estos hechos el gobierno de Chile hizo nuevos esfuerzos por impulsar el decadente diálogo inaugurado en Charaña, mostrándose partidario de considerar propuestas bolivianas de alcance intermedio hechas a comienzos de marzo de 1978, tales como el arrendamiento del ferrocarril de Arica a La Paz y el otorgamiento de un régimen de autonomía en la franja territorial ofrecida en las negociaciones, pero sin cesión de soberanía. Sin embargo una semana después la Cancillería boliviana decidía romper nuevamente sus relaciones diplomáticas con Chile, aduciendo falta de "voluntad sincera" del gobierno del General Pinochet para persistir en el diálogo.

De inmediato el gobierno boliviano reinició los esfuerzos diplomáticos destinados a multilateralizar sus demandas de litoral marítimo propio, cosechando insospechados éxitos en los años siguientes. En opinión de Luis Jerez, se da una relación directa entre el aislamiento internacional que padece Chile y la creciente audiencia que comienzan a tener los argumentos bolivianos. Ya en junio de 1978, al inaugurar la Octava Asamblea General de la OEA, el Presidente norteamericano se hacía eco de las demandas bolivianas, expresando su confianza en que el conflicto llegará a buen término en aras de la paz y enfatizando "la disposición de su go-

¹⁸ Para un detallado análisis de las relaciones chileno-bolivianas ver el interesante trabajo de Luis Jerez, *ibid.*, pp. 88-161.

¹⁹ *Ibid.*, p. 328.

was made known by mid-December, accepting only the idea of the corridor and a sovereign coastal strip for Bolivia in exchange for a compensatory territorial surface of at least the same area of land and sea ceded to Bolivia.¹⁸

Although the Banzer government demonstrated itself in favour of negotiating the exchange of territories, the conversations ultimately stagnated due to the opposition unleashed within Bolivia and the consultations that had to be made to Peru, by virtue of the fact that the zone at stake was found within the area disputed in the 1879 war and was subject to Article I of the Supplementary Protocol to the Treaty of Lima, by which Chile and Peru settled their conflict in 1929. That Article provides that neither of the two countries could “without previous agreement between them, cede to any third power the whole or part of the territories which, in conformity with the Treaty of this date, come under their respective sovereignty...”¹⁹ Before the consultation made by Chile on the cession of a territorial strip to Bolivia, which was supposed to be answered with a “yes” or “no”, the Peruvian Ministry of Foreign Affairs responded by introducing new elements intended to establish the existence of alleged rights of Peru in the zone north of Chile. This created a new scenario and the Chilean Ministry of Foreign Affairs did not consider the Peruvian proposals, holding that they did not respond to the consultation made.

After these events, the Chilean government made new efforts to push forward the decadent dialogue commenced in Charaña, showing itself in favor of considering Bolivian interim proposals made in early March 1978, such as the lease of the Arica-La Paz railway and the granting of a regime of autonomy within the strip of territory offered in the negotiations, but without ceding sovereignty. However, a week after that, the Bolivian Ministry of Foreign Affairs decided to break off diplomatic relations with Chile again, arguing lack of “sincere willingness” from the Pinochet government to continue with the dialogue.

Immediately thereafter, the Bolivian government reinitiated diplomatic efforts aimed at multi-lateralizing its claim for its own maritime littoral, harvesting unanticipated success in the years that followed. In the opinion of Luis Jerez there is a direct relation between the international isolation that Chile suffers and the growing audience that the Bolivian arguments begin to have. As early as June 1978, when inaugurating the Eighth OAS General Assembly, the President of the U.S. echoed Bolivia’s claims, expressing his confidence that this conflict will be brought to a good end for the sake of peace, emphasizing “the disposition of his

¹⁸ For a minute analysis of the Chilean-Bolivian relations see the remarkable paper prepared by Luis Jerez, *ibid.* pp. 88-161.

¹⁹ *Ibid.* p. 328.

bierno, de la OEA y de la ONU para ayudar a encontrar una solución”.

A partir de este hecho, “los trajines sin destino de las épocas anteriores encontrarán oídos cada vez más atentos... Mientras la Cancillería chilena enmudece por falta de auditores, la boliviana, abre puertas, gana simpatías y contabiliza votos”²⁰.

La soledad de Chile en el ámbito interamericano quedó evidenciada en el curso de la Novena Asamblea General de la OEA, celebrada en La Paz en 1979. Por 25 votos a favor y uno en contra (el de Chile) se aprobó una resolución en que se declaró de “interés hemisférico permanente encontrar una solución justa y equitativa que proporcione a Bolivia acceso soberano y útil al Océano Pacífico”, y se recomendó a los países involucrados iniciar negociaciones que podrían considerar, “entre otros elementos, la inclusión de una zona portuaria de desarrollo multinacional integrado”, teniendo en cuenta “el planteamiento boliviano de no incluir compensaciones territoriales”²¹. De manera particular Estados Unidos, que votó favorablemente esta resolución, ya había presionado al gobierno chileno sobre la materia el 21 de junio de 1979, cuando el Presidente Carter señaló que la mediterraneidad de Bolivia constituía una “causa de conflicto en el subcontinente”²².

La Cancillería chilena trató de minimizar el impacto negativo que esta resolución podría ejercer sobre las relaciones hemisféricas. Para el canciller de la época, lo acordado carecía “de efectos prácticos y no tiene relevancia”. Para *El Mercurio*, este hecho no era más que “una intensificación publicitaria en torno a las aspiraciones bolivianas”²³. Incluso el representante chileno ante la OEA, en 1979, embajador Pedro Daza, llegó a sostener que lo sucedido en La Paz se debía al “debilitamiento” de la organización interamericana donde “está imperando el juego de las mayorías que actúan por motivos circunstanciales y objetivos de muy corto plazo”²⁴. En cambio, después de la resolución de La Paz, varios ex embajadores chilenos firmaron una declaración pública señalando que lo sucedido en la OEA ilustraba el aislamiento político de Chile, pese a los sólidos argumentos jurídicos de la posición chilena. Además, la declaración afirmaba que el aislamiento internacional de Chile era “atribuible a las

²⁰ Ibid., p. 152.

²¹ Resolución reproducida en Ibid., pp. 154-155.

²² Ver *Latin American Political Report*, Nº 25, 30 de junio, 1978, p. 193.

²³ Ver “Trascendencia del acuerdo”, *El Mercurio*, edición internacional, 25 al 31 de octubre, 1979.

²⁴ Ver entrevista al Embajador Daza en *Qué Pasa*, 29 de octubre-4 de noviembre, 1981, p. 15.

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Draft Chilean-Bolivian Joint Communiqué, 1986

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

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REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

DIRECCION DE POLITICA BILATERAL

PROYECTO DE COMUNICADO CONJUNTO
CHILENO-BOLIVIANO

1. Accediendo a la gentil invitación formulada por el Presidente de Colombia Excmo. Señor Belisario Betancurt, los Ministros de Relaciones Exteriores de Chile y Bolivia, Excmos. Señores Jaime del Valle Allende y Gustavo Fernández Saavedra, respectivamente, se reunieron en la ciudad de Bogotá los días 28 y 29 de febrero (marzo).

2. Durante el encuentro, los Cancilleres de Chile y Bolivia, culminando el proceso iniciado en 1984, acordaron un procedimiento destinado a encauzar su voluntad de avanzar en el proceso de acercamiento que facilite el diálogo y la búsqueda de una más estrecha colaboración bilateral.

(Alternativa) 2.b.- Durante el encuentro, los Cancilleres de Chile y de Bolivia, culminando el proceso iniciado en 1984, acordaron un procedimiento destinado a encauzar su voluntad de avanzar en el proceso de acercamiento que facilite el diálogo y la búsqueda de una más estrecha colaboración bilateral y la normalización de las relaciones entre ambos países.

3. De acuerdo a tal procedimiento, ambos gobiernos iniciarán conversaciones tendientes a identificar los campos de cooperación bilateral así como la búsqueda de soluciones para las diferencias existentes.

(Nota): En este punto Bolivia insistirá que en las conversaciones se tenga por objetivo principal el concertar "una fórmula que haga posible dar a Bolivia una salida soberana al Océano Pacífico".

En tal caso la delegación chilena debería acceder a una ampliación de este punto (3) solo a través de una referencia a la Resolución 686 de 1983, que es la única que Chile ha aceptado.

4. Al concluir esta fase, los Cancilleres de Chile y Bolivia expresan el agredecimiento de sus respectivos Gobiernos y pueblos al Presidente de Colombia, Excmo. Señor Belisario Betancurt, cuyo alto espíritu americanista permitió culminar la presente etapa de acercamiento y reiniciar los contactos bilaterales contemplados en el procedimiento convenido en este fructífero encuentro.

**REPUBLIC OF CHILE
MINISTRY OF FOREIGN AFFAIRS**

BILATERAL POLITICAL DIRECTION

CHILE-BOLIVIA JOINT DRAFT COMMUNIQUÉ

1. Accepting the kind invitation extended by Colombian President HE Belisario Betancurt, the Ministers of Foreign Affairs of Chile and Bolivia, HE Jaime del Valle Allende and HE Gustavo Fernández Saavedra, respectively, met in the City of Bogotá between [blank space] and [blank space] February (March).

2. During the meeting, the Ministers of Foreign Affairs of Chile and Bolivia, culminating the process initiated in 1984, agreed on a procedure intended to channel their will to make progress on the rapprochement process that may facilitate the dialogue and the search for closer bilateral collaboration.

(Alternative text) 2.b. During the meeting, the Ministers of Foreign Affairs of Chile and Bolivia, culminating the process initiated in 1984, agreed on a procedure intended to channel their will to make progress on the rapprochement process that may facilitate the dialogue, the search for closer bilateral collaboration, and the normalization of relations between both countries.

3. According to such procedure, both governments will initiate conversations in order to identify fields for bilateral collaboration and search for solutions to existing differences.

(Note): On this point, Bolivia will insist that the main purpose of such conversations should be for the parties to agree on “a formula that makes it possible to grant Bolivia a sovereign outlet to the Pacific Ocean.”

In such case, the Chilean delegation should accept an extension of paragraph 3, only through a reference to Resolution No. 686 of 1983, which is the only one that Chile has accepted.

4. This stage completed, the Ministers of Foreign Affairs of Chile and Bolivia, on behalf of their Governments and people, thanked the Colombian President, HE Belisario Betancurt, whose remarkable pro-American spirit has allowed the completion of this rapprochement stage and the resumption of the bilateral communications provided for in the procedure agreed upon in this fruitful meeting.

PROYECTO DE COMUNICADO CONJUNTO
CHILENO - BOLIVIANO

Los Cancilleres de Chile y de Bolivia, Exmos Sres Jaime del Valle Allende y Gustavo Fernández, respectivamente, se reunieron en Nueva York en la Delegación de Colombia ante la Organización de las Naciones Unidas y, culminando las diversas conversaciones sostenidas durante la 39a. Asamblea General en curso, llegaron a un acuerdo acerca de los aspectos fundamentales, de contexto y procedimiento, para llevar adelante la Resolución n° 686 aprobada en la XIII Asamblea General de la OEA el 18 de noviembre de 1983, que exhorta a ambos países a iniciar un proceso de acercamiento orientado a normalizar sus relaciones bilaterales, tendiente a superar las dificultades que los separan, incluyendo en especial una fórmula que haga posible dar a Bolivia una salida soberana al Océano Pacífico, sobre bases que consulten las recíprocas conveniencias y los derechos e intereses de las partes involucradas.

En esta forma, ambos Cancilleres estiman que se ha cumplido la fase preparatoria que les permitirá realizar la reunión de Bogotá a que fueron invitados por el Presidente Betancourt, la cual tendrá por objeto ultimar los detalles del procedimiento referido y se celebrará dentro de los próximos noventa días.

CHILE-BOLIVIA JOINT DRAFT COMMUNIQUÉ

The Ministers of Foreign Affairs of Chile and Bolivia, HE Jaime del Valle Allende and HE Gustavo Fernández, respectively, met in New York, at the Office of the Colombian Delegation to the United Nations, and, culminating the various conversations held during the 39th General Assembly now underway, reached an agreement on the fundamental contextual and procedural aspects required to advance Resolution No. 686, adopted at the 13th OAS General Assembly held on 18 November 1983, which calls on both countries to begin a process of rapprochement directed toward normalizing their bilateral relations aimed at overcoming the difficulties that separate them, including, especially, a formula that would make it possible for giving Bolivia a sovereign outlet to the Pacific Ocean, on bases that take into account mutual conveniences and the rights and interests of all parties involved.

In this way, both Ministers of Foreign Affairs believe that the preparatory stage has been completed which will allow them to hold the meeting in Bogota to which they have been invited by President Betancourt [sic], which purpose will be to work out the details of the referred procedure and will be held within the next ninety days.

Annex 435

Speech of the Minister of Foreign Affairs of Bolivia,
21 April 1987

(Original in Spanish, English translation)

Ministry of Foreign Affairs of Chile, *Memoria of the Ministry of Foreign Affairs for 1987*, pp 25-28

REPUBLICA DE CHILE

**MEMORIA
DEL
MINISTERIO DE
RELACIONES EXTERIORES**

CORRESPONDIENTE AL AÑO 1987

ESTADÍSTICA

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ro de ellos era el saliente Secretario Ejecutivo argentino y el Dr. Ferrari es quien lo sustituyó en ese cargo, siendo designado como Subsecretario para Asuntos Latinoamericanos.

fue una propicia ocasión para evaluar los alcances ya logrados en la Comisión Binacional y se presentaron algunas iniciativas tendientes a fortalecer el proceso de integración física y cooperación económica entre ambas naciones.

REUNIONES TECNICAS BILATERALES

El grupo Técnico de Telecomunicaciones se reunió el 29 de abril en Buenos Aires.

— El 2 de julio, en Santiago, tuvo lugar la Sexta Reunión Bilateral de los Organismos de Aplicación del Convenio de Transporte Internacional Terrestre.

— El 10 de julio, en Buenos Aires, la Reunión de Expertos en Sanidad Vegetal.

— El 30 de octubre, en Ushuaia, una reunión técnica destinada a mejorar la regulación del tráfico aéreo en la zona del Canal Beagle.

— El 23 de noviembre, en La Paz, Bolivia, expertos chilenos y argentinos de transporte analizaron lo relativo a la caución de mercaderías en tránsito, agentes aduaneros y representantes de empresas en el otro país.

B) BOLIVIA

a) ASUNTOS POLITICOS

1. MEDITERRANEIDAD BOLIVIANA

1.1. ENCUENTRO DE CANCELLERES EN MONTEVIDEO

Entre los días 21 y 23 de abril de 1987, se llevó a efecto en Montevideo, Uruguay, un encuentro de los Ministros de Relaciones Exteriores de Chile y Bolivia, Excmos. señores Jaime del Valle y Guillermo Bedregal, destinada a conocer las posiciones de ambos países en temas de fondo que interesan a las dos naciones. La reunión fue inaugurada con los discursos que pronunciaron los respectivos Cancilleres los que se transcriben a continuación:

i) *Discurso del Canciller señor Guillermo Bedregal*

"Excelentísimo señor Ministro de Relaciones Exteriores de la República de Chile, distinguidos delegados:

1.1 *MEETING OF FOREIGN MINISTERS IN MONTEVIDEO*

Between 21 and 23 April 1987, a meeting of the Ministers of Foreign Affairs of Chile and Bolivia, Hon. Jaime del Valle and Hon. Guillermo Bedregal, was held in Montevideo, Uruguay, for the purpose of becoming familiar with the positions of both countries on substantive matters that are of concern to both nations. The meeting began with the speeches given by the respective Foreign Ministers, which are transcribed below:

i) *Speech by the Minister of Foreign Affairs Guillermo Bedregal*

“His Excellency Minister of Foreign Affairs of the Republic of Chile, distinguished delegates:

Los Cancilleres de Chile y Bolivia asistimos a esta primera reunión oficial que tiene carácter histórico y trascendente, para establecer en esta capital de la tierra de Artigas, un fundamento de negociaciones políticas y diplomáticas que sean de mutuo beneficio.

La presencia de Bolivia en este encuentro refleja esencialmente nuestro testimonio ante Chile y ante la comunidad internacional, de la vocación que nos asiste para buscar soluciones a nuestros problemas por el camino del diálogo, del entendimiento y de la fraternidad.

Chile y Bolivia nacieron a la vida republicana en el marco de un destino común, que está contenido en el mensaje de nuestros libertadores. Tampoco es distinto el anhelo compartido de nuestros pueblos para construir su porvenir con proyecciones hacia la paz, el bienestar y el desarrollo.

El mundo está sometido a rápidos cambios, gran parte de ellos negativos por la inequidad de las relaciones económicas y de los poderes políticos que constituyen la impronta que debemos superar. Por ello, es imperativo que nuestros pueblos trabajen en forma mancomunada y solidaria.

Nuestros países también son herederos de una historia conflictiva herida por traumatismos violentos que han generado factores de distanciamiento, a veces de conflictos bélicos y consiguientemente de desconfianza. Esa historia no es el fundamento para proyectar la paz, la integración, el desarrollo comunitario y la fraternidad.

Estamos seguros que ha llegado el tiempo para reencontrarnos, superando las desinteligencias y por encima de los escollos que nos han dividido. Creemos que la práctica de la confrontación, de los desencuentros y de las posiciones irracionalistas, debe terminar.

Los bolivianos venimos a esta reunión para negociar con Chile una cuestión que, siendo vital, es impostergable y constituye el objetivo primordial de la política internacional de mi país. Con seriedad, buena fe, y sin reserva alguna, hemos reflexionado sobre la necesidad y el modo de buscar una solución negociada al problema marítimo boliviano, en un ambiente vivificador, renovador y profundamente enraizado en el nuevo derecho comunitario de la América Latina.

Se trata de una propuesta que busca coincidencias reales y posibles con nuestro interlocutor aquí presente, que ponga término a una situación espiritual y de hecho que frena el desarrollo boliviano y a la vez impide la armónica proyección de nuestras comunidades nacionales para avanzar en la Historia y romper el estancamiento actual.

Venimos dispuestos a negociar una solución al encierro marítimo que sufre nuestro país y creemos firmemente que éste es el tiempo propicio para acordar nuevas iniciativas

The Ministers of Foreign Affairs of Chile and Bolivia attend this first official meeting, which has a historical and transcendental nature, in order to establish in this capital of the land of Artigas, the basis of political and diplomatic negotiations that could be of mutual benefit.

The presence of Bolivia at this meeting essentially reflects our testimony before Chile and the international community of the desire that assists us to seek solutions to our problems through dialogue, understanding, and fraternity.

Chile and Bolivia were born to the republican life within the framework of a common destiny which is stated in the message of our liberators. The same longing of our peoples to build their future oriented towards peace, well-being, and development is not different either.

The world is subject to rapid changes, many of them negative due to the inequality of the economic relations and political powers which constitutes an impression that we must overcome. That is why it is necessary that our peoples work jointly and in solidarity.

Our countries are also heirs of unsettling conflictive history hurt by violent traumas that resulted in factors of estrangement, at times of armed conflict, and consequently of distrust. That history is not the basis to project peace, integration, community development and fraternity.

We are certain that the time has come for us to reencounter, overcoming our disagreements and going beyond any obstacle which has divided us. We believe that the practice of confrontation, disagreement, and irrational positions must end.

The Bolivians come to this meeting to negotiate with Chile a question that, being vital, cannot be postponed and constitutes the primary objective of my country's foreign policy. We have reflected, with seriousness, good faith and without reservation, on the need and way to search for a negotiated solution to the Bolivian maritime problem, in a revitalizing and refreshing environment, deeply rooted in the new Latin American community law.

It is a proposal that seeks real and possible common grounds with our interlocutor present here, that put an end to a spiritual and factual situation that is stopping Bolivian development and, at the same time, impedes the harmonious projection of our national communities to advance in history and break with current stagnation.

We come willing to negotiate a solution to the maritime confinement from which our country suffers and we strongly believe that this is the right time to agree on new initiatives

que garanticen un franco y permanente entendimiento. Hemos transitado un camino dirigido a resolver las diferencias existentes, mediante el análisis completo de los temas que nos vinculan, eliminando todo aquello que nos separa.

A partir de los contactos personales e informales que sostuvimos los Cancilleres aquí presentes, hemos logrado crear un clima apropiado para el razonamiento, la reflexión y el diálogo que avizora el porvenir como un destino común latinoamericano.

La delegación boliviana plantea al Gobierno de Chile una fórmula seria y a nuestro juicio viable. Hemos hecho los mayores esfuerzos para situarnos en la perspectiva de nuestro interlocutor. Somos respetuosos de las obligaciones internacionales libremente consentidas, como también fervorosos creyentes de que el Derecho Internacional Americano es una institución viva, siempre apta para perfeccionarse y así servir mejor al interés de nuestros pueblos.

La fórmula concreta que en esta oportunidad presentamos oficialmente a la República de Chile, ha tomado en consideración la existencia de ordenamientos jurídicos entre los dos países, como también en relación a un tercer Estado vecino, íntimamente ligado a nuestro destino.

Calificamos nuestro planteamiento como una base firme de interés común, concebido precisamente para garantizar el éxito de esta negociación política y diplomática que refleja la buena voluntad de nuestros gobiernos. Hablamos de una franja territorial continua que sea útil, propia y soberana que genere dialécticamente factores de interés recíproco para las partes involucradas y que ante todo no caiga en abismos de separación conceptual que pudieran atentar contra una solución a este problema, que durante más de una centuria ha conspirado contra nuestro desarrollo.

Existen circunstancias en el transcurso de la vida histórica, en las cuales, por una suerte de grandeza espiritual y racional, surgen soluciones que antes —en el pasado— habrían sido meras ilusiones o simples pensamientos de inteligencias iluminadas.

Confiamos que, en este histórico momento, habiendo sentado el fundamento de nuestra proposición, podamos iniciar un curso de acción común a través de una comisión bilateral permanente para afinar las condiciones de interés fundamentales.

Esta comisión debería trabajar de inmediato con plazos relativamente cortos para enriquecer y dar efectividad a nuestra propuesta.

Señor Canciller, señores delegados:

desarrollo, la paz y la integración son los objetivos fundamentales que fortalecen esta voluntad de acercamiento en-

that guarantee a true and permanent understanding. We have been going along a path towards resolving our existing differences by means of a complete analysis of the issues that link us, eliminating everything that separates us.

As of the personal and informal contact with the Ministers of Foreign Affairs present here, we have been able to create a climate suitable for reasoning, reflection, and dialogue which sees the future as a common Latin American destiny.

The Bolivian delegation proposes a formula to the Government of Chile that is serious and, in our opinion, viable. We have made our best efforts to put ourselves in the perspective of interlocutor. We are respectful of freely consented international obligations and fervently believe that American International Law is a living institution, always susceptible of improvement and thus better serve our peoples' interest.

The concrete formula that in this opportunity we officially submit to the Republic of Chile has taken into consideration the existence of body of laws between the two countries as well as in relation to a third neighboring State, which is closely linked to our destiny.

We describe our proposal as a firm basis of common interest, conceived precisely to guarantee the success of this political and diplomatic negotiation that reflects our government's willingness. We are talking about a continuous, useful and sovereign strip of territory of our own, which can dialectically generate factors of reciprocal interest for the parties involved and which, above all, does not fall into the depths of conceptual separation that could threaten a solution to this problem that has conspired against our development for over a century.

There are circumstances in the course of the historic life, in which, due to some sort of spiritual and rational greatness, solutions arise which before – in the past – would have been mere illusions or thoughts of enlightened intelligences.

We have confidence that, in this historic moment, having the basis of our proposal been set, we can start a common course of action through a permanent bilateral commission to refine the conditions of fundamental interest.

This commission should start working immediately, with relatively short terms, in order to enrich and give effect to our proposal.

Dear Minister of Foreign Affairs, delegates:

Development, peace and integration are the fundamental objectives that strengthen this will of rapprochement between

tre nuestros países, que será permanente y duradera, siempre que Chile, su pueblo y sus gobernantes, comprendan la trascendencia, en su verdadera dimensión, de una solución en esta materia, que sin duda será el mejor ejemplo histórico del valor que tanto el diálogo como la negociación pacífica adquieren en la solución de situaciones que atentan contra la evolución de la especie humana.

Los bolivianos creemos que se ha formado la atmósfera y se han dado las condiciones para que esta negociación no sea una más entre tantas, sino que permita lograr la resolución de este problema, mediante un acuerdo común y de contenido proyectado hacia la paz, el entendimiento, el respeto mutuo y la interdependencia permanente de nuestras Naciones.

La visita de su Santidad Juan Pablo II a Montevideo, al inicio de su reciente viaje a Sudamérica, tuvo momentos de singular realce y de histórica significación al conmemorarse la firma del Tratado de Paz y Amistad entre Chile y Argentina cuando, gracias a la mediación papal, se logró consolidar la paz en esta parte del continente, evitando en un instante ya próximo al estallido de las hostilidades, la tragedia de un enfrentamiento fratricida. La presencia de Juan Pablo II, del Presidente del Uruguay y de los Cancilleres de Chile y Argentina, dio a ese acto un valor ético cuyos reflejos aún se perciben en el aire acogedor de esta Capital, centro tradicional de animación de los procesos de integración y entendimiento entre los países de la región.

Bajo esa atmósfera propicia se reúnen ahora, a los pocos días del acto referido, los Cancilleres de Chile y Bolivia, para definir una materia decisiva para sus recíprocas relaciones: la vinculación de Bolivia al mar por una franja territorial soberana, propia y útil. Estamos seguros de que esta circunstancia es auspiciosa para llegar a un acuerdo entre nuestros países, iniciándose así una nueva etapa de fraternal interrelación entre ellos y dándose de este modo un ejemplo al mundo de cómo pueden lograrse soluciones pacíficas y constructivas a los problemas internacionales cuando prima el espíritu de concordia sobre el antagonismo, la solidaridad sobre las mutuas discrepancias.

Mis palabras finales deben expresar el reconocimiento del Presidente de Bolivia, doctor Víctor Paz Estenssoro, de los integrantes del gobierno de mi país, de los componentes de la delegación boliviana que ha concurrido a este encuentro, así como, en general de las instituciones y del pueblo de Bolivia, al Uruguay, a su Presidente y al Canciller, a sus autoridades y a todos los integrantes de esta admirable democracia, por su generosa hospitalidad al acogernos en su suelo a quienes venimos en busca de un entendimiento franco y creativo entre los pueblos de Chile y Bolivia.

Muchas gracias."

our countries, which will be permanent and long-lasting if Chile, its people and its rulers understand the significance, in its true dimension, of finding a solution to this matter, which will undoubtedly be the best historical example of the value that both dialogue and peaceful negotiation acquire when it comes to solving situations that threaten human evolution.

The Bolivian people believe that the necessary atmosphere has been created and conditions have been given for this negotiation to be not only just one among many others but that allows to achieve the resolution to this problem, through a common agreement, the content of which is oriented to peace, understanding, mutual respect and the permanent interdependence of our nations.

The visit of His Holiness John Paul II to Montevideo at the beginning of his recent trip to South America had some particularly special and historically significant moments, such as the commemoration of the signature by Chile and Argentina of the Treaty of Peace and Amity, whereby, thanks to the Pope's mediation, peace was consolidated in this part of the continent, avoiding, thus, the near burst of hostilities, the tragedy of a fratricidal confrontation. The presence of John Paul II, the President of Uruguay and the Ministers of Foreign Affairs of Chile and Argentina, gave that act an ethical value that still reflects on the friendly atmosphere of this capital, traditional center of encouragement of integration processes and understanding between the countries of the region.

In this warm atmosphere, the Ministers of Foreign Affairs of Chile and Bolivia meet now, a few days after the referenced act, to define a decisive issue for their reciprocal relations: Bolivia's link to the sea through a useful and sovereign strip of territory of its own. We are certain that is an auspicious circumstance to reach an agreement between our countries, which will start a new period of fraternal interrelation between them giving the world and an example of how international problems can be peacefully and constructively solved when the spirit of harmony prevails over antagonism, and solidarity over mutual discrepancies.

My closing words must express the acknowledgment of the President of Bolivia, Víctor Paz Estenssoro, the members of my country's Government, the members of the Bolivian delegation that attended this meeting, as well as, in general, the institutions and the people of Bolivia, to Uruguay, its President and Minister of Foreign Affairs, its authorities and all the participants of this remarkable democracy, for their generous hospitality by welcoming us to their territory to those who come seeking a true and creative understanding between Bolivia and Chile".

Thank you very much."

Annex 436

Minutes of the 4th Meeting of the General Committee of
the OAS General Assembly, 12 November 1987 (extracts)

(English translation)

Organization of American States, General Assembly, Seventeenth Regular Session,
OEA/Ser.P/XVII.O.2, 14 November 1987, Vol. II, Part I, pp 341, 351-364

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**GENERAL COMMITTEE
MINUTES OF THE FOURTH SESSION¹**

Date: 12 November 1987

Time: 5:45 p.m.

Place: Hall of the Americas

President: Mr. Rodrigo Madrigal Nieto
Minister of Foreign Affairs and Worship of Costa Rica

Present: Messrs.:

Ricardo Acevedo Peralta	(El Salvador)
Roberto de Abreu Sodré	(Brazil)
Fernande L. Balmir	(Haiti)
Edilberto Moreno Peña	(Venezuela)
Roberto Leyton	(Panama)
Julio Londoño	(Colombia)
Guillermo Villalobos Arce	(Costa Rica)
Hernán Antonio Bermúdez A.	(Honduras)
Ronald L. Kensmil	(Suriname)
Juan Carlos Capuñay	(Peru)
Antonio de Icaza	(Mexico)
Gastón de Prat Gay	(Argentina)
Joseph Edsel Edmunds	(Saint Lucia)
Henry W. Ogilvie	(Grenada)
Eladio Knipping Victoria	(Dominican Republic)
Roque Cañadas Portilla	(Ecuador)
María Teresa Butler	(Bahamas)
Carlos Augusto Saldívar	(Paraguay)
Miguel D'Escoto Brockmann	(Nicaragua)
Ricardo García Rodríguez	(Chile)
Carlyle Carter	(Barbados)
Richard T. McCormack	(United States)
Jeanette R. Grant-Woodham	(Jamaica)
Alfredo Platas	(Uruguay)
Paul O. Spencer	(Antigua and Barbuda)
José Luis Chea Urruela	(Guatemala)
Basdeo Panday	(Trinidad and Tobago)
Guillermo Bedregal	(Bolivia)
João Clemente Baena Soares	(Secretary General of the OAS)
Val T. McComie	(Assistant Secretary General)

¹ ...

...

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5. Report on the maritime problem of Bolivia (Draft resolution submitted by the Delegations of Bolivia, Mexico and Panama) (AG/doc. 2143/87 and AG/CG/doc. 13/87) (item 15 on the agenda)

The PRESIDENT: As the fifth item, we must consider the report on the maritime problem of Bolivia (AG/doc.2142/87). A draft resolution related to this issue has been submitted, contained in document AG/CG/doc.13/87. In relation to this I give the floor to the Minister of Bolivia.

THE MINISTER OF FOREIGN AFFAIRS OF BOLIVIA (Mr. Bedregal): Thank you very much, Mr. President. Mr. President, distinguished Representatives, on repeated occasions, this Assembly has duly paid attention to the Representatives of my country in relation

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to a vital problem that has affected Bolivia since its territory was mutilated in a war of conquest in 1879, depriving the country of its own sovereign access to the Pacific Ocean and thus creating conditions that limit its development and generate tensions and concerns that impact international policies of good-neighbourliness and brotherhood among the peoples of our continent. As everyone knows, Bolivia was left confined, once its access to the sea was closed off, by the Treaty of 1904, which formalized Chile's possession of the extensive Bolivian littoral and which was signed under clear and evident conditions of pressure, stretching free and authentic consent. A brief memorandum presented to the ninth regular session of the OAS General Assembly covers the antecedents to this problem and notes the historical-legal aspects that precisely show the violation of the principles of law and norms of civilized coexistence.

Mr. President, on this occasion we would like to present a set of historic maps that clearly and decisively show our claim and that it is historically fair.

As already stated, after the Treaty of 1904, Bolivia has continually attempted to use dialogue to resolve this problem that is truly a historic injustice, and it has not yet met with a sufficient openness to make it possible to reach an agreement.

In this regard, the Representatives of the current Chilean government systematically and at times dogmatically proffer phrases such as "Chile does not owe Bolivia anything", "Bolivia never had the sea", all in a language that

papers over the real problem, which is an issue that blights the peace, the understanding, and the mutual interests of the nations of Latin America. This attitude precludes dialogue and hampers any attempt to reach an agreement that could overcome the legacy of pain and violence that would be better forgotten, since this memory clouds the clear vision of understanding and harmony that should prevail among the peoples and states of the hemisphere, and above all, hinders the integration and development of our nations, the achievement of which is a historic goal for all countries in the Americas, working through the OAS.

In this very Assembly we have had the enormous satisfaction, something I believe is also reassuring to the entire hemisphere, of seeing many efforts and much good will expended in resolving the Central American issue and in addressing the problems that thwart the road to peace, dialogue, and brotherhood.

Mr. President, the strength and justice of the Bolivian claim have on several occasions compelled Chile to recognize the need to reach an agreement. I refer to the 1950 commitments, through the formal exchange of notes from the respective Ministries of Foreign Affairs, in which it was agreed to "find a formula that could make it possible to give to

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Bolivia an access to the Pacific Ocean of its own, and for Chile to receive compensation of a non-territorial character that effectively takes into account its interests". These notes are known in the annals of diplomacy as the "Larraín-Ostria Gutiérrez" notes, after the Chief diplomats of the time.

This agreement, which engages the good will of the Chilean State in its relationship with Bolivia, as in its dealings with the international community, entails an obligation for Chile to undertake coordinated negotiations aimed at finding a solution to this geographic confinement, in accordance with the general conditions agreed upon in those 1950 notes.

The distinguished Representatives here should be aware that we are talking about the validity of a formal commitment, frequently confused with a generous concession born of the good will of the current Government of Chile, which sometimes, with arrogant disdain, denies these commitments. In view of this, my country, respectfully adhering to these agreements, requests that this problem be addressed in a responsible dialogue that deals with the solution provided for in the aforementioned documents.

As a natural and just result of the presentations made to this great Assembly on eight consecutive occasions, this Assembly, our Organization, the oldest in the hemisphere, recommended and encouraged the countries involved

to use dialogue to seek an equitable solution to the thorny problem of Bolivia's landlocked status.

Mr. President, this time the Representatives of Bolivia bring before this great Assembly a deplorable circumstance that concerns not only Bolivia and Chile, but the Organization itself.

Here in this Assembly, and in accordance with these principles, Bolivia, firmly committed to its implacable desire to regain an access to the Pacific Ocean within the framework of the eight OAS resolutions, began a process of negotiations with the Chilean government in 1986 in an attempt to find an equitable and satisfactory solution, as many of the Ministers of Foreign Affairs here present already know. The initial steps taken in successive meetings of the Ministers of Foreign Affairs of Bolivia and Chile at international meetings hinted at a possible understanding, as it had been agreed to hold a first official meeting on 21 April of this year, in accordance with the information duly presented to the General Assembly of the OAS meeting in Guatemala last year. This time the Ministers of Foreign Affairs met in the city of Montevideo, under the generous hospitality of the illustrious government of the Oriental Republic of Uruguay.

On that occasion, following a plan previously agreed upon by both Ministers of Foreign Affairs, the Bolivian Minister handed his Chilean counterpart a proposal that

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would serve as a basis for continuing negotiations. Over the course of two days, the Chilean Minister of Foreign Affairs and his Delegation presented the Bolivian delegation with a list of explanatory questions, which were answered in writing within hours by the Bolivian delegation. These documents are appended to this report.

A few days later, while high expectations of rapprochement prevailed, this favorable climate was shattered by a sudden, lamentable statement by a member of the Chilean Governing Junta, damaging this negotiating process with expressions both unworthy of its office and aggressive in form and in substance.

On 9 June, 48 days later, the Bolivian Representative in Santiago was suddenly called to the Chilean Ministry of Foreign Affairs, where he was handed an official press release that contained a rude rejection of the Bolivian proposal, leading to the unilateral interruption of the efforts of negotiations favorable to both States and repeatedly endorsed by the community of the Americas.

After the frustration that cut off the achievement of those shared ideals of the integration of our nations, sections in the Chilean Government unleashed

a strident publicity campaign, trying to convince its people and international public opinion that Bolivia never had any right to the sea, thereby trying to invalidate the moral weight of the negotiations and Bolivia's historic and legal right to possess a coastline and a port on the Pacific.

Mr President, distinguished Representatives, when presenting this report here before an audience of such stature, it is not necessary to stress the inconsistency of the statement by the Chilean Government. I need do no more than respectfully suggest that the Representatives imagine how they would have reacted if it had been their nation, Government, or country that had been so unjustifiably and unnecessarily insulted.

Unilaterally breaking off the beginning of the negotiations was a rejection not only of the Bolivian proposal, but also, in the same way, of the repeated calls, exhortations, and recommendations of the OAS. Negotiations are a reasoned exchange of opinions that analyze and evaluate the content of a proposal in order to achieve an agreement that satisfies the interests of the parties. This did not happen with the Bolivian proposal, the content of which was practical and convenient for important interests of Chile, as it included electricity, gas, and water in an area that has limited energy and vital resources, thus complementing a vision of joint development.

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The exhortations by the Organization, expressed in successive resolutions of the General Assemblies, arise from the recognition that this is a worrying problem that affects the relationships among States, one that must be resolved through dialogue between the involved parties in order to regain the regional harmony that underpins coexistence and development. These exhortations by the OAS are carried out through joint action, aimed at eliminating tensions that could lead to the use of force as a prelude to disturbing peace, the preservation of which is the ineluctable responsibility of the OAS, as set forth in the precepts of the Charter.

Mr. President, that is why I request that the members of this Assembly approve the draft resolution presented by my delegation, as this draft is in the same vein as the previously approved resolutions, which constitute official documents. Thank you very much.

The PRESIDENT: Thank you very much, Minister of Foreign Affairs. The Minister of Foreign Affairs of the Republic of Chile has the floor.

THE MINISTER OF FOREIGN AFFAIRS OF CHILE (Mr. García): Mr. President, Ministers of Foreign Affairs, Ambassadors and Representatives:

Even though Chile has made clear its approach in asserting its opposition to having the issue requested by the Bolivian delegation included in the agenda of this Assembly, the points formulated by the Bolivian Minister of

Foreign Affairs compel us to remind this Committee of the bases for Chile's position. Our intervention at this time does not in any way imply an alteration of our objection to the OAS's supposed jurisdiction over this issue.

Without unnecessarily entering into an analysis of all of the past circumstances, we would only like to briefly recapitulate the concepts and facts that are indispensable for this Assembly to take account of in order to correctly appreciate the situation that Bolivia has presented to it. We believe this will also avoid inconvenient and unwanted distance from our sister Republic of Bolivia, and contribute, on the contrary, to building and perfecting a future of joint progress, mutual benefit, and fraternal friendship on an accurate and solid basis.

The first consideration that needs absolutely to be clarified is the nature of the reality to be examined.

The expressions with which Bolivia has described the situation that concern it are usually that of conflict or disputes. It is necessary to point out with complete precision that such a description is inaccurate. There is no conflict or dispute between Chile and Bolivia. This is simply a matter

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of a historic, legal, and practical reality created by the free agreement of the parties, fulfilled and finalized in due course and duly applied over time.

This reality, which bound and continues to bind the two sovereign nations, is what Bolivia would like to change and for it to have different traits. It is therefore inappropriate to call those desires or aspirations rights or claims. We can understand respectable desires and aspirations, but they cannot be unilaterally transformed into demands, and we are even less willing to fuel international confusion on the matter.

It should be remembered and emphasized that the Chile-Bolivia border was established by a treaty signed in 1904, more than 83 years ago, which is in full force and effect. This bilateral agreement was not imposed by force; it was signed twenty years after the end of hostilities. It was a treaty freely negotiated and its bases were proposed by Bolivia. The treaty was ultimately approved by the Bolivian Congress and the Bolivian Minister, Mr. Ismael Montes, was later elected President of Bolivia by a large majority.

Therefore, we have a treaty that defined a border that is today one of the most peaceful on the continent, and there is no record of any past or present situation that would have altered it.

This instrument has shown in practice its day-to-day operation, and has been a source of countless supplemental agreements to improve and increase the concessions that it grants. Furthermore, it should also be

remembered that this 1904 treaty has allowed Bolivia to acquire in practice a true access to the sea. Chile built at its own expense railways that link Bolivia to the Pacific Ocean. Likewise, Chile financed the internal Bolivian railway network.

It is true that Bolivia is a country without littoral, but it is not a confined country. On the contrary, it is the landlocked country that enjoys the most extensive free transit regime in the world, which has been explicitly recognized at the international level as sweeping in conception and effective in operation.

In confirmation of the preceding, it is useful to remember that the United Nations' November 1986 report on cooperation among developing countries, in the field of transport, expressly states:

The integrated Arica-La Paz transit system is certainly one of the most complete and efficient cooperative railroad transport systems in the region. It dates to the October 1904 Treaty of Peace and Amity, signed by Chile and Bolivia, by means of which the Republic of Chile recognizes in favor of

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Bolivia, in perpetuity, the fullest and most unrestricted right of commercial transit through its territory and Pacific ports, and by which the Republic of Bolivia will have the right to establish customs sites in such ports for its convenience to carry out its trade.

As another example of this recognition, it is also beneficial to cite the report of the twenty-fifth session of the Asian-African Legal Consultative Organization, held in Arusha, Tanzania in February of 1986. On the issue, "Right of Access of Landlocked States to and from the Sea and Transit through Coastal States", it was expressly stressed that the Bolivian access to the sea constitutes a model of cooperation for landlocked countries, by saying: "The bilateral agreements signed by Chile and Bolivia guarantee the most absolute right of free transit for a landlocked State."

Mr. President, the OAS bases its existence on the observance of certain principles, among which are respect for treaties, territorial integrity, the sovereignty and independence of member States, and non-intervention. Thus it could not encourage formulas that could lead to a revision of a treaty outside of the will of the parties that have signed it. Even less could it infringe upon the territorial integrity of Member States and their sovereignty. The full exercise of the rights and obligations arising from treaties is the best guarantee of the peace and international coexistence that we are all called upon to strengthen.

Chile unequivocally respects and defends the principle of inviolability of treaties, especially those dealing with territorial borders. Support, albeit

indirectly, for any unilateral revision would set an extremely dangerous precedent with unforeseen consequences for the peace and security of the Hemisphere. This deserves careful consideration.

It is also necessary to bear in mind that when anyone intends to promote the imposition on Chile of negotiations leading to the delivery to Bolivia of a free, sovereign and useful territorial access to the Pacific Ocean, it is an infringement of the fundamental rights of States; in this case, the sovereignty and territorial integrity of Chile.

The OAS Charter declares that those rights may not be undermined in any way. It would also infringe, in this case, upon the universal principle of self-determination of peoples and would also ignore the will of the committed Chilean people.

The Minister of Foreign Affairs of Bolivia has made reference to recent conversations held to effect a process

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of rapprochement between our countries, and to a Bolivian proposal delivered to Chile in Montevideo.

Chile did indeed begin talks with Bolivia at its request and in consideration of proposals formulated by the President of that country with respect to its willingness to consider, bilaterally, all initiatives of mutual interest. A particular influence on Chile's decision to agree to these talks was the so-called "fresh" or "new focus" that President Paz Estenssoro wanted to single out in his new approach to relations with Chile.

It is not accurate to say that Chile agreed to those talks owing to any explicit recommendations contained in OAS resolutions. As it has been expressed, Chile does not recognize OAS jurisdiction in this matter.

It should also be remembered that the joint press release, agreed upon in Montevideo by the Ministers of Foreign Affairs of Chile and Bolivia, did not mention any OAS resolution. In that bilateral rapprochement with Bolivia, Chile attended the Montevideo meeting to receive a proposal. Obviously, Chile had the right to accept it or reject it.

After the corresponding analysis, it was evident that elements of the proposal were unacceptable, and so it was deemed essential to communicate this to Bolivia without delay in the honest hope of not awakening unfounded expectations in it. These unacceptable elements clearly compromised Chile's territorial integrity, required displacement of populations, and contradicted in its essence the spirit of a "fresh" or "new approach", as it was announced at the beginning of the process of rapprochement as that which would be offered to Chile.

It is not correct or legitimate to blame my country or to impute anything to its Government or representatives for dismissing that proposal. To do so would mean that Chile attended Montevideo to receive an ultimatum and not a proposal susceptible as such of subsequent rejection.

On 9 July, Chile did in fact reject the formula presented by Bolivia, but at the same time it offered to explore with Bolivia new paths and mechanisms of bilateral cooperation and integration, to which end it has invited it to resume the Binational Rapprochement Commission.

It is our desire that Chile makes progress in its bilateral relation with Bolivia. My country's current Government has made efforts to achieve this, but sadly, Bolivia's stance on certain prerequisites or on distorting a historic and legal reality has frustrated that process.

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The facts have repeatedly shown that territorial dismemberment is not conducive to a positive solution to Bolivia's maritime aspiration. However, we are certain that, given the times in which we live and the prospect of a future of progress for both countries, the answer to this aspiration does not lie in processes that change borders or in the disintegration of a State or in the constitution of territorial enclaves. A joint future is in the understanding that must necessarily arise from neighborliness. Integration is designed so that this future, which has to be strengthened day by day, is in fact beneficial for our peoples. This is the constructive goal that inspires Chile, and with which it sincerely expects Bolivia to agree with.

Mr. President, I wished to take these minutes to formulate some observations and clarifications on an issue that, as I have said, we believe should not be the subject of attention of this Assembly. These matters are the responsibility of the two countries, and the problems that arise from that relationship can only be treated bilaterally. Therefore, we have opposed and continue to oppose multilateral treatment of this issue. The basis of Chile's position on this is well known and has been expressed on several occasions in the face of Bolivia's desire to address its aspiration in these Assemblies. In keeping with our position, and as on previous occasions, my Delegation will not participate in the consideration of this item on the agenda, and therefore, Mr. President, I beg you to forgive me for leaving the room. Thank you very much, Mr. President.

[The President of the Chilean delegation leaves the room.]

THE PRESIDENT: Thank you very much, Minister of Foreign Affairs. The Minister of Foreign Affairs of Bolivia has the floor.

THE MINISTER OF FOREIGN AFFAIRS OF BOLIVIA (Mr. Bedregal): Mr. President, very briefly. Simply to point out with the greatest

possible precision some doctrinal aspects. I would not like to make the mistake of picking up a source of verbal terrorism expressed in this moment. We are consistent with the Charter, Mr. President, with the principle of pacta sunt servanda, which constitutes one of the fundamental doctrinal elements of international life. But there comes a time, Mr. President, when the option of the rebus sic stantibus clause implies the need to seek different formulas to adapt the historical processes of peoples; obviously it entails inventive changes. Otherwise we would not understand at all, in these difficult times, particularly in Central America — homologation is not arbitrary, but dialectic, Mr. President — that the Contadora Group, the Support Group, and the efforts that have been made in regard to this problem, could casuistically discredit this kind of political and diplomatic action, if we were to tie ourselves exclusively to past artifices, which at this time are necessary to renew.

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Mr. President, that is a very important element, which I confirm, as it has been confirmed regarding the jurisdiction of this forum, which is not a tribunal of justice, it is not a tribunal where a case has to be legally analyzed, but is essentially an area of peace, dialogue, and understanding, and it is under those terms we confirm the proposal and this Assembly's treatment of a fundamental subject that is of political and democratic concern to the countries of our hemisphere. Thank you very much, Mr. President.

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THE PRESIDENT: If there is no one else who would like to take the floor, I would ask the Secretary to read aloud the draft resolution.

The SECRETARY: [Reads.]

THE PRESIDENT: The Representative of Chile has the floor.

THE REPRESENTATIVE OF CHILE (Mr. Larraín): Thank you very much, Mr. President. When this debate began, my delegation stated some general points of view on the topic we are discussing. Now that the General Committee is considering a draft resolution, we reiterate them. Before formulating any observation on it, I would like to ask you, Mr. President, that this proposal be subjected to a roll-call vote.

My delegation rejects the draft presented. We have essentially two kinds of objections; one with respect to the jurisdiction of the OAS to make a

statement on an issue that has been resolved by virtue of a treaty; and the other regarding the substantive content of the draft resolution.

In relation to the jurisdiction of the OAS, my delegation has referred to it repeatedly. Both the Declaration of Principles in the Charter and the chapter on the Rights of States clearly state that international order rests “on the faithful fulfillment of the obligations arising from treaties,” and that “respect for and the faithful observance of treaties constitute standards for the development of peaceful relations among States.”

Likewise it enshrines a provision for the respect for the sovereignty of member States. Therefore, the General Assembly’s action is limited in respect of the provisions in the Charter and it has no competence whatsoever to compel or suggest a State begin any type of negotiations that could affect a treaty in force or its sovereignty.

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As noted by the Minister of Foreign Affairs of Chile at the beginning of this debate, support, even indirectly, of any revisionist attempt of a unilateral nature would set an extremely dangerous precedent that could have unforeseen consequences for the peace and security of the Hemisphere, which should lead many of the delegations here to careful meditation.

Our second principal objection is grounded in certain elements that appear in this draft resolution and that Chile must reject, since they serve only to confuse the international community, preventing a correct appreciation of the scope of the Bolivian aspiration. Thus, it is a matter of certain terms or expressions that do not correspond to reality, such as, for example, that the “geographic confinement” and the supposed landlocked situation in which Bolivia lives prevents its adequate development. The Delegation of Chile is not going to extend itself in undermining these concepts, since any objective observer of the free transit regime enjoyed by Bolivia in Chilean territory, by virtue of the Treaty of 1904 and its supplemental accords, would conclude that these terms are inaccurate. But what Chile cannot accept is that through these references an atmosphere that does not reflect the true past, present and future is created, and gives shape to an alleged and unacceptable doctrine on this issue. In this sense, we cannot but draw attention to the first “whereas” affirms that the dialogue held recently between Chile and Bolivia was held “in accordance with” the resolutions of previous Assemblies.

My country’s position on the OAS addressing this issue, which we categorically reject, is publicly known. The statement in this “whereas” is not true and the Assembly by adopting it would be endorsing a falsehood. Chile agreed to dialogue with Bolivia with respect to a proposal formulated by President Paz Estenssoro, and no one who knows anything at all about this

issue could say that Chile went to Montevideo in accordance with OAS resolutions, which, as I have said, we have systematically rejected. In addition, the resolution's second "whereas" holds that the social and economic progress of the region is affected by Bolivia's landlocked situation. In reference to this issue, Chile's Minister of Foreign Affairs pointed to two recent international documents that recognize the efficiency of the free transit regime that my country grants to Bolivia, thus disproving the statement contained in the draft resolution.

Mr. President, these reasons compel the Chilean delegation to oppose this draft resolution, which contains errors of fact and of law and which would be used to forward the interests of one party to the detriment of the right that assists my country. Thank you very much.

The PRESIDENT: Thank you very much. The Representative of Bolivia has the floor.

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THE REPRESENTATIVE OF BOLIVIA (Mr. Bedregal): Actually, I could continue indefinitely correcting every single one of the statements proffered by the Representative of Chile. To begin with, his claim that it is false to say "accordance" – it seems that it has not been understood what it is meant by "in accordance with"; it means that it coincides with something that exists. And so on, but we are not in the field of academic explanations, since it has already been raised here and there is a proposal for a roll-call vote with which we agree with and that should proceed, Mr. President.

The PRESIDENT: Thank you very much. We are going to proceed with the vote, and since the Representative of Chile has asked that it be by roll call, I ask the Secretary to proceed with the corresponding lottery. (Draws a paper.) Based on the lottery, the Delegation of Jamaica will begin the voting.

(The roll-call vote is taken, with the following result:)

Jamaica	Yes
Uruguay	Yes
Antigua and Barbuda	Yes
Guatemala	Yes
Trinidad and Tobago	Abstention
Bolivia	Yes
Dominica	—
El Salvador	Abstention
Brazil	Yes
Haiti	Abstention
Venezuela	Yes

Panama	Yes
Colombia	Yes
Costa Rica	Yes
Honduras	Yes
Suriname	Abstention
Peru	Yes
Mexico	Yes
Argentina	Yes
St. Kitts and Nevis	—
Saint Vincent and the Grenadines	—
Santa Lucia	Abstention
Grenada	Abstention
Dominican Republic	Yes
Ecuador	Yes
Bahamas	Yes
Paraguay	Yes
Nicaragua	Yes
Chile	No
Barbados	Yes
United States	Yes

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THE SECRETARY: The result of the vote was as follows: twenty-one votes in favor, one against, and six abstentions.

THE PRESIDENT: The draft resolution is therefore approved. The Representative of Bolivia has the floor.

The REPRESENTATIVE OF BOLIVIA (Mr. Bedregal): Mr. President, with great emotion and gratitude, I just want to thank those who with their vote have comprehended the scope of an exhortation that is sustained by the ambition of the search for harmony and integration of the nations. That is all, Mr. President.

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Annex 437

Minutes of the 2nd Meeting of the General Committee of
the OAS General Assembly, 19 May 1992 (extracts)

(English translation)

Organization of American States, General Committee, Twenty-Second Regular Session, OEA/Ser.P/XXII.O.2, 1 April 1993, Vol. II, Part I, pp 295, 299-309

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GENERAL COMMITTEE

MINUTES OF THE SECOND MEETING

Date: 19 May 1992
Time: 12:20 p.m.
Place: Paradise Island Resort and Casino

President: Mr. Clement Maynard
 Deputy Prime Minister and Minister of Foreign Affairs of Bahamas

Present: Messrs.:

John F. Maisto	(United States)
Ernesto Leal	(Nicaragua)
Ronal Mac Lean Abaroa	(Bolivia)
Lawrence Chewning Fabrega	(Panama)
Corinne Baptiste	(Trinidad and Tobago)
Celso Lafer	(Brazil)
Lawrence Sylvester	(Belize)
Juan Aristedes Taveras Guzman	(Dominican Republic)
Brian G. K. Alleyne	(Dominica)
Maurice A. King	(Barbados)
Mauricio Granillo Barrera	(El Salvador)
Denneth Modeste	(Grenada)
Jean-Paul Hubert	(Canada)
Willem A. Udenhout	(Suriname)
Maria Cristina Gomez de Sucre	(Venezuela)
Margaret E. McDonald	(Bahamas)
Jean-Robert Sabalat	(Haiti)
Patrick A. Lewis	(Antigua and Barbuda)
Joseph E. Edmunds	(Santa Lucia)
Miguel Antonio Vasco	(Ecuador)
William V. Herbert	(St. Kitts and Nevis)
Sarita Saragosa	(Uruguay)
Santiago Oñate	(Mexico)
Benjamin Clare	(Jamaica)
Luis Guillermo Grillo Olarte	(Colombia)
Manuel Villacorta Miron	(Guatemala)
Oscar de la Puente Raygada	(Peru)
Guido Di Tella	(Argentina)
Herbert George Young	(Saint Vincent and the Grenadines)
Enrique Silva Cimma	(Chile)
Marcos Martinez Mendieta	(Paraguay)
Juan J. Cueva	(Honduras)
Bernd H. Niehaus	(Costa Rica)
João Clemente Baena Soares	(Secretary General of the OAS)
Christopher R. Thomas	(Assistant Secretary General)

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3. Report on the maritime issue of Bolivia (AG/Doc. 2817/92) (Item 5 of the agenda)

The PRESIDENT: Our third item on the order of business relates to consideration of the topics assigned to the Committee, according to the work plan that we have just adopted. In this regard, I submit for your consideration the Report on the Maritime Problems of Bolivia. I would like to point out that this item has a document which has been distributed to the Delegations, classified as AG/doc. 2817/92. I offer the floor to the Honorable Minister of Foreign Affairs of Bolivia to begin consideration of this matter.

The MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF BOLIVIA: Thank you, Mr. President. First, I would like to express my gratitude for having moved this matter to the first place, owing to its importance, and, with your authorization, I will immediately turn to its consideration. Since item 5 of the agenda of the present regular period of sessions is under consideration, it is my duty to provide information on the aspects related to the application of Resolution AG/RES. 989 (XIX-0/89) of the Assembly.

As might well be recalled, this Resolution was preceded by Resolution AG/RES. 426 (IX-0/79), adopted in the ninth regular period of sessions, and is consistent with the Resolutions adopted on this matter by the assembly thereafter.

By the said Resolution, AG/RES. 426 (IX-0/79), the community of Member States of the Organization declared that it is of permanent hemispheric interest that a solution be found for Bolivia's maritime issue and recommended "the States directly concerned to commence negotiations directed toward giving Bolivia a territorial and sovereign connection with the Pacific Ocean". In this way, Mr. President, this Resolution, adopted within the legal framework of the OAS Charter, made explicit its competences in regard to the functions that it is called to perform, to preserve, promote and strengthen harmony and understanding among the States of the Hemisphere and at the same time it announced the guidelines to harmonize the faculties of the Organization with the competences and responsibilities of the Member States. Thus, a proper interpretation of this Resolution leads to the conclusion that the multilateral action of the Organization, intended to create a suitable atmosphere to strengthen peaceful relations and cooperation in the region, is not incompatible but rather contributive to both multilateral and bilateral actions that are of concern to the Member States.

Emphasis should be placed on, to this end, what has been recently expressed under the Santiago Commitment to Democracy and the Renewal of the Inter-American System, establishing "that the OAS is the political forum for

dialogue, understanding and cooperation among all the countries of the hemisphere". The call for an inclusive and unrestricted dialogue acquires in this way a special projection for the search of a proper solution to

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Bolivia's maritime issue and our interrupted relations with the Republic of Chile.

The wording of Resolution AG/RES. 426 (IX-0/79) and of the other 11 Resolutions that have been adopted by this Assembly on this matter, have acquired a new meaning at present. The conduct that these Resolutions propose currently count on a new and auspicious international atmosphere that highlights the openness to arrive to understandings and agreements, as well as the attitudes that favor dialogue and negotiation above belligerent positions and attitudes directed toward isolation and hostile competence.

On very few occasions of contemporary history, the superior interest for peace, harmony and cooperation is asserted as the basic guideline for the efforts directed toward a reciprocal balancing of partial interests among States. This same conviction has been confirmed by the President of the Democratic Government of Chile, Mr. Patricio Aylwin, at the OAS Headquarters past 14 May.

It is within this framework and this new international atmosphere that Bolivia does not only reaffirm but reinterprets and offers a renewed instrumental content for its traditional foreign policy, intended to achieve the objective of regaining its status as a coastal State, which is inherent to its original territorial configuration, as a coastal State on the coasts of the Pacific Ocean. For this reason, it is fitting to explain some aspects related to the compliance of General Assembly Resolutions 426 and 989, quoted above, and to reiterate some basic elements that inspire the abovementioned policy.

Mr. President and Messrs. Representatives, just as it has been explained on many occasions, Bolivia's reintegration with the coasts of the Pacific Ocean is the main objective of my country's foreign policy. The actions intended to achieve this objective are inspired in the purpose of guaranteeing for the Bolivian State all the elements necessary to reaffirm its independence and integral development, along with improving the conditions of its integration into the regional system, the Pacific basin and international economy.

When Bolivia came into being as a sovereign and independent nation and as an actor in the regional scenario, with the legitimate projection of its jurisdiction and authority over the territories and coasts of the Pacific Ocean, the Bolivian State possessed all the key factors and resources to guarantee its integral development and enjoy the capacities and potentials to be part, without any restrictions, of the international economic community.

Particular historical circumstances that are widely known by the

community of States of the region, forced my country to renounce those territories and coasts on the Pacific, altering,

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in the substance, the foundations of the Bolivian State. The deep significance of this territorial changes lays on the loss of vast territories that were the richest in copper in the world and the loss of Bolivia's condition as a coastal State on the Pacific Ocean.

We do not ignore the fact that certain postulates of Bolivia's foreign policies, directed toward regaining our country's condition as a coastal State, give place to natural disagreements or discrepancies with brother countries, which for legal reasons, or guided by historical, strategic and political purposes, end up being involved.

Bolivia is still firmly convinced of the pertinence of peaceful means to settle and even bring together the national interests and objectives of the States that, one way or another, are involved in the problem before us.

Due to this circumstance, Bolivia has postulated on different occasions the path of direct negotiation as the most appropriate to overcome these discrepancies and reach understandings that are reciprocally advantageous. We are confident that dialogue is the most efficient means to reconcile discrepancies and facilitate the comprehension of particular objectives and interests that are in conflict with one another. Negotiation is, definitely, the most appropriate instrument to adjust, between the Parties involved, reciprocal contributions and agree upon, on this basis, the terms for a new coexistence.

There are positive historical precedents that are worth recalling. For instance, in 1950, the Governments of Bolivia and Chile, by means of an exchange of communications, expressed the coinciding intention, and I quote verbatim: [to] "formally enter into a direct negotiation to satisfy the fundamental need of Bolivia to obtain its own sovereign access to the Pacific Ocean", -- and added -- "and for Chile to obtain compensation of a non-territorial character which effectively takes into account its interests".

The two countries agreed that, in this way, a solution to the problem of Bolivia's landlocked condition would be found. Likewise, they agreed that the pertinent negotiations should lead to an understanding, textually saying: "on bases that take into account the mutual conveniences and true interests of both peoples".

In like manner, it is important to mention the process of negotiations commenced by Bolivia and Chile in 1975, which resulted in a formal proposal to give Bolivia "a sovereign maritime coast" – and continued – "a strip of territory extending from the coast to both countries' border". These experiences are an eloquent demonstration that dialogue is an ideal recourse to seek solutions of mutual advantages when States promote or defend interests and objectives that seem to be in conflict, in spite of how difficult they might be.

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Mr. President and Messrs. Representatives, temporary solutions for the difficulties endured by my country, due to both the loss of its condition as a coastal State and to its peculiar geographical position, are being proposed via an external contributing action that seeks to obtain, in cooperation with other neighboring countries and the region, diverse and greater access facilities to the systems of maritime transportation. In this connection, it is important and worthy to mention the recent agreement entered into between Bolivia and Peru for the utilization of a free zone in Ilo port and the development of a multi-sectorial project in beaches adjacent to this port, which includes, inter alia, a free commercial and industrial zone under Bolivian administration, as well as the construction of port facilities and the establishment of binational fishing fleets.

The Ilo Agreements concluded between Peru and Bolivia are a good example of cooperation based on a defined criterion intended to integrate both countries' interests and needs. This criterion is inspired, as a matter of fact, on the notion of Bolivia's need to access, with more fluency and freedom, the systems of maritime transportation and are combined with Peru's interest in creating conditions to promote the economic development of a specific region of its territory and, at the same time, access, through Bolivia, the Atlantic Ocean, employing new port and navigation facilities offered by the waterway on Paraguay and Parana Rivers.

However, by underlining our openness for an understanding with Chile, it is necessary to reiterate that we are seeking transitory solutions to the operative problems of our foreign commerce, without prejudice or decrease of the need to regain the condition as a coastal State, which is necessary for our future integral development.

My country's foreign actions are directed toward this development in a concrete way, with diverse forms of cooperation, mainly in the field of economic relations with neighboring countries and, particularly, with Chile. These efforts, aside from addressing the most urgent aspects related to neighborly relations, are intended, in our view, to improve the atmosphere of these relations and facilitate a better comprehension of the nature of our needs and the justice of our cause, creating proper conditions to provide the necessary and unavoidable treatment of all questions inserted in the bilateral agenda.

Within this line of action, in a recent period, important works have been completed by the Bolivia-Chile Joint Boundary Commission, owing to which difficulties have been overcome to give continuance to the demarcation works that must be carried out in the broad border between our two countries. The progress made is the result of a pragmatic and constructive approach adopted consciously by the Governments of Chile and Bolivia; at the same time, they are a testimony of the possibilities granted by dialogue to face the most diverse and difficult questions that concern the relations between both countries.

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Similarly, efforts have been intensified to explore, jointly, a new framework intended to regulate commercial exchanges between Bolivia and Chile and, even, lay the basis for a progressive complementation and integration of the two national economies. These efforts are also inspired in the identification of matching interests, together with the coinciding guidelines of our economic policies.

Mr. President and Messrs. Representatives, the intention of my country is to address, with pragmatism and responsibility, the different questions inserted in the agenda of the relations between Chile and Bolivia and is based on the conviction that it is necessary to create common interests and real solidarity, directed toward maintaining on solid foundations the efforts to seek a proper understanding, comprehension and harmony between our countries.

At the same time, however, this intention is inspired in the conviction that these efforts will gain a true meaning and have greater possibilities to succeed, insofar as they are accompanied by the shared intention to face with the same determination and frankness, all issues that concern our bilateral relations and, particularly, Bolivia's territorial reintegration with the coasts of the Pacific.

Finding a permanent and reciprocally advantageous solution for this complex matter is an essential condition for the relations between both countries to effectively enter into a new stage. Similarly, it is an inexcusable requirement that these relations extend towards an integral coexistence, rich in future complementary possibilities that guarantee a growing integration and a greater wellbeing for both nations.

Finally, Mr. President and Messrs. Representatives, I am pleased to state before this noble Assembly, based on the democratic system that governs our two countries, that the Government of Bolivia is completely open to enter into frank, friendly and fraternal conversations with Chile so as to find definite and reciprocally advantageous solutions to the centenary maritime issue, which, as long as it continues, will cause the atmosphere of distrust and uncertainty in the Southern Cone of the Continent to remain latent, as an improper and obstructing situation that prevents the great American project of growing integration among our nations from materializing. Thank you very much.

The PRESIDENT: Thank you, Mr. Minister. I now have the honor of giving the floor to the Minister of Foreign Affairs of Chile.

The MINISTER OF FOREIGN AFFAIRS OF CHILE: Mr. President, Messrs. Foreign Ministers, Messrs. Representatives:

I have listened with special interest to the words uttered by my dear friend, the Foreign Minister of Bolivia. In the content of his allocution there are two parts that are perfectly defined, one that returns to the erstwhile concepts that the OAS General Assembly already is aware of because they are the

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reiteration of considerations that have successively been put forward in many meetings and, as a result, I will omit referring to them for obvious reasons.

We would like to look into the future, and we want to look into it with the spirit of brotherhood and harmony with which we have been doing this. It is sufficient, Mr. President, to recall that this matter was already discussed in the preceding Assembly of Asuncion of 1990 and in the Assembly of Santiago of 1991, and fortunately I believe I am in position to inform the honorable OAS Assembly that we have not waste any time in these recent years. And we have not wasted it because, as my colleague has already recalled, President Aylwin has declared, as soon as he took office on 11 March 1990 and after our country returned to democracy, that he intended to move in tune with his Latin American peers. And in the face of any pretension formulated inside our country, in the sense that Chile ought to look towards Europe and other continents because it had abandoned the developing world, President Aylwin declared categorically that we wish to walk along with our Latin American peers because we believe that integration is the final goal of our Continent.

As a result of this integration, this Foreign Ministry has been imparted specific instructions from our Head of State to act not only along with the Republic of Bolivia and mainly with the countries of the Southern Cone, but also, at the same time, with the whole Continent, at a deep level of brotherhood, leaving testimony of the fact that there are no problems in the Southern Cone of the Continent and that there is nothing that could at present weaken the degree of harmony within which the Southern Cone is working. That is the way in which we have put an end to all boundary conflicts we have faced –many of which are more than centenary.

I am truly pleased to state, by way of example, that through the path of direct negotiations we have been able to solve with the sister Republic of Argentina twenty-four pending boundary disputes, leaving a testimony that has become an example for the other brother countries of the Continent.

As the Foreign Minister of Bolivia has also recognized, in the same harmonious way, through the path of joint commissions, we have fortunately put an end to nine pending questions related to border landmarks or their allocation along our border in a way that has been praised not only in our country but also in the sister Republic of Bolivia.

In regard to the problems related to the maritime issue to which my distinguished colleague has referred, he is well aware that these have been resolved by a treaty and that our country has permanently upheld the inviolability of treaties. That is why we are not interested in going back to the past, we desire to walk conjointly with Bolivia and with the other countries of the continent with a future-oriented approach.

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My distinguished colleague has stated that in the bilateral sphere Chile and Bolivia are making positive progress and this is absolutely true, Mr. President. I would even dare state that, in recent years, from the Assembly of Asuncion of 1990 to the present, we have made more progress in the harmonious order of our relations with Bolivia than in preceding years.

Hoping not to tire this honorable Assembly, I would like to simply mention, by way of example, what we have accomplished in these past two years. First, we have moved forward in the negotiations intended to reach an agreement on economic complementation or free trade with Bolivia. This would have been incomprehensible or unbelievable in the past. We would like to state that the commissions are working at such a degree of harmony that it is very probable, Mr. President, that we soon reach a complementation agreement between our countries. I would also like to add that this has not only been the initiative of our Governments, it was also the result of the requests made by the respective business sectors which, convened in La Paz last year, elaborated what was then labelled as the "Act of La Paz", urging the Governments of Chile and Bolivia to reach an agreement on economic complementation.

That is why we are working in harmony and reciprocally creating an atmosphere of collective awareness so as to eliminate the distrust that existed in the past not only between our Governments, but also between our peoples. We have the burning desire and the conviction that, in order for our relations to be increasingly harmonious, it is essential that our peoples understand each other. So long as there is no collective awareness in regard to the need that it is just for the countries of our region to act united consistently with the beginning of the XXI Century, there is no doubt, Mr. President, that too little might be done at the highest levels.

Asides from these aspects I have referred to in regard to economic complementation, we are working together, in a field of broad cooperation, in the energy field and in the construction of the pipeline that will supply the northern region of Chile with gas, all this investing and utilizing natural gas from Bolivia. We have created the Chilean-Bolivian Chamber of Commerce and we have remarkably increased our bilateral trade. In 1991, we achieved the record of 132 million dollars in trade exchanges between Bolivia and Chile, which entailed an increase by more than a hundred percent in comparison to the numbers registered in 1989, discounting the business carried out in Zofri and Iquique in relation to trade to Bolivia, which exceeded the 200 million dollars in 1991.

Our country has promoted the construction of a highway from Arica, following the Tambo Quemado route, to the border, i.e. La Paz. The Chilean side is making such progress that only 20 kilometers are missing to conclude the construction of this highway in Chilean territory. Bolivia, owing to a loan obtained from the IDB, has fortunately also obtained financing for this

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highway that will soon allow its access. In any case, the Chilean part will be finished by the first semester of the next year so La Paz and Arica are connected through a first-rate highway, in six hours and a half. This evidences how the reality has demonstrated progressively, in a definitely pragmatic sense, that it is possible that our nations unite in a deeply rooted desire of reintegration.

Eliminating the visas for Bolivian tourists and citizens to travel to Chile, although we do not have diplomatic relations, which is why we could not agree to this under an agreement between the Parties, was a unilateral determination taken by President Aylwin. The request for visas has been eliminated for some time now, allowing Bolivian citizens and brothers to visit our country freely, without impediments that might entail obstacles of any kind. We were thereafter immediately informed that the Government of Bolivia acted in the same way, which means that it is completely feasible to attain common objectives in the bilateral sphere, as long as there is a desire and impetus to act in the field of harmony, which is precisely what we have been doing.

I would like to also announce that together with eliminating the requirement for visas, which is with no doubt a relevant circumstance for our countries and peoples to come closer, conciliation has been reached –as I had stated– in eleven sectors that entailed difficulties to the demarcation of our borders.

But we have gone even further in the short term, Mr. President. The Chilean Head of State has sent a draft law, the approval of which is being assessed at the Congress of the Republic, to the effect of eliminating the ban on Bolivian citizens and those from other bordering countries to purchase property in our territory, which would allow, as soon as the draft is approved –which will undoubtedly happen–, Bolivian brothers to purchase property in the northern region of our country or in any other one, both for touristic ends as for industrial purposes. I would also like to inform that an industrial region has recently been created in Arica, which, as soon as the law draft is approved, will allow Bolivian entrepreneurs to purchase property in that region in order to establish industries there.

As the honorable OAS Assembly is well aware, at Chile's sole expense, in keeping with the provisions of the 1904 Treaty, Chile built the Arica-La Paz railroad. This railroad belongs to Chile in the section that crosses its territory and the section crossing Bolivian territory was transferred to Bolivia. We have even gone further and have now proposed the Bolivian Government the free transfer of the Arica-La Paz railroad to the sister Republic of Bolivia.

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Bolivia replied with a complementary response, not accepting this kind proposal, and proposed instead the creation of a joint Chilean-Bolivian enterprise to administer that railroad together through the private channel. We are willing to do so. We believe that would entail the privatization of an

enterprise that currently belongs to both States. To us, either of the two formulas is irrelevant, but the defined purpose of the Chilean Government is to progressively, as had never happened in the past, harmonize our relations with Bolivia. The fact that the military geographical institutes of both countries have prepared a joint mapping of their respective territories is evidence of how much progress can be made when there is a clear determination to do so.

The signing, to that end, in April 1992 of a memorandum of understanding that sets the bases for the future conclusion of an agreement on prevention, control, inspection and suppression of the consumption and illegal trafficking of narcotics is yet another demonstration of the fact that despite of the absence of diplomatic relations –not of our choosing but because circumstances have led to that unfortunate situation– we have made progress in the bilateral field, which is the one within which Chile has always upheld that relations between Bolivia and Chile ought to be conducted.

In the education, cultural, academic, music and cooperation fields, the activities Bolivia and Chile, or better said the Bolivian and Chilean citizens have been jointly carrying out are also of particular importance.

In a single word, Mr. President, and I conclude my allocution with this, we are implementing with Bolivia a set of activities that have been given priority in recent years, and that will allow bringing closer both countries' wills and moving forward together in what by virtue of history and facts will with no doubt constitute the American integration promoted more than 160 years ago within the Panama Congress by one of the great founding fathers of the Hemisphere.

This brief but substantial summary I have just made is a clear demonstration of the fact that the process of understanding and dialogue between Chile and Bolivia is already underway. We have even reached the point of –as my distinguished colleague, the Foreign Minister of Bolivia, has rightly stated– agreeing on the issues in regard to which we both concede there are disagreements, allowing us to look into the future of our countries with great hope. As a result, I would even dare request this honorable Assembly to allow Bolivia and Chile to continue walking on the path of bilateralism, on which we have made much more progress in the last two years than when there were disagreements and discrepancies, which are with no doubt part of past history and have disappeared forever under the light of hope with which we look into the future of our two brother countries. Thank you.

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The PRESIDENT: Thank you, Mr. Minister. I now have the honor of giving the floor to the Minister of Foreign Affairs of Brazil.

The MINISTER OF FOREIGN AFFAIRS OF BRAZIL: Mr. President, my Delegation, the Delegation of Brazil, has listened with the greatest interest and sympathy, as I am sure the other Delegations did, to the allocutions by the Foreign Ministers of Bolivia and Chile in regard to this agenda item.

I would also like to place on record our satisfaction over the evolution of the relations between those two friendly nations. We hold the hope, and we go even further, we are confident that the progress made in these relations –closely followed by the countries of this hemisphere– will decisively contribute to strengthening solidarity and will improve Latin American coexistence. Thank you, Mr. President.

The PRESIDENT: Thank you, Mr. Minister. I now have the honor of giving the floor to the Minister of Foreign Affairs of Panama.

The MINISTER OF FOREIGN AFFAIRS OF PANAMA: Mr. President, to my country, Bolivia and Chile are both brother countries, not only because we share the same continent, but also because we speak the same language and are part of the Ibero-American family. Many Panamanians have seen our struggle to abrogate the Hay-Bunau-Varilla Treaty –which granted perpetual rights to the United States over our territory– reflected in the efforts Bolivia has been making to regain its outlet to the sea.

To Chile, on the other hand, we owe to a large extent the bases of our national education system, inasmuch as the first pioneers in education in Panama were schooled in Chilean educational establishments, that is why Chile's presence in Panama is undeniable and is a reason to be proud of. As a result, Mr. President, to me, as Foreign Minister of Panama, it has been and it is a great satisfaction and pleasure to observe the way in which this Organization has been considering, owing to the proper understanding sought by Bolivia and Chile, the existing differences that divide them. I am confident that these feelings of satisfaction and contentment are shared by all of the attending Delegations.

But as an Ibero-American, I am also hurt by the fact that, although this communication is progressively improving between Bolivia and Chile, these two countries don't have Ambassadors in one another's country. And I say it hurts me because Panamanian democracy has endured from its very beginning the absence of many Ibero-American Ambassadors, so we are fully aware of what this absence entails. Thus, nothing

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would be more encouraging for a united America than seeing that Bolivia and Chile put an end to their differences. I hold the hope that this will soon become a reality.

Many decades ago, Mr. President, Chile was a very positive factor in finding a solution to our boundary issues. Nothing would be more pleasing for my Government than proving help for Bolivia and Chile to achieve a solution to their differences. Thank you very much.

The PRESIDENT: Thank you, Mr. Minister. I now have the honor of giving the floor to the Honorable Minister of Foreign Affairs of Costa Rica.

The MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF COSTA RICA: Thank you, Mr. President. We have listened with great satisfaction to the statements made by the Foreign Ministers of Bolivia and Chile and we are aware that these two brother countries are increasingly coming together, as could not have been otherwise, through the path of direct dialogue and bilateral actions; they have evolved, overcome this crisis, this problem which is an American problem also. Whenever we talk, we speak of the importance of this absolute unity in all fields. This has been quite satisfactory and we hope it continues like that.

That is why Mr. President, I hereby recommend with all due respect that we interrupt this debate, see with satisfaction how relations between Chile and Bolivia continue developing through a proper channel, and make a statement in that connection.

In light of the progress made so far and the importance and amount of issues we must address, we would recommend declaring this discussion over and congratulating both countries and their Foreign Ministers for such a mature, positive and fraternal attitude shown within the American sphere. That's all Mr. President. Thank you.

The PRESIDENT: Thank you, Mr. Minister. The progress made and the position mentioned will be reflected in the record of the meeting.

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Annex 438

Minutes of the 4th Plenary Meeting of the OAS General
Assembly, 4 June 1996 (extracts)

(English translation)

Organization of American States, General Assembly, Twenty-Sixth Regular Session,
OEA/Ser.P/XXVI-O.2, 30 April 1997, Vol. II, Part I, pp 79-83

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MINUTES OF THE FOURTH PLENARY SESSION

<u>Date:</u>	4 June 1996
<u>Time:</u>	10:10 a.m.
<u>Place:</u>	Atlapa Convention Center
<u>President:</u>	Mr. Ricardo Alberto Arias Minister in Charge of Foreign Affairs of Panama
<u>Attendees:</u>	Messrs.
Ramón Ernesto González Giner	(El Salvador)
Philip B. Taylor	(United States)
Gregory Bowen	(Grenada)
José Luis Chea Urrela	(Guatemala)
Clement James Rohee, M.P.	(Guyana)
Jean Casimir	(Haiti)
J. Delmer Urbizo Panting	(Honduras)
A'Dale Robinson	(Jamaica)
Miguel Ángel González Félix	(Mexico)
Ernesto Leal Sánchez	(Nicaragua)
Lawrence Chewning Fábrega	(Panama)
Julio Arriola	(Paraguay)
José Luis Ibarra Bellido	(Peru)
Marino Villanueva Callot	(Dominican Republic)
John Irish	(St. Kitts and Nevis)
Joseph E. Edmunds	(Saint Lucia)
Cecily A. Norris	(Saint Vincent and the Grenadines)
Willem A. Udenhout	(Suriname)
Terrance E. Walker	(Trinidad and Tobago)
Álvaro Ramos Trigo	(Uruguay)
Miguel Ángel Burelli Rivas	(Venezuela)
Lionel Alexander Hurst	(Antigua and Barbuda)
Alicia Martínez Ríos	(Argentina)
Janet G. Bostwick	(Bahamas)
Courtney Blackman	(Barbados)
Dean R. Lindo, S.C	(Belize)
Antonio Araníbar Quiroga	(Bolivia)
Mario G. Roiter	(Brazil)
Bernadette St-Jean	(Canada)
José Miguel Insulza	(Chile)
Rodrigo Pardo García Peña	(Colombia)
Rubén Robles Viada	(Costa Rica)
Galo Leoro Franco	(Ecuador)
César Gaviria	(Secretary General of the OAS)
Christopher R. Thomas	(Assistant Secretary General)

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The MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF BOLIVIA: Mr. President of the General Assembly of the Organization of American States, distinguished Ministers of Foreign Affairs, Mr. Secretary General, Mr. Adjunct Secretary General, esteemed Ambassadors, ladies and gentlemen:

We all know that the Organization of American States is the forum where regional progress and initiatives for the consolidation of the harmonious, peaceful and solidary international order in our hemisphere should be recorded. The principles of the OAS Charter require our States to resolve differences that affect regional stability and to cooperate fraternally among all to construct a future of dignity and justice.

To this end, we are called every year to the General Assembly to examine the progress achieved and to amend the mistakes made.

Our governments are committed to the task of improving coexistence with our neighbors, but often the lack of results and the passage of time leave our peoples with the feeling that their aspirations and rights are not being met with the urgency demanded by their own needs and expectations. That is the case with Bolivia's confinement from the sea.

While the urgency of affirming Bolivia's maritime quality constitutes a categorical, inalienable and permanent operation of the Bolivian people, the situation that we can periodically register in that direction is perceived as absolutely insufficient. That is why the successive Governments of my country, regardless of their ideological tendency, annually place this issue on the agenda of the OAS General Assembly, in connection with the "hemispheric interest" that this body has recognized for our fundamental problem, and which constitutes the conceptual basis for this report.

The Bolivian Government has expressed on repeated occasions its satisfaction at the continental solidarity reflected in the successive resolutions approved in this forum and we particularly recall that at the 25th regular session of the OAS General Assembly, several of our brother governments spoke in favor of a dialogue between Bolivia and Chile, that starts the path toward the final solution of this century-old issue.

Bolivia is prepared to move ahead with the dialogue. Although there has been no substantive progress towards compliance with the negotiations recommended by the General Assembly, my country feels the need to continue taking the indispensable efforts to make possible a reunion of brothers in the framework of hemispheric solidarity.

Bolivia considers that the multilateral nature of the regional interest is perfectly compatible with the possibility of carrying forward direct negotiations between the parties to discuss and agree upon formulas of

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understanding. That is why we resort to this forum every year to report on the status of the situation, and at the same time, to call upon the States involved to take up the challenge, to find new roads that will permit Bolivia to exercise its rights to the resources of the sea and to contribute constructively to economic welfare, regional integration and peace and security on the continent.

We are persuaded that the time has come for the inclusion of this topic on the agenda of the sessions of the OAS General Assembly to go beyond a mere declaration and stimulate the political predisposition to take constructive, modern and intelligent actions, that take into account the interests and rights of all parties.

The geographical continuity of Bolivia and Chile and the vast potential of economic complementarity with which we are endowed lead us to pave the ways to resolve differences. Also, with the dramatic changes in the international environment, reciprocal interrelation now has new challenges to face in a political climate that makes it possible to generate measures of reciprocal trust and improve communication of rapprochement between peoples and governments.

If we manage to definitively remove the obstacles that we have inherited from history, our bonds can develop in a context of unprecedented integration and growing interdependence.

My country wishes to bequeath to future generations a horizon of peace and friendship that stimulates economic and social welfare in the region.

So we must deepen the dialogue with our neighbors, finding points of mutual agreement, solving specific problems, taking advantage of the potential that emerges from our open economies and the strength of democracy that we are building, overcoming the negative consequences of the past, allowing us to look at each other without sensitivity, misgivings and distrust.

In recent months we have noted with interest the initiatives and suggestions of prominent people in Latin America regarding the maritime issue of Bolivia. These pronouncements are welcome because they generate spaces for greater rapprochement and facilitate official dialogue which, with ambitious but realistic objectives, will lead to alternatives for a permanent solution. The emergence of such signals from within civil society fills out with hope the current bonds and could eventually encourage a vigorous process of bilateral negotiations.

For Bolivia, development of inter-oceanic corridors represents one of the central themes of its future international relations and is directly linked to its approach to Chile. The critical importance of the corridors involves putting the productive capacity of the regions of the Central Cone of South America in contact with the growth engine in the Pacific Rim. Consequently, the assertion of Bolivia's maritime quality through free and sovereign access to the Pacific Ocean acquires new horizons and projections.

Bolivia conceives its coordinating role in the regional dimension starting from a final solution to its geographical disadvantage derived from a political situation. From this perspective, the fact that our country has been deprived of its own contact with the sea is not only an obstacle to its development, but also a serious limitation for its future integration into the modern world.

We need to move forward toward a renewed vision of external relations that is consistent with the demands of the 21st century. To that end,

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we once again call upon this group to face the challenge of an original solution, based on a mutual and final agreement, to put an end to Bolivia's historical confinement. Thank you very much, Mr. President.

...

The MINISTER OF FOREIGN AFFAIRS OF CHILE: Mr. President and distinguished Ministers, the declaration by the Minister of Foreign Affairs and Worship of Bolivia leads me to mention once again my country's position on this matter and the grounds for its position.

As the Foreign Ministers know, we have always maintained that the situation posed by Bolivia was resolved with the signing of the Treaty of Peace and Amity of 1904, which was validly concluded and is fully in force. The inviolability of treaties is a fundamental part of the American legal system and forms the basis of our peace and understanding.

In this context, however, the Government of Chile again reiterates its firm will to continue developing the project of understanding and bilateral cooperation that both nations have undertaken, through the permanent dialogue for specific reasons that demonstrate the level the relations have reached and that our country is willing to further deepen.

The current context of relations permits us to say that regional conditions to encourage an environment of trust, dialogue and cooperation are more present than ever before in our continent. We hope that at this opportunity the Ministers will appreciate this conflicting position, while considering this issue strictly a matter for the States concerned and not within the competence of the Organization.

Mr. President and distinguished Ministers since 1990 we have maintained a policy of frank understanding with Bolivia, which has brought about important initiatives to privilege a continuous and ongoing relationship. Our Presidents have met on several occasions and the bilateral agenda of our relations includes various political, economic, cultural, cooperation and integration aspects, which are nothing more than a demonstration of the significant advances that have been made in recent years.

The mechanism of regular political consultations established in 1993 has been an effective mechanism that has reviewed a wide range of specific topics, identifying overlaps and common interests. During the term of office of President Eduardo Frei Ruiz-Tagle, this mechanism has met twice, first in August 1994 and then in April

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1995. Successive meetings of Ministers and Undersecretaries have further strengthened this dialogue.

Moreover, the economic relationship has been fruitful. The economic complementation agreement signed in 1992 has been joined by agreements for the promotion and reciprocal protection of investments, promotion of exports, phytosanitary agreements and other agreements under negotiation. Our joint participation in the inter-oceanic corridors along with other Southern Cone countries is also part of these developments. Trade between Chile and Bolivia has increased substantially, as has investment, especially by Chile and Bolivia.

With respect to consular matters, since the end of 1994, the system of passport registration for tourists from both countries has been terminated, and in 1995, a Visa Exemption Agreement was signed for holders of diplomatic, official and special passports.

At the initiative of President Frei actions were initiated to promote rapprochement between the institutions of national defense and the police, in order to improve relations at the global level and generate greater trust between them.

On the occasion of the Summit of the Rio Group and the European Union, last April, I had the opportunity to express to the Bolivian Foreign Minister that Chile is willing to discuss new modalities of access to the sea for Bolivia, provided that imaginative formulas are used that do not mean cessation of sovereignty by Chile. We have agreed to continue working on the structuring of the new bilateral instrument which, based on full respect for the Treaty of 1904, considers issues such as the use of ports, road construction, bonded warehouses, free trade, investment, and so on. The efforts of the Government of Chile in its relations with Bolivia respond to an Americanist policy that has been sovereignly

adopted and which it has also developed with other nations of the hemisphere and is not linked to multilateral bodies.

Mr. President, the process begun by Chile and Bolivia today is in their exclusive competence, and to the extent that they continue down this path, it will permit us to face as partners the challenges of development and to walk together on the path of integration. Thank you very much, Mr. President.

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Annex 439

Minutes of the 4th Plenary Meeting of the OAS General
Assembly, 3 June 1997 (extracts)

(English translation)

Organization of American States, General Assembly, Twenty-Seventh
Regular Session, OEA/Ser.P/XXVII-O.2, 5 June 1998, Vol. II, Part I,
pp 155-156, 183-187

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MINUTES OF THE FOURTH PLENARY SESSION

Date: 3 June 1997Time: 3:40 p.m.Location: Oro Verde HotelPresident: Mr. Francisco Tudela Van Breugel-Douglas
Minister of Foreign Affairs of PeruAttendees: Messrs.

Francisco Paparoni	(Venezuela)
Lionel Alexander Hurst	(Antigua and Barbuda)
Mauricio Alice	(Argentina)
Janet G. Bostwick	(Bahamas)
Courtney Blackman	(Barbados)
Janine Sylvestre	(Belize)
Carlos Casap	(Bolivia)
Dante Coehlo de Lima (Brazil)	
Tamara Guttman	(Canada)
José Miguel Insulza	(Chile)
Camilo Reyes Rodríguez	(Colombia)
Ingrid Mora	(Costa Rica)
Simon P. Richards	(Dominica)
Alejandro Suárez Pasquel	(Ecuador)
Mauricio Ruiz Cacho (El Salvador)	
Richard Hines	(United States)
Denis Antoine	(Grenada)
Guillermo Argueta	(Guatemala)
Clement J. Rohee	(Guyana)
Fritz Longchamp	(Haiti)
Delmer Urbizo Panting	(Honduras)
Benjamin Clare	(Jamaica)
Margarita Diéquez	(Mexico)
Julio César Saborio	(Nicaragua)
Lawrence Chewning Fábrega	(Panama)
Rubén Melgarejo Lanzoni	(Paraguay)
Hugo de Zela Martínez	(Peru)
Marylin Henríquez	(Dominican Republic)
Joseph E. Edmunds	(Saint Lucia)
Kingsley C.A. Layne	(Saint Vincent and the Grenadines)
Osbert W. Liburd	(Saint Kitts and Nevis)
Soeniel Sitaldien	(Suriname)
Sandra Honoré-Braithwaite	(Trinidad and Tobago)
Antonio Mercader	(Uruguay)

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César Gaviria	(Secretary General of the OAS)
Christopher R. Thomas	(Assistant Secretary General)

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9. Report on Bolivia's maritime problem

The MINISTER OF FOREIGN AFFAIRS AND WORSHIP OF BOLIVIA: Thank you. Madam President, distinguished Foreign Ministers, Ambassadors, Observers, special guests, ladies and gentlemen:

A generally accepted view is that we are experiencing deep and extraordinary changes in the world, and particularly in our hemisphere, that give us hope that the dreams and illusions of yesteryear will become true today.

Under this promising vision, my Government has focused its foreign policy on strengthening ties with all the countries in our region, especially those that border ours. We are developing an active and dynamic diplomacy that has resulted in genuine, beneficial rapprochement with all our neighbors.

But we are not satisfied, because after relentless efforts we have not reached agreements on the solution to the issue that most distresses the Bolivian nation: our current status as a landlocked country. For more than a century my country has unsuccessfully sought different paths and different formulas to solve the problem. For Bolivia, the recovery of its maritime quality is a fundamental objective of its foreign policy and an issue closely linked with its national being. No change in government administration will alter the focus and vision of this issue.

The persistence of this unfair situation is not good for the Americas. We all know that. That is why in 1979 the Organization of American States declared that the solution of the problem of landlocked Bolivia is of hemispheric interest. All of the Americas are conscious of the existence of a real problem between Bolivia and Chile.

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And that is why, beyond the theoretical and legal discrepancies, beyond the self-will of the Governments, is the unquestionable reality of a historical tragedy of a people who will never renounce our return to the sea.

There is certainly an opportunity cost to not openly discussing the matter to find creative solutions in a cooperative framework between Chile and Bolivia. Both countries will lose, because the cost of Bolivia's landlocked situation and of inadequate utilization of the development potential of the northern region of Chile, based on a true integration and complementarity of their economies, is easily verifiable.

This is not the right time to give a historical account of the entire difficult process for my country. So I will just say that, in good faith, in the spirit that motivates the Hemisphere represented here, in the past four years the Government of Bolivia has made efforts to reach an understanding with the Government of Chile to definitively resolve its confinement. Horizons of shared interests between the two countries, which are derived from the challenges of competitive integration in the international context, were expanded. None of this, however, has induced a change in attitude that is coherent with the principles of international solidarity.

Unfortunately, despite all the progress made at the bilateral level, no positive progress has been made with the maritime issue. We remain stagnant without substantive progress. For Bolivia this unsolved problem, besides being a real impediment to integration, directly affects its chances of international integration. Can there be any doubt that Bolivia is daily paying the cost of being landlocked?

In the construction of a new hemispheric humanism, in which peace, solidarity, justice and equity prevail, there is still a reality that separates two peoples. My country comes to this forum to invoke, once again, the justice of its cause and the belief that a modern, renewed and imaginative approach, free of prejudice, based on the longstanding collective interest, may offer to its maritime problem the desired solution that the Bolivian people have stoically waited for, for many years.

However, beyond that stoicism and peaceful nature of Bolivia, this situation is not healthy for inter-American relationships and constitutes a threat to peace in the region.

As part of the globalization of the economy, Bolivia and Chile need to change the form in which they consider each other and redefine each other's significance, in an interdependent and complementary logic of interests. In this

sense, if Bolivia and Chile want to face their reciprocal relations considering how best to cooperatively address their common challenges, it is necessary to resolve the geographical confinement of my country.

Bolivia's historical demand is consistent with the prevailing trends in the regional and international economy and responds to the challenges that hemispheric integration expects from our governments. Therefore, my country does not come to this podium to ask for the impossible. We are in the era of multilateralism in which nothing can be achieved without solidary international cooperation. It is time for integration and understanding. It is the right time to address mutual and shared interests. Confrontation is a historical anachronism that must be rejected.

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In the current outlook of a solution to Bolivia's landlocked situation with sovereignty, there is ample space to carry out a joint work that opens the way to Bolivia's outreach to the sea and the Pacific Rim. That would make it possible to build a brighter future for our people. In this context we can expect the creation of a development hub of shared benefits between Peru, Chile and Bolivia.

Let us abandon suspicions and sensitivities once and for all, and let us commence a dialogue that seeks the prosperity and welfare of our people, through roads and ports that not only take Bolivia to the sea, but also to the meeting of our peoples in a true process of integration in the region.

Is it not possible that Chileans, Peruvians and Bolivians, united in an effort to create a climate of trust and solidarity and imbued with noble purposes, could design together a future of prosperity for our peoples? This approach will provide the opportunity for economic development and dynamic integration of incalculable benefit.

Bolivia asks the rest of our brothers in the Hemisphere to persevere with their support of this cause; and asks them to establish the noblest ideals of American unity. This time of great change gives us an opportunity to seek progressive rapprochement and long-lasting solutions to the issue that motivates this presentation. We ask our neighbors not to waste this historic opportunity given us by the strengthening of our democracies and a new momentum toward economic integration.

Bolivia will insist on a fair and equitable solution to its problem. Bolivia will return to the sea someday: we say it with confidence, because as long as there is a drop of water left on this planet, Bolivia will continue to demand that its maritime quality be returned. Thank you very much, madam President.

...

The MINISTER OF FOREIGN AFFAIRS OF CHILE: The speech by the Bolivian Foreign Minister leads me to mention once again Chile's position on this matter and the grounds supporting it. I do this with the understanding that this is a point of information, because the Organization of American States, like any other international organization, does not have a mandate to consider issues that involve the sovereignty of its member States.

The Chilean Government has repeatedly indicated that its borders with Bolivia were definitively resolved with the signing of the Treaty of Peace, Amity and Commerce of 1904, which was validly concluded and is in full force and effect. I would like to point out here that such Border Treaty was signed by the Bolivian Government with full reason and understanding, with the full

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support of its Congress, 20 years after the end of the confrontation referred to, without military presence or pressure of any kind. The very election of President Montes, who signed the Treaty, led to its ratification, and afterwards was reelected; was made under the political banner of having signed the treaty with Chile.

Consequently, there is no border dispute or any pending issue in terms of territorial sovereignty between Chile and Bolivia. Notwithstanding what I have indicated, I consider it important to inform this Assembly that through this Treaty and other subsequent agreements, Chile generated transport and communication facilities for Bolivia that were non-existent until that date, linking the highland capital with the ocean by building the Arica-La Paz railway with its own funds and also helping to join the domestic railways; it granted Bolivia port facilities by opening up to Bolivia the ports of its choice: Arica and Antofagasta; it allowed the installation and operation of customs offices in Chilean ports, which is still in force, and storage of goods at no cost, as well as the stockpiling of minerals for one year on port land. Facilities were also granted for the installation of the Cicacica-Arica oil pipeline, whose initial clauses were changed to allow Bolivia to export and import products using that pipeline.

There is also an integrated transit system dating from 1975, by which the respective transport authorities have established a common system for the transport of Bolivian goods and related documentary procedures. All these facilities are greater than those recommended by the Convention on Trade of Landlocked States.

In recent years we have made additional efforts to strengthen the field of bilateral ties with our Bolivian neighbors, to allow further expansion of trade and investment, integration of border areas and facilities for the transit of people and goods for better access to the sea.

In this context it is important to cite the following agreements: of economic complementation, signed in 1992; to establish the political consultations mechanism, of 1993; to eliminate tourist visas, of 1994; the Aeronautic Agreement, of 1995; agreements for the promotion and reciprocal protection of investments and technical and scientific cooperation. Earlier this year, in March, we signed agreements to establish two frontier committees, to streamline the movement of people and goods at border crossings, which are the pathways that connect the port of Arica with La Paz and the port of Iquique with Oruro.

Similarly, we should mention the paving of the Arica-La Paz road by both countries, which means that the journey between the Bolivian capital and the nearest port can be completed in six hours, and the adoption in November 1996 by the customs officials of both countries of a single document for vehicular traffic and tourists crossing the Chilean-Bolivian border.

In the realm of aeronautics, two Chilean airlines cover routes connecting major Bolivian cities with cities in northern Chile and its ports.

In terms of investment, our companies have carried out projects in Bolivia for about \$300 million in recent years and in the commercial sector we have also expanded the trade of products, reaching \$250 million, always making efforts to even out as far as possible the trade balance and increasing imports of new lines of Bolivian products by 100%.

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Mr. President, these are concrete steps that seek integration between our countries and have granted Bolivia the largest and most extensive facilities for access to the sea. Chile is willing to continue down the same path, but cannot under any circumstances include the cession of territorial sovereignty.

We are convinced that the chosen path is the only way to continue to develop a major project of understanding, cooperation and integration with Bolivia through the search for a permanent dialogue and specific actions that will shape a new reality as we enter the next century. Thank you very much.

...

Annex 440

A. Ostria Gutiérrez, *Notes on Port Negotiations with Chile* (1998), pp 41-47 (extracts)

(Original in Spanish, English translation)



APUNTACIONES SOBRE NEGOCIACIONES PORTUARIAS CON CHILE

41

Solamente si el pueblo chileno ve que existe alguna compensación territorial que cede podrá aceptar el arreglo. Yo presentaría a la pública chilena una fórmula sencilla: cambio de tierra por tierra explicó-. Por otra parte, de ese modo el norte del país no a, sino que apoyaría la solución con Bolivia".

El Embajador A.O.G. cuenta después que al referirse a su propuesta a los Estados Unidos, el Presidente González Videla le dijo con énfasis:

"Puedo asegurarle que el arreglo con Bolivia es uno de los puntos centrales que voy a tratar con el Presidente de los Estados Unidos. Y obtenida la cooperación de éste, no creo que el gobierno peruano asuma la responsabilidad de ponerse frente a los EE.UU., enajenándose a la vez la voluntad de Bolivia y de Chile, conjuntamente con provocar la justificada condenación de la América entera. De todos modos, yo sí salvaré responsabilidad como Presidente de Chile, dándole a Bolivia la reparación histórica que mi país le debe".

En cuanto a la posibilidad de suscribir las "bases concretas que pudieran presentarse como fórmula de solución al gobierno de los EE.UU.", el Presidente González Videla no se muestra partidario de ello.

Al terminar su nota, dice el Embajador A.O.G.:

"De todo lo expuesto se deduce: 1º que por primera vez en la historia, no ya el gobierno de Bolivia, sino el propio Presidente de Chile planteará ante el Presidente de los EE.UU. el problema de la mediterraneidad de nuestro país y la necesidad de resolverlo; 2º, que, en el momento oportuno, corresponda al Gobierno de Bolivia apoyar esa gestión, siendo conveniente informar, entre tanto, con carácter estrictamente confidencial, al Embajador en Washington, 3º, que la acción inicial acerca del Gobierno del Perú será hecha por el Gobierno de los EE.UU.; 4º, que la suscripción de cualquier acuerdo ante Bolivia y Chile queda aplazada hasta el regreso del Presidente González Videla, a fines de abril".

CONVERSACION CON EL PRESIDENTE DE CHILE A SU REGRESO DE LOS EE.UU.

-En nota N° 398/277, de 9 de marzo, el Embajador A.O.G. informa que el Presidente González Videla le refirió su conversación con el Presidente Truman sobre el problema portuario de Bolivia, manifestándole que él había presentado el asunto dentro de estos aspectos:

ANNOTATIONS ON THE PORT NEGOTIATIONS WITH CHILE

**CONVERSATION WITH THE PRESIDENT OF CHILE UPON
HIS RETURN FROM THE UNITED STATES**

In Note No. 398/277, of 9 March, Ambassador Alberto Ostriá Gutiérrez reported that President González Videla had told him about his conversation with President Truman on Bolivia's port problem, and that he had presented the following aspects of the issue:

- “a).- Decisión del Gobierno de Chile en el sentido de dar a Bolivia una salida al mar, concediéndole una faja de territorio al norte de Arica.
- b).- Exclusión de una compensación territorial por parte de Bolivia.
- c).- Arreglo tripartito entre Chile, Bolivia y Perú para aprovechar las aguas del Lago Titicaca, en energía eléctrica para los tres países y regadio del norte de Chile.¹³
- d).- Apoyo del Gobierno de los EE.UU. para que el Gobierno peruano dé su asentimiento a la cesión territorial en favor de Bolivia, dentro de los términos del Protocolo Complementario chileno-peruano de 1929.”

Después, el Presidente González Videla le expresó:

-“El Presidente Truman me felicitó de inmediato por haberle planteado ese asunto, que consideraba de trascendencia americana, y me ganó en entusiasmo, pues inmediatamente se dirigió hacia un mapamundi que había en su despacho y juntos lo examinamos detenidamente, analizando diversos aspectos territoriales. Luego, me ofreció el más decidido apoyo del Gobierno de los EE.UU. para llevar adelante la negociación en todos sus aspectos”.

El Presidente González Videla le refirió también que el Secretario de Estado Acheson y el equipo dirigente de los asuntos latinoamericanos del Departamento de Estado había secundado la posición y el entusiasmo del Presidente Truman y que a iniciativa del Secretario de Estado Adjunto, señor Miller, había convenido en conversar a su paso por Lima con el Presidente de la Junta Militar del Perú.

“Por lo que toca a su conversación con el Presidente de la Junta Militar del Perú, -informa el Embajador A.O.G.- el señor González Videla me hizo saber que había sido muy cordial y que le había adelantado su idea de un plan conjunto de acción entre Chile, Perú y Bolivia, -aunque sin concretar detalle alguno acerca del aspecto portuario boliviano, que dejaba a la iniciativa del Gobierno de los EE.UU-, habiendo encontrado la más favorable acogida”.

¹³ El 9 de mayo A.O.G. avisa que González Videla habló con Truman de aprovechar las aguas del Lago Titicaca, por tanto el acuerdo tenía que ser tripartito tomando en cuenta a Perú, porque estaba presente el Tratado de 1929 entre Chile y Perú, y porque el lago es de propiedad de ambos países.

“a) Decision of the Chilean Government to the effect of giving Bolivia access to the sea, by granting it a strip of territory to the north of Arica.

b) Exclusion of territorial compensation by Bolivia.

c) Tripartite agreement between Chile, Bolivia and Peru to use the waters of Lake Titicaca, for electrical power for the three countries and for irrigation in Northern Chile.¹³

d) Support of the U.S. Government for the Peruvian Government to give its consent to the cession of territory in favor of Bolivia, on the terms of the Supplementary Protocol between Chile and Peru of 1929.”

Then, President González Videla told him:

“President Truman immediately congratulated me on having brought up this matter, which he felt was of importance to the Americas, and he outdid me in enthusiasm, for he went straight to a map of the world in his office, which we carefully examined together, analyzing various territorial aspects. Then he offered me the most decisive support of the United States Government to move ahead with all aspects of the negotiations.

President González Videla also told him that Secretary of State Acheson and the team in charge of Latin American affairs at the State Department had seconded President Truman’s position and his enthusiasm and that upon the initiative of the Assistant Secretary of State, Mr. Miller, he had agreed to discuss it at his meeting in Lima with the President of the Military Junta in Peru.

“With regard to his conversation with the President of the Military Junta in Peru, Ambassador Alberto Ostriá Gutiérrez reports that Mr. González Videla told him that he had been very cordial and had told him of his idea of a joint action plan between Chile, Peru and Bolivia, although he did not specify any specific detail of the Bolivian port issue, which he was leaving to the initiative of the U.S. Government, since it had been warmly received.

AJ terminar, ambos convinieron en dar impulso a la negociación, con objeto de que puedan concluirla en el año 1950.

En carta al Presidente Urriolagoitia, el Embajador A.O.G., con relación a su nota N° 277, dirigida a la Cancillería el 9 de mayo de 1950, con la misma fecha le dice entre otras cosas y refiriéndole también al apoyo del Presidente de los EE.UU.

“Creo que a Ud. le toca asumir, más que nunca, una acción decisiva, porque de este lado, o sea de Chile, no puede ser más firme y definitiva la posición del Presidente de la República, como lo prueban los hechos. -La verdad es que desde la Guerra del Pacífico ningún Presidente de Chile mostró tanta decisión como el actual para llegar a un entendimiento con Bolivia. Hay que aprovechar, pues, la oportunidad histórica-. Naturalmente, el gobierno de Ud. asume una responsabilidad trascendental. Pero, ¿no sería mayor la de no hacer nada, habiendo una ocasión propicia para resolver el más importante problema de la nación.”

El Embajador A.O.G. escribe también sobre el mismo asunto, en fecha 13 de mayo, al Secretario de RR.EE., Julio Alvarado, y le dice que le corresponde también dar especial impulso al asunto portuario, recordándole que conversó al respecto en Santiago con el M° de RR.EE. de Chile, Germán Vergara Donoso y que se mostró entusiasta de la negociación. “Su nombre está asociado a la acción que la Embajada realiza aquí, -le dice-, y con satisfacción patriótica puede Ud. compartir tanto de éxitos como de responsabilidades”.

Información del Embajador de Bolivia en los Estados Unidos Ricardo Martínez Vargas, acerca de la conversación que tuvo con el Presidente González Videla.

Una carta enviada por aquél al Presidente Urriolagoitia en fecha 19 de abril de 1950 y transcrita a la Cancillería el 11 de mayo contiene dicha información, que solamente se hace conocer a la Embajada en Chile el 17 de mayo, en estos términos

La Paz, 17 de mayo de 1950

Al Señor Alberto Ostria Gutiérrez

Embajador Extraordinario y Plenipotenciario de Bolivia.

SANTIAGO, Chile

Señor Embajador:

Ultimately, both agreed to move ahead with the negotiations with the goal of completing them in 1950.

...

La Paz, 17 May 1950
To Mr. Alberto Ostria Gutiérrez
Ambassador Extraordinary and Plenipotentiary of Bolivia
SANTIAGO, Chile
Dear Ambassador:

Hoy, 17 de mayo, ha sido recibida en esta Cancillería la siguiente nota reservada de nuestra Embajada en los Estados Unidos:

"Embajada de Bolivia. Washington, 11 de mayo de 1950. Reservado, N°. 154. Asunto: Entrevista con Presidente González Videla.-- Señor Ministro:- En cumplimiento a las instrucciones contenidas en su cablegrama número 73, de fecha 5 del actual, me es grato transcribir a continuación las cartas personales que, en fecha 19 de abril del presente año, dirigí al Presidente de la República, Excelentísimo señor Mamerto Urriolagoitia, relativas a la entrevista que tuve con el Presidente de Chile, señor Gabriel González Videla, el día 15 de abril último:--- Washington, 19 de abril de 1950. Excmo. Sr. D. Mamerto Urriolagoitia, Presidente de la República, La Paz, Bolivia.---Señor Presidente y distinguido amigo:-- El sábado 15 del presente mes, recibí en mi oficina un llamado telefónico de mi apreciado amigo el Embajador Nieto del Rio, expresándome que el señor Presidente de Chile deseaba entrevistarse ese mismo día a horas 12m. Estaba ya prevenido de este llamado por el mismo Presidente, quien, cuando le fui presentado el día anterior, me manifestó que deseaba conversar conmigo para comunicarme una buena noticia.---El Presidente, concluía su visita oficial de tres días al Presidente Truman, debía partir ese mismo día sábado a Nueva York. Cuando me constituyó en la residencia de la Embajada de Chile, a la hora indicada, encontré un gran movimiento con los preparativos del viaje. Se habían congregado varios periodistas y correspondentes para una última conferencia de prensa en Washington, además de un gran número de personas para despedir al Mandatario chileno y su familia. Consigno estos detalles, simplemente para anotar la especial importancia que dio el Presidente a la delicada y grave cuestión de la que debía hablarme para que la transmitiera a Ud. no obstante de la premura del tiempo y múltiples asuntos que debía atender el Presidente, nuestra reunión se prolongó cerca de una hora.--- Concurrieron a la conferencia, además del Presidente, los señores Horacio Walker, Ministro de Relaciones Exteriores, Félix Nieto del Río, Embajador en Washington, Hernán Santa Cruz, Representante Permanente de Chile ante las Naciones Unidas, y Manuel Trucco, Subsecretario de Relaciones Exteriores.--- El mismo día, satisfaciendo el deseo del Presidente González Videla, transmití a usted, en cable cifrado, por intermedio de la Cancillería el siguiente mensaje:--- "99 Llamado por señor Presidente Chile me encargó comunicarle que ha cumplido con lealtad, sinceridad y entusiasmo ofrecimiento le hizo a usted para gestiones ante Presidente Truman y que esas gestiones fueron recibidas con viva

Today, 17 May, the following confidential note was received by this Foreign Ministry from our Embassy in the United States:

"Embassy of Bolivia. Washington, 11 May 1950. Confidential, No. 154. Subject: Interview with President González Videla. Dear Minister: In compliance with the instructions in your cablegram no. 73, of the 5th of this month, I have transcribed below the personal letters that I sent to the President of the Republic, His Excellency Mr. Mamerto Urriolagoitia, on 19 April of this year, regarding the interview that I had with the President of Chile, Mr. Gabriel González Videla, on 15 April 1950: Washington, 19 April 1950. His Excellency Mr. Mamerto Urriolagoitia, President of the Republic, La Paz, Bolivia.—Dear President and distinguished friend: On Saturday the 15th of this month, I received a phone call in my office from my dear friend Ambassador Nieto del Rio, who told me that the President of Chile would like to meet with me that same day at 12 p.m. I had already been informed of this call by the President himself, who, when I was introduced to him the day before, told me that he wanted to talk with me to let me know some good news. —The President, who was concluding his official three-day visit to President Truman, was to leave that same Saturday for New York. When I went to the residence of the Chilean Embassy at the indicated time, I found a lot of activity in connection with the preparations for the trip. Several reporters and correspondents had gathered for a final press conference in Washington, along with a large number of people to say goodbye to the Chilean President and his family. I mention these details simply to point out the special importance that the President gave to the delicate, grave issue he had to talk to me about so that I let you know about it; despite the lack of time and the many issues that the President had to deal with, our meeting lasted for about an hour.— Also in attendance at the meeting, besides the President, were Horacio Walker, the Minister of Foreign Affairs; Félix Nieto del Río, the Ambassador in Washington; Hernán Santa Cruz, Chile's Permanent Representative to the United Nations; and Manuel Trucco, Undersecretary of Foreign Affairs.— The same day, in response to a request by President González Videla, I sent you the following message in an encrypted cable, via the Foreign Ministry:— "99 Called by the President of Chile. He asked me to tell you that he has faithfully, sincerely and enthusiastically followed through on the offer that he made to you regarding efforts with President Truman and that those efforts

simpatía y han dado el más satisfactorio resultado Stop. Presidente Chile considera asunto debe mantenerse todavía estricta reserva. Stop. Transmitiré detalles por aéreo. MARTINEZ VARGAS.--- Los detalles a que se refiere el cable transcrita los concreto como sigue:--- Expresé al Presidente mi agradecimiento por haberme convocado a esta reunión no obstante de sus muchas ocupaciones de último momento, después de la gran actividad oficial y social que ocupó su tiempo, minuto por minuto, durante los tres días de su permanencia en Washington. El Mandatario chileno me dijo, en respuesta, que daba tal importancia a los resultados obtenidos en sus conversaciones con el Presidente Truman, sobre el problema marítimo de Bolivia, que deseaba comunicar a Ud., de inmediato y por mi intermedio, que había cumplido el compromiso que contrajo con el Presidente de Bolivia con lealtad, sinceridad y entusiasmo, según sus palabras textuales, y que, deseaba que usted lo supiera aún antes de su regreso a Chile, donde continuaría tratando esta cuestión.--- Luego el Presidente de Chile reiteró su firme propósito de afirmar en forma definitiva las buenas relaciones entre Bolivia y Chile con la mayor amplitud, en el orden político y económico, dentro de los principios que sustenta de buena vecindad y sincero panamericanismo, para lo cual dedicaría todos sus esfuerzos a fin de satisfacer el justo anhelo de Bolivia, dentro de conversaciones directas y pactos libremente consentidos entre ambas naciones en beneficio recíproco de ellas. Para cumplir este propósito, continuó el Presidente, Chile no pedirá compensaciones territoriales ni económicas. Se limitará, por tanto, a buscar un acuerdo para el aprovechamiento de las aguas del Río Desaguadero, con fines de riego y de producción de energía eléctrica, que se espera será de utilidad para los dos países y que además servirá para justificar ante la opinión pública de Chile el acuerdo a que se llegue para dotar a Bolivia de un puerto propio al norte de Arica.--- Hechas las explicaciones que preceden, el Presidente me hizo conocer, para transmitirlos a usted, los resultados de sus conversaciones con el Presidente Truman, que consigno a continuación con la mayor fidelidad posible:--- me dijo el Presidente González Videla que el Presidente Truman se había mostrado muy complacido del proyecto que está bajo la consideración de los Gobiernos de Bolivia y de Chile, y ofreció prestarle el firme y decidido apoyo del Gobierno americano. Discutió detenidamente, en más de una ocasión, el proyecto con el Presidente González Videla en sus diferentes aspectos y lo sometió luego a conocimiento del Gabinete donde tuvo también muy favorable acogida. He entendido que el Gobierno americano estaría dispuesto a considerar favorablemente, en su debido tiempo, la ayuda financiera

were received positively and produced the most satisfactory result. Stop. The President of Chile believes that the matter should still be kept strictly confidential. Stop. I will send details by airmail. MARTÍNEZ VARGAS—The details referred to in the cable are as follows: I expressed my thanks to the President for calling me to this meeting, despite his many last-minute concerns, after all the official and social activities that took up his time, minute by minute, during his three-day stay in Washington. The Chilean President told me, in reply, that he found the results of his conversations with President Truman about Bolivia's maritime problem to be so important that he wanted to let you know, immediately, through me, that he had fulfilled the commitment he made to the Bolivian President, faithfully, sincerely and enthusiastically (those were his very words) and that he wanted you to know this even before his return to Chile, where he would continue to deal with this question. Then the Chilean President reiterated his firm intention to definitely affirm the good relations between Bolivia and Chile with the greatest scope, from a political and economic standpoint, consistent with the principles of good neighborliness and a sincere spirit of Pan-Americanism, as a result of which he would dedicate all his efforts to satisfying Bolivia's fair longing, through direct conversations and freely agreed pacts between the two nations, for their mutual benefit. To achieve this purpose, the President continued, Chile will not ask for territorial or economic compensation. Therefore, it will merely seek an agreement allowing it to use the waters of the River Desaguadero, for purposes of irrigation and production of electrical energy, which he hopes will be useful for the two countries, and will also serve to justify to the Chilean public opinion the agreement that could be reached to give Bolivia a port of its own to the north of Arica.— Given the foregoing explanations, the President informed me of the results of his discussions with President Truman, and asked me to send them to you, and thus I have set them forth below, with the greatest possible accuracy: President González Videla told me that President Truman was very pleased with the project being considered by the Governments of Bolivia and Chile, and offered to provide the firm and determined support of the U.S. Government. On more than one occasion, he discussed the various aspects of the project in detail with President González Videla and then submitted it to the Cabinet, where it was also very favorably received. I understood that the U.S. Government would be willing to consider favorably, at the proper time, the financial aid

que se requiera para el establecimiento del puerto y sus instalaciones, así como para el aprovechamiento de las aguas del Río Desaguadero. A este fin estaría también dispuesto a enviar una comisión de ingenieros y expertos que estudien el proyecto en todos sus aspectos, levanten los planos y formulen los presupuestos respectivos para determinar el costo de las obras a ejecutar.-- Como el Gobierno del Perú debe participar y ser una de las partes en cualquier arreglo que se celebre sobre esta materia entre Bolivia y Chile, según el Tratado suscrito entre éste y aquél país, que definió la soberanía de Tacna y Arica, esta cuestión fue también discutida entre los Presidentes de Chile y de los Estados Unidos de América.

El Presidente Truman ofreció emplear la influencia decidida de su Gobierno ante el Gobierno del Perú para obtener una solución favorable.-- A este fin el procedimiento a seguir consistiría en que el Gobierno de Bolivia inicie conversaciones confidenciales con el del Perú y le pida su apoyo. Pero no debería hacer esto sino después de comunicar al Gobierno americano que está de acuerdo, en sus líneas generales, con el proyecto que el Presidente González Videla ha hecho conocer al Presidente Truman. He entendido que el Presidente González Videla considera que sería conveniente que el Gobierno de Bolivia se comunique sin mayor demora con el Gobierno americano con el cual podría determinar el momento oportuno para aproximarse al Gobierno del Perú.-- Sin embargo de que en esta conferencia me limité a escuchar al Presidente González Videla y a su Ministro de Relaciones, señor Walker, puesto que mi intervención tenía que limitarse, como en efecto se limitó, a servir de simple intermediario para transmitir a usted, señor Presidente, las informaciones que preceden, me atribuí la libertad de rogar al Presidente González Videla que tuviera la bondad de indicarme cuál sería el status para la libre comunicación de Bolivia con el puerto que se establecería bajo su soberanía, en relación con la sección chilena del ferrocarril Arica - La Paz. El Presidente se sirvió expresarme que esto estaría comprendido en el acuerdo integral y añadió que su gobierno estaría dispuesto a considerar la transferencia a Bolivia, en venta, de dicho tramo chileno del ferrocarril Arica-La Paz, reservándose solamente una servidumbre sobre ese tramo. Encuentro de especial importancia esta declaración del Presidente aunque por la naturaleza misma de la conferencia no se trató de si la venta del tramo en referencia comprendería también un acuerdo sobre la transferencia a Bolivia de una faja de territorio de dimensión apropiada, a ambos lados de la línea férrea, que constituiría un "corredor" bajo la soberanía de Boli-

that would be needed to establish the port and its installations, as well as to use the waters of the River Desaguadero. To this end, he would be also be willing to send a commission of engineers and experts to study all aspects of the project, draw up the plans and establish the budgets for determining the cost of the works to be performed.—Since the Peruvian Government must participate and be one of the parties to any arrangement entered into on this matter between Bolivia and Chile, according to the Treaty signed between those two countries, which defined the sovereignty over Tacna and Arica, this question was also discussed by the Presidents of Chile and the United States.

President Truman offered to use the influence of this Government with the Peruvian Government to obtain a favorable solution. To this end, the procedure to be followed would be that the Bolivian Government should initiate confidential conversations with the Peruvian Government and ask it for its support. But it should not do this until after informing the U.S. Government that it generally agrees with the project that President González Videla reported to President Truman. I understood that President González Videla consider that it would advisable for the Bolivian Government to communicate with the U.S. Government without delay in order to determine the right time to approach the Peruvian Government.—Although at that meeting, I merely listened to President González Videla and his Minister of Foreign Affairs, Mr. Walker, since my participation had to be limited (and indeed was limited) to serving as a mere intermediary in order to let you, Mr. President, know the aforementioned information, I took the liberty of asking President González Videla to be so kind as to tell me what the status of Bolivia's free communication would be with the port to be established under its sovereignty, with respect to the Chilean section of the Arica-La Paz railway. The President told me that this would be included in the integral agreement and added that his Government was willing to consider selling that Chilean portion of the Arica-La Paz railway to Bolivia, merely reserving an easement over that part of the track. I think this statement by the President is especially important although by the very nature of the meeting, we did not discuss whether that portion of the track would also include an agreement to transfer to Bolivia a strip of land of appropriate dimensions, on both sides of the railway, that would constitute a "corridor" under Bolivian sovereignty.—

via.- Como el objeto específico de esta carta es el de comunicarle el mensaje de Presidente a Presidente, no me he dirigido al señor Ministro de Relaciones Exteriores y no lo haré a menos que se sirva usted disponer de otro modo.- Al concluir esta carta me permito reiterarle, aún a riesgo de ser impertinente de mi parte, el deseo del Presidente González Videla de que el asunto tratado se mantenga todavía en estricta reserva, conforme a la última parte de mi cablegrama transcrita más arriba. Cumplido el encargo que el Presidente de Chile me ha hecho el honor de confiarle y con mis mejores votos por el éxito de sus patrióticos propósitos en bien de nuestro país, le reitero las seguridades de mi distinguida consideración con que me repito su atento amigo y servidor (firmado) Ricardo Martínez Vargas".--- "Washington, 19 de abril de 1950. Excmo. Sr. Don Mamerto Urriolagoitia, Presidente de la República.- La Paz. Bolivia. Señor Presidente y distinguido amigo:- Con referencia a mi carta de esta misma fecha, en la que le transmito el mensaje del señor Presidente de Chile sobre sus conversaciones con el Presidente Truman respecto de nuestra cuestión marítima, me corresponde informarle qué he hecho conocer el texto de dicha carta a los señores Horacio Walker, Ministro de Relaciones, y Félix Nieto del Río, Embajador de Chile en Washington, quienes me han expresado que expone con exactitud las expresiones del señor Presidente González Videla y las cuestiones mencionadas en nuestra conferencia del último sábado.--- Este procedimiento fue insinuado al finalizar la conferencia. Como seguramente lo aprecia usted, señor Presidente, da la seguridad de que son exactos los términos que he empleado al transmitirle, en mi carta informativa, el encargo del Presidente de Chile, y guardan conformidad con sus expresiones. Me parece por tanto apropiado que ponga en manos del Embajador Nieto del Río, con carácter reservado y confidencial, una copia de dicha carta informativa y para hacerlo, si usted lo estima conveniente, le ruego favorecerme con sus instrucciones.---Con mis consideraciones distinguidas, me repito su amigo y servidor (fdo) Ricardo Martínez Vargas"---- "Reitero a usted, señor Ministro, las seguridades de mi más alta consideración.-(fdo) R. Martínez Vargas.--- Señor Don Pedro Zilveti Arce, Ministro de Relaciones Exteriores.--- La Paz, Bolivia".

Me valgo de esta oportunidad para reiterar al señor Embajador las seguridades de mi más alta y distinguida consideración.

(firmado) Pedro Zilveti Arce.

El texto de la comunicación enviada por el Embajador Martínez Vargas al Presidente Urriolagoitia le hace conocer aquél, en Washingt-

Since the specific purpose of this letter is to communicate the message from President to President, I did not address the Minister of Foreign Affairs and I will not do so unless you ask me otherwise. In concluding this letter, and at the risk of being impertinent, I would reiterate the desire of President González Videla that the matter be kept strictly confidential, in accordance with the last part of my cablegram transcribed above. Having completed the assignment that the Chilean President gave me the honor of carrying out, and with my best wishes for the success of his patriotic purposes for the good of our country, I express my sincere best regards. (signed) Ricardo Martínez Vargas.—“Washington, 19 April 1950. His Excellency Mamerto Urriolagoitia, President of the Republic. La Paz, Bolivia. Dear President and distinguished friend: With reference to my letter of this same date, in which I sent you the message from the President of Chile about his discussions with President Truman regarding our maritime issue, I have the pleasure of informing you that I have informed Mr. Horacio Walker (the Minister of Foreign Affairs) and Mr. Félix Nieto del Río (the Chilean Ambassador in Washington) of the text of that letter and they told me that it accurately sets forth the statements by President González Videla and the issues mentioned at our meeting last Saturday.—This procedure was suggested when the meeting was over. As you will surely appreciate, Mr. President, this makes it certain that the terms that I used in the informative letter that the Chilean President asked me to send you were exact, and are consistent with what he actually said. Therefore, I believe that it is appropriate to provide to Ambassador Nieto del Río, on a confidential basis, a copy of that informative letter, and if you agree that it would be appropriate, please instruct me to do so.—With best regards, I remain sincerely yours (signed) Ricardo Martínez Vargas”— “I repeat, Mr. Minister, my best regards (signed.) R. Martínez Vargas.— Mr. Pedro Zilveti Arce, Minister of Foreign Affairs.— La Paz, Bolivia.”

I would like to take this opportunity to repeat my best regards to the Ambassador.

(signed) Pedro Zilveti Arce.

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Annex 41

Minutes of the 4th Plenary Meeting of the OAS General
Assembly, 5 June 2001 (extracts)

(English translation)

Organization of American States, General Assembly, Thirty-First Regular Session,
OEA/Ser.P/XXXI-O.2, 31 October 2001, Vol. II, pp 133-134, 140-144

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MINUTES OF THE FOURTH PLENARY MEETING

Date: 5 June 2001
 Time: 3:20 p.m.
 Location: Herradura Hotel
 President: Mr Roberto Rojas López
 Minister of Foreign Affairs of Costa Rica

Attendees:

Arístides Mejía Castro	(Honduras)
Paul Robertson	(Jamaica)
Gustavo Iruegas	(Mexico)
Lombardo Martínez	(Nicaragua)
Luis Enrique Martínez	(Panama)
José Antonio Moreno Ruffinelli	(Paraguay)
Javier Pérez de Cuéllar	(Peru)
Hugo Tolentino Dipp	(Dominican Republic)
Kevin Isaac	(Saint Kitts and Nevis)
Peter Lansiquot	(Saint Lucia)
Louis Straker	(Saint Vincent and the Grenadines)
Glenn A. Alvares	(Suriname)
Mervyn Assam	(Trinidad and Tobago)
Álvaro Moerzinger	(Uruguay)
Luis Alfonso Dávila	(Venezuela)
Gaston Browne	(Antigua and Barbuda)
Adalberto Rodríguez Giavarini	(Argentina)
Zhvargo Laing	(Bahamas)
Billie Miller	(Barbados)
Lisa M. Shoman	(Belize)
Javier Murillo de la Rocha	(Bolivia)
Luiz Augusto de Araujo Castro	(Brazil)
Peter M. Boehm	(Canada)
Heraldo Muñoz Valenzuela	(Chile)
Jairo Montoya Pedroza	(Colombia)
Hernán R. Castro	(Costa Rica)
Jaime Marchán	(Ecuador)
María Eugenia Brizuela de Ávila	(El Salvador)
Luis J. Lauredo	(United States)
Denis Antoine	(Grenada)
Gabriel Orellana Rojas	(Guatemala)
S. Rudy Insanally	(Guyana)
Joseph Phillippe Antonio	(Haiti)

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César Gaviria
Luigi R. Einaudi

(Secretary General of the OAS)
(Assistant Secretary General)

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2. Report on Bolivia's maritime problem

...

The HEAD OF THE DELEGATION OF BOLIVIA: Thank you, Mr. President and my dear friend, the Foreign Minister of Costa Rica.

Dear ministers and colleagues, in a conflict that has lasted for more than a century, under other circumstances, obviously when times were different, Bolivia was deprived of its sovereign access to the sea. The economic and political consequences of this are still being suffered today.

At the General Assembly held in 1998, I reminded this continental audience of the current dimensions of those negative effects. The story is long, but it is not necessary to repeat it now. We have done so on previous occasions, at other General Assemblies of the Organization of American States. The information is fresh in the memory of the Ministers and is recorded in our deliberations and, most importantly, in the consciousness of the continent.

In June 1999, at the General Assembly of the Organization held in Guatemala, I indicated that prolonged estrangement between Bolivia and Chile, revealed in the absence of formal ties, does not contribute to improving wider political and diplomatic relations in the Pacific. I therefore proposed starting bilateral negotiations with Chile, so that, in the framework of a great agreement on political cooperation and economic integration, all pending problems between the two nations could be definitively resolved, without any exclusions.

I thus rescued the spirit and content of the resolution of 1979, in which the Organization reflected the sense of continental solidarity with Bolivia's demand, qualified as of permanent hemispheric interest the national proposition for sovereign and useful access to the Pacific Ocean and urged the parties directly concerned to hold negotiations aimed at resolving this century-old problem.

The call found a favorable echo with the Chilean authorities. In February 2000, in Algarve, Portugal, meeting with then Foreign Minister Juan Gabriel Valdez, we agreed to form a working agenda to incorporate, without any exclusions, the fundamental issues affecting political and economic relations between Bolivia and Chile, with the firm purpose of seeking and reaching solutions.

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This Assembly was made aware of this progress in the report I presented in Windsor, Canada, in April 2000, in which I noted that we had received positive signals about the disposition of the new government of President Lagos to strengthen the path of direct dialogue.

I must inform the Assembly that with this constructive spirit, the presidents of Bolivia and Chile, Hugo Banzer Suarez and Ricardo Lagos Escobar, met for the first time in Brasilia on 1 September 2000, and reiterated the decision of the Governments to carry out a dialogue on all issues of the bilateral relationship, without exclusions, in order to create a climate of reciprocal trust so that mutual relations can be strengthened on the basis of the framework and the positions of each country. Noteworthy among the common ground was the convening of the ministers of the economic field with the objective of examining the possibilities of a program of regional integration and development, to which other countries and agencies interested in its implementation would be invited.

Our leaders met again in Panama and Quebec in November 2000 and April 2001, where they evaluated the progress of the dialogue and the functioning of the initiatives they had agreed. They received with particular interest the information about the meeting held by the ministers of the economic field in Santa Cruz, along with their technical teams, in January of this year.

The balance can be considered positive. There is certainly a wide range of possibilities of cooperation beneficial for both nations. At least four major areas of action have been identified. One relates to the project to export Bolivian natural gas to world markets using Pacific ports. The other revolves around expanding and building highways and railroads through Bolivia, linking the Pacific ports with Brazilian and Argentine markets in the Atlantic basin. The third would take advantage of the complementarity in the comparative advantages of Bolivia and Chile in mining and water resources. Finally, the fourth field of opportunity has to do with joining the regional economies of northern Chile and western Bolivia, which in Bolivia's opinion, should be joined by southern Peru and is also connected with the economies of Brazil and Argentina.

As the Ministers of Foreign Affairs will appreciate, the task has been intense and the outlook is promising. It is still too early, however, to announce that this effort has been successful. The task ahead is very complex and a huge amount of political will is required to definitively resolve the issues that still divide us, as they strike a highly sensitive chord in national sentiment.

My country has pointed out, with the candor required by the circumstances, that the integration program we have chosen as the setting for the immediate actions must always be seen as a path to, and not a substitute for, an effective definitive solution to the proposition of Bolivia's restitution of its maritime quality.

We are building the agenda of the future, an agenda that corresponds with the world of integration and shared interests that comes with the new millennium. The first look at the future shows with crystal clarity that Latin America will either be united or won't be; this will depend on what we do, which will put to the test our political ability, and our vision for facing

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future challenges. That truth applies, of course, to the relationship between Bolivia and Chile. We know beyond a shadow of a doubt that to achieve this goal we have to close the agenda of the past with dignity and justice and do so soon so that men of the younger generation take the helm of ships without the heavy burden of unfinished agendas and pending tasks.

The leaders of our countries have unequivocal evidence of their direct interest in this dialogue whose development has been entrusted to the foreign ministers and personal representatives in whom they have the greatest confidence. Meanwhile, the citizens of our nations know that there is a solution to every problem, and Bolivia and Chile cannot be oblivious to the path found by Ecuador and Peru, Argentina and Chile, Peru and Chile, to solve their own historical differences.

I repeat, the signs are good, and there are times when circumstances seem to be aligned in the right position. However, on such occasions, the experience of many frustrations and missed opportunities in the past suggests that we should not be overly optimistic and underscores the value of caution. It is with that spirit that I present this report.

Thank you.

...

The HEAD OF THE DELEGATION OF CHILE: Thank you, Mr. President.

My delegation listened with interest to the presentation by the distinguished Foreign Minister of Bolivia on the topic called "Report on the maritime problem of Bolivia."

In this regard, Mr. President, I must first reiterate my country's invariable position on this issue, in the sense that we do not recognize that this organization has any competence to consider matters affecting the validity of international treaties and the territorial integrity of its Member States.

We also reiterate that there are no pending territorial or border issues between Chile and Bolivia. The Treaty of Peace and Amity, signed in 1904, fixed the border between our countries and constitutes the permanent basis on which our bilateral relations are based. That treaty is fully implemented and unquestionably in force, and the Chilean-Bolivian border has been definitively demarcated.

Likewise, Mr. President, we do not recognize the competence of any other international organization or third countries in terms of their participation, initiative or pronouncement, whether favorable or unfavorable, on aspects of the Chilean-Bolivian bilateral relationship, which is exclusively up to the parties involved. This is a principle which is a cornerstone of international law and, indeed, of my country's foreign policy.

Mr. President, with equal clarity I wish to highlight, only for informational purposes, that Chile's foreign policy has been strengthening its relations with its neighbors and the countries in the region, an area in which relations with Bolivia have a high priority.

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I want to emphasize, as the Head of the Bolivian Delegation has done, that bilateral meetings have been held at the highest level over the last year. There have been three meetings between President Hugo Banzer and President Ricardo Lagos: in Brasilia on 1 September; in Panama on 17 November and recently on 20 April in Quebec, on the occasion of the Third Summit of the Americas.

At all of these meetings, Mr. President, our leaders have maintained a frank and cordial dialogue aimed at actions to ensure that the bilateral relationship is enriched by new contributions, that the process of physical and economic integration moves ahead, and that projects are carried out in various fields to help create an environment conducive to a progressive and long-lasting understanding between our countries.

I want to be particularly clear in stating that the origin of this dialogue that has occurred and I have described corresponds to the political will of both Governments, and is absolutely unrelated to any commitment made in international forums, whether this one or any other, or as the result of the actions of third countries. This dialogue corresponds, ultimately, to exclusively bilateral motivations. Any contrary interpretation is not consistent with reality.

The purpose of the dialogue of the Presidents is to create conditions of mutual trust that would permit advancement in the treatment of all the issues that compromise the bilateral relationship and to give the necessary impetus for a common benefit. In this spirit, the Presidents instructed their Foreign Ministers to structure meetings at the ministerial level of the representatives responsible for the economic development, public works, and infrastructure of both countries, in order to design bilateral initiatives to set specific development projects in such relevant areas as energy, mining, infrastructure, regional development, water resources, agriculture, among others.

The first meeting was held in Santa Cruz de la Sierra, last January, and yielded important results so that workgroups have been set up in the areas mentioned above, with specific mandates and action plans coordinated by both Foreign Ministries.

Also, I must emphasize that in this period, Mr. President, progress has been made through the permanent mechanisms in the bilateral relationship, such as the progress made by the political consultations mechanism, the Mixed Frontier Committee, the Administrative Committee of Economic Complementation Agreement No. 22, the Frontier Committee and the various bilateral operating systems on the free transit of Bolivian cargo through Chilean ports.

Mr. President, we have seen a sincere desire to improve relations between Chile and Bolivia. We are aware that their potential can be increased with formulas of understanding in which the view is set on the present and even more on the future. It is useless in this 21st century to look back, recreating historical situations and seek explanations for events that occurred in the 19th century, of all things.

On a strictly bilateral basis and through a process of building mutual trust, Chile reiterates that it is open to considering creative and realistic formulas that could allow the

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improvement of Bolivia's access to the sea facilities, without prejudice to the principle of full respect for the inviolability of border treaties.

We cannot confuse this with the solution to problems as important as that of Ecuador and Peru or the agreements concluded by Chile and Argentina, because all those issues were framed in strictly legal solutions, guided by treaties in force between the two countries. That is a point to be underscored and remembered.

We are persuaded that frank and profound dialogue between the two countries and the establishment of trust-building measures are the only way suitable for maturation and realization of projects of cooperation and full integration, which ultimately, Mr. President, are only up to our countries, on a strictly bilateral basis.

Thank you very much.

...

The HEAD OF THE DELEGATION OF BOLIVIA: Thank you, Mr. President.

First, I would like to express my warm thanks to my dear friend Javier Perez de Cuellar, the Foreign Minister of Peru, for his significant words of encouragement and solidarity, which show a great vision of the future, which must involve joint development shared among neighbors.

In relation to some comments made by the distinguished Head of the Delegation of Chile, it is also important to bring to the attention of the Assembly certain details that are essential in the discussion of this complex issue. The first, as we have said on more than one occasion before the same audience, is that there is a boundary treaty between Bolivia and Chile, which had to be signed in circumstances where the coast was occupied, and this produced a situation of unjust geographical confinement suffered by Bolivia. However, I repeat, we are not going to tell the whole story, as we have done in other Assemblies, of the grave

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implications that this historical fact has had on Bolivia and on the establishment of good relations in the South Pacific.

The second point I want to clarify is that since then, many were the negotiations that we formally held with Chile on the basis of cession to Bolivia of access to the sea. That proves uncontestedly that there is a pending issue to be resolved, as these negotiations have been unsuccessful for various reasons. So clearly there is an unfinished task, there is a pending task that we must strive to resolve.

Third, very briefly, regarding the competence of the Organization

of American States, Bolivia has never said or suggested that this Organization should replace the sovereign will of the States. What cannot be done is to strip our regional body of the mandate to contribute and actively support the settlement of hemispheric disputes to improve solidarity in coexistence in the inter-American environment. That is a mission, I repeat, that cannot be taken away from this regional organization. That is the spirit and significance of the resolution adopted in 1979.

At no time did we intend to present this report and make the clarifications we have just formulated in order to stir up debate. Rather, this report has the constructive purpose of clearing up doubts and reaffirming our desire to move towards a future of shared solidarity between neighboring nations.

Thank you very much.

...

The HEAD OF THE DELEGATION OF CHILE: Sorry, Mr. President, I am sorry to have to speak again. I would have indeed preferred it if the statement of the Foreign Minister of Bolivia had not started a debate; if it had not, I would not have to talk about this thorny issue again.

I reaffirm my country's position that there is no territorial dispute and this is a topic that is not for the Organization. I would, however, make a reflection, an almost personal one, on behalf of my country.

Ten years ago, as Ambassador of Chile to the Organization, I raised exactly the same positions as just stated today. If I come back in ten or twenty years, if my health permits and I am in a position to represent my country, I am sure that I or someone else occupying this seat will raise exactly the same concerns. It is an invariable position that is based on international law and the foreign policy of our country.

Therefore, is this conducive or not conducive to understanding, to modernization, to looking to the future? I make this comment so that we can emphasize what is positive in the bilateral field, and not confuse this Assembly, public opinion, which must expect from us a political will that our Presidents already have expressed.

Thank you very much, Mr. President.

...

Annex 442

Minutes of the 4th Plenary Meeting of the OAS General
Assembly, 10 June 2003 (extracts)

(English translation)

Organization of American States, General Assembly, Thirty-Third Regular Session,
OEA/Ser.P/XXXIII-O.2, 5 September 2003, Vol. II, pp 127, 138-141

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MINUTES OF THE FOURTH PLENARY MEETING

Date: 10 June 2003
Time: 2:30pm
Location: Sheraton Hotel
President: Ms María Soledad Alvear Valenzuela
Minister of Foreign Affairs of Chile

<u>Attendees:</u>	Salvador Rodezno Fuentes	(Honduras)
	Delano Franklyn	(Jamaica)
	Miguel Hakim Simón	(Mexico)
	Norman Caldera Cardenal	(Nicaragua)
	Lawrence Chewning Fábrega	(Panama)
	José Antonio Moreno Ruffinelli	(Paraguay)
	Eduardo Ferrero Costa	(Peru)
	Sofia Leonor Sánchez Baret	(Dominican Republic)
	Izben C. Williams	(Saint Kitts and Nevis)
	Sonia M. Johnny	(Saint Lucia)
	Ellsworth I. A. John	(Saint Vincent and the Grenadines)
	Henry L. Illes	(Suriname)
	Marina Valère	(Trinidad and Tobago)
	Didier Opertti Badán	(Uruguay)
	Jorge Valero	(Venezuela)
	Gaston Browne	(Antigua and Barbuda)
	Jorge Taiana	(Argentina)
	Joshua Sears	(Bahamas)
	Billie A. Miller	(Barbados)
	Lisa M. Shoman	(Belize)
	Carlos Saavedra Bruno	(Bolivia)
	Antonio José Vallim Guerreiro	(Brazil)
	Paul D. Durand	(Canada)
	Cristián Barros Melet	(Chile)
	Carolina Barco	(Colombia)
	Roberto Tovar Faja	(Costa Rica)
	Nina Pacari Vega	(Ecuador)
	María Eugenia Brizuela de Ávila	(El Salvador)
	Peter DeShazo	(United States)
	Patricia D. M. Clarke	(Grenada)
	Edgar Gutiérrez	(Guatemala)
	Odeen Ishmael	(Guyana)
	Joseph Philippe Antonio	(Haiti)
	César Gaviria	(Secretary General of the OAS)
	Luigi R. Einaudi	(Assistant Secretary General)

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3. Report on Bolivia's maritime problem

...

The HEAD OF THE DELEGATION OF BOLIVIA: Thank you very much.

Madam President, Mr. Secretary General, Assistant Secretary General, Heads of Delegations, ladies and gentlemen:

For many of the Member States of the OAS, it can be difficult to understand, in all its drama, what it means to be a landlocked State, a State without maritime quality.

Just as people who have the good fortune of being able to see have a hard time understanding blindness, the landlocked situation must be equally hard for countries with sea to understand.

This maritime confinement has had a terrible impact on the history of my country. Bolivia has been closed to the world since 1879 and thus has been marginalized from the migratory and economic trends that have so enriched the other South American countries and that are vital to understanding contemporary Latin America.

Our people have remained isolated, inward-looking, marked by ignorance, remoteness and backwardness.

It has also meant that my country has one of the lowest population densities of the Continent: 8 million people, for more than 1,100,000 square kilometers.

Therefore, although it is true that our precarious economic situation has many causes, the most important is our lack of coast, our geographical isolation.

How can we Bolivians aspire to development, modernity, welfare, if we are denied the right to compete on equal opportunities? How can we Bolivians aspire to development, modernity and welfare, if our exports and our imports depend on ports, border crossings, the rules and policies of other countries that make them more expensive?

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The relationship between territorial confinement and lesser development is an absolutely measurable and demonstrable situation that is also suffered by all countries without coast. However, perhaps most important, although it is impossible to measure, is the permanent feeling of amputation that emotionally affects my country and all its inhabitants.

Therefore, it cannot be claimed that the situation in Bolivia is the result of chance, and it is unfair to deny the impact that confinement has on our economy, our people and our reality.

It is true, we cannot change the past, but we do have an obligation to influence the future.

Therefore, we Bolivians believe that the time has come to seek solutions, the time has come to close a deep wound. We lost the sea in an unjust war, and no treaty, no speech will change that. Maritime reintegration is an unwavering objective of our country.

It is not possible that while we are all talking about integration - and we do so constantly here and in all the forums where we meet - Bolivia remains trapped, suffering this confinement. These are no longer times when might makes right; these are times of dialogue and consultation.

It is true that Bolivians and Chileans have made considerable progress in recent times. For example, the negotiation of a Free Trade Agreement and bilateral meetings on multiple issues have allowed us to develop an ongoing and mutually beneficial dialogue that did not exist in the past. We recognize and appreciate the efforts of President Lagos and Foreign Minister Alvear in improving and deepening ties with Bolivia. However, this is still insufficient to definitively bring these two peoples together.

Chile has in recent decades shown a craving for modernity that is, without a doubt, an example for other countries in the region.

Therefore, the will that Chile has shown to open itself to the world and to join in the currents of globalization should also allow it, in an act of maturity, of modernity, of brotherhood and of coming together, to move forward towards a fair solution that resolves the differences that still remain.

We must be willing to think differently, with renewed and constructive ideas that are free of prejudice. It is not a question of rewriting history nor of

perpetuating anomalous situations inherited from the past. It is about solving real problems.

Madam President, we pay attention to our people, our people in the border regions. For example, let us pay attention to the regions of northern Chile, whose economy and society are strongly connected to western Bolivia, and let us pay attention to the people of western Bolivia, who are looking with hope to the Pacific coast. We should listen to both peoples, hear their voices, hear their arguments. I am sure that their perception of the problem would be very enriching for all.

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Ladies and gentlemen, in the consciousness of the peoples of our hemisphere there is continuously a gesture of solidarity with the Bolivian maritime cause. This solidarity must be reflected in the institutions that we share, in their attitudes and in the way of assuming their responsibilities.

To look to the future, together, means that we must be able to join together, with imagination and justice, to solve the issues that our hemisphere cannot keep pending when we are faced with the challenge of designing a scenario of integration in all aspects.

Let us do it soon. Do not leave for tomorrow what our consciences ask us for today.

Thank you very much.

...

REPRESENTATIVE OF CHILE: Thank you, Madam President.

As we have repeatedly noted, the Bolivian Foreign Minister's presentation of the so-called "Report on Bolivia's maritime problem" refers to aspects that relate exclusively to the bilateral relationship between our two States that are foreign to the competence of this forum.

Again, we wish to reiterate that there is no territorial dispute between Chile and Bolivia. The Treaty of Peace and Amity of 1904, signed more than twenty years after the end of the conflict and almost a century ago, is fully in force, and the border between the two countries has been totally and definitively demarcated.

The landlocked condition of countries is a consideration for granting transit facilities for the development of their international trade. To be sure, we understand and share that approach, which is why we have mechanisms in our bilateral relations, not only with Bolivia, that contemplate that condition. The international community considers the situation of landlocked countries and grants special facilities and treatments, in various instances and agreements, to these countries. Chile agrees with that assessment and is a member of these conventions. However, we have given ample transit facilities and storage to Bolivia under bilateral commitments that far exceed the international conventions governing the matter. However, we are willing to cooperate with new initiatives for landlocked countries, in the framework of the United Nations, and to bilaterally strengthen Bolivia's already advantageous conditions in Chile.

We are convinced that the dialogue we have always desired to foster with Bolivia, leaving behind outdated conceptions and seeking modern and imaginative approaches, will allow the best use of our obvious potential that our neighborly character demands.

[p 141]

We have proposed and received with interest initiatives on various issues and subjects with which we desire to move forward. Situations beyond our control have repeatedly influenced the development and progress of understandings that would be mutually beneficial to the progress and welfare of our peoples.

The Charter does not provide for this Organization to have competence over matters pertaining to the sovereignty of its members and affecting the validity of international treaties, whose inviolability is one of the pillars on which relations between States are based.

Madam President, I believe that it is appropriate to point out in this forum that the governments of Chile and Bolivia have agreed to revitalize the bilateral agenda, a process that had its starting point in the political consultations held last January in Santa Cruz de la Sierra.

That bilateral political definition implies working together in important areas such as the Frontier Committee, a mechanism that brings together both government officials and representatives of communities and associations of both countries and where issues of Frontier Facilitation Infrastructure and Integration Norms were discussed.

It is also important to note that progress has been made in the adoption of agreements on integrated border controls, shared water resources, mining cooperation, development of transport connection infrastructure, as well as mechanisms for implementing the Agreement on International Land Transport.

One issue of particular importance to note is the substantive and substantial progress recorded in the negotiations to sign a Free Trade Agreement between Chile and Bolivia, which is expected to be completed before the end of this year as the last round of negotiations was held just a few days ago in the city of Santiago, with a Bolivian delegation headed by the Deputy Minister.

Finally, Madam President, Chile remains open to considering, on a bilateral level and with full respect for the principle of inviolability of treaties, creative and realistic formulas to perfect facilities for Bolivia's access to the sea.

The determination that we have shown with regard to working on specific issues of real interest to our peoples, with vision and with the certainty that we are taking important steps in our mutual benefit, will surely deliver tangible results.

Thank you very much, Madam President.

...

Annex 443

Note from the President of Chile to the President of Bolivia,
December 2005

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 81 to its Memorial

Santiago de Chile, Diciembre de 2005

Excelentísimo Señor
Eduardo Rodríguez Veltzé
Presidente de la República de Bolivia
La Paz

Excelentísimo señor Presidente:

Me complace acusar recibo de su carta del 14 de diciembre pasado, en la cual se refiere al trabajo conjunto que desarrollamos con la esperanza de abrir un diálogo fructífero y con altura de miras, respecto de los temas que interesan a ambos países.

No puedo sino concordar plenamente con los conceptos que usted expresa en su carta. Además, estimo que el ejercicio de análisis y reflexión que efectuamos en cada ocasión en que nos reunimos, sentaron una forma de diálogo positivo, basado en la confianza y en el respeto mutuo. Ello contribuyó ciertamente a obtener los objetivos que nos planteamos de avanzar en los distintos temas de la agenda bilateral, por complejos que éstos fueran. Asimismo, nos permitió contribuir con hechos concretos a la integración binacional, al aprobar el uso del documento de identidad para ingresar a uno y otro país, y lo más importante, suscribir la profundización del Acuerdo de Complementación Económica Nº 22, a la totalidad del universo arancelario de Bolivia, para responder a los requerimientos de equilibrio y equidad comercial de su país.

También establecimos un Grupo de Trabajo sobre temas Bilaterales, que contribuyó al fortalecimiento de la confianza reciproca requerida para el tratamiento de la agenda sin exclusiones en la que están empeñados nuestros países. Espero sinceramente, que la labor que emprendemos conjuntamente, constituya la base para las respectivas administraciones que asumirán próximamente en Bolivia y Chile.

Santiago de Chile, December 2005

His Excellency

Eduardo Rodríguez Veltzé
President of the Republic of
Bolivia
La Paz

Excellency Mr. President:

I am pleased to acknowledge receipt of your letter of 14 December, in which you refer to the joint work we developed with the hope of opening a fruitful and forward-looking dialogue with respect to the topics that interest both countries.

I can but fully agree with the concepts expressed in your letter. Further, I appreciate that the exercise of analysis and reflection that we undertook on each occasion that we met, set a form of positive dialogue, based on trust and mutual respect. This certainly contributed to obtaining the objectives that we proposed to advance in the different topics of the bilateral agenda, however complex as they were. Also, it allowed us to contribute to bi-national integration with concrete actions, by approving the use of identity cards to get in and out of one or the other country, and most importantly, signing the expansion of Economic Complementation Agreement No. 22 to all tariffs of Bolivia, to meet the requirements of trade balance and equity of your country.

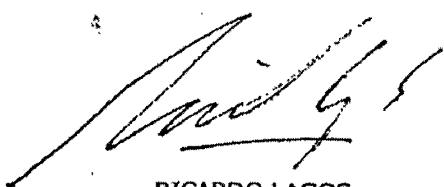
We have also established a Working Group on Bilateral issues which contributed to strengthening the mutual trust required for the treatment of the agenda without exclusions in which our countries are involved. I sincerely hope that the task we jointly started will constitute the foundation for the respective administrations that shall soon take over in Bolivia and Chile.

Señor Presidente, deseo reiterarle mis felicitaciones personales, las de mi Gobierno y del pueblo de Chile, por la gran muestra de ejercicio democrático y civildad realizado el domingo 18 pasado, que constituye un ejemplo no sólo en cuanto dice relación con la organización del proceso, sino en cuanto habla con claridad de la voluntad de la nación boliviana.

Junto con despedirme aprovecho la ocasión para desearte éxito personal en las futuras actividades que se proponga realizar y transmitirte las seguridades de mi alta consideración y estima personal.

Resultó muy grato trabajar con Su Excelencia en beneficio de la integración de nuestros pueblos.

Su amigo,



RICARDO LAGOS

Mister President, I want to reiterate my personal congratulations, from my Government and the people of Chile, for the high example of civility and democratic exercise conducted last Sunday 18, which constitutes an example not only in relation to the organization of the process, but also inasmuch as it speaks clearly of the will of the Bolivian nation.

I take this occasion to wish you personal success in the future activities that you attempt to carry out and to transmit the assurances of my highest consideration and personal esteem.

It turned out to be very pleasant to work with Your Excellency for the benefit of the integration of our peoples.

Your friend,

[Signature]
Ricardo Lagos

Annex 44

“Chilean Foreign Affairs Minister does not exclude a sovereign outlet to the sea for Bolivia”, *El Universal* (Venezuela), 16 April 2006

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 132 to its Memorial

el universalCaracas, domingo 16 de abril, 2006
Internacional

Canciller chileno no excluye una salida soberana de Bolivia al mar

Santiago de Chile.- El canciller chileno Alejandro Foxley admitió por primera vez la posibilidad de que Bolivia tenga un acceso soberano al mar a través del norte de Chile, en una entrevista que difundió este domingo el diario *El Mercurio*.

"No la excluimos. Como posibilidad, no", dijo Foxley consultado sobre una eventual salida al mar de Bolivia con derechos de soberanía, reseñó AFP.

"No voy a adelantar la fórmula. Estamos estudiándola y en su momento la conversaremos con los actores políticos nacionales. Vamos a ver si es posible, con la contraparte, encontrar una fórmula", señaló el canciller.

Es la primera vez que Chile, a través del jefe de su diplomacia, acepta esta posibilidad, descartada en los últimos años desde que Bolivia intensificó su demanda marítima.

El gobierno del presidente Ricardo Lagos, que el pasado 11 de marzo entregó el mando a la presidenta Michelle Bachelet, ofreció a Bolivia un acceso al Pacífico mediante la concesión de un puerto, con garantías tributarias y facilidades para sus exportaciones e importaciones.

Foxley insistió en que "no hay razón" para modificar el tratado de 1904 que fijó la frontera entre los dos países y consagró la pérdida del litoral boliviano después de la Guerra del Pacífico (1879-1884), que Bolivia libró contra Chile aliada con Perú.

Pero aludió a una integración más plena de América del Sur "que comience por donde debe comenzar: la integración física. Desde el puerto de Santos en Brasil hasta Antofagasta, Perú, Bolivia, parte de Paraguay".

"Eso le resolvería a Bolivia su problema de desarrollo", indicó Foxley al precisar que desea una integración sin retórica, para crear "corredores biocéntricos, invertir en buenos caminos, en mejor conexión aérea, facilitar el flujo de personas y de mercadería".

Bolivia rompió relaciones diplomáticas con Chile hace 28 años, cuando fracasaron sus conversaciones para lograr una salida al mar, pero Foxley se manifestó confiado en que esos vínculos se reanudarán durante el nuevo gobierno de Michelle Bachelet y la administración boliviana del presidente Evo Morales.

"Lo creo posible porque Chile tiene la mejor disposición y, según le escuché al presidente Morales, eso es reciproco", precisó el canciller.

Caracas, Sunday 16 April 2006

el universal

International

Chilean Foreign Minister does not exclude a sovereign outlet to the sea for Bolivia

Santiago, Chile.- The Chilean Minister of Foreign Affairs, Alejandro Foxley, admitted, for the first time, the possibility of Bolivia having sovereign access to the sea through the north of Chile, in an interview published by the newspaper El Mercurio this Sunday.

“We do not exclude it. As a possibility, no”, said Foxley when asked about an eventual outlet to the sea with sovereign rights for Bolivia, FPA reported.

“I will not advance the formula. We are studying it and in due course we will talk with the national political actors. We shall see if it is possible to find a formula with the counterparty”, pointed out the Minister of Foreign Affairs.

It is the first time that Chile, through the head of its diplomacy, has accepted this possibility, discarded in the last years since Bolivia intensified its maritime claim.

The Government of President Ricardo Lagos, which handed over the presidency to President Michelle Bachelet on 11 March offered Bolivia access to the Pacific through the concession of a port with tax guarantees and facilities for its exports and imports.

Foxley insisted that “there is no reason” to modify the 1904 treaty, which fixed the border between the two countries and enshrined the loss of the Bolivian littoral after the War of the Pacific (1879 - 1884), in which Bolivia fought, allied with Peru, against Chile.

But he referred to a broader integration in South America, “that begins from where it should begin: physical integration. From the port of Santos in Brazil to Antofagasta Peru, Bolivia, and part of Paraguay.”

“That would solve Bolivia’s development problem”, Foxley pointed out as he stated that he wants integration without rhetoric, to create “bioceanic corridors, invest in good roads, in better air connections, facilitate the movement of people and goods”.

Bolivia broke off diplomatic relations with Chile 28 years ago, when its conversations to achieve an outlet to the sea failed, but Foxley stated his confidence that ties will be renewed during the new Government of Michelle Bachelet and the Bolivian administration of President Evo Morales.

“I believe it is possible because Chile has the best disposition and, as I heard from President Morales, this is reciprocal”, specified the Minister of Foreign Affairs.

Annex 445

“Chile accepts to include outlet to the sea for Bolivia in the agenda”, *Diario Libre* (Dominican Republic),
18 July 2006

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 135 to its Memorial

Chile acepta incluir en agenda salida al mar para Bolivia - DiarioLibre.com

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18 Julio 2006

Chile acepta incluir en agenda salida al mar para Bolivia



LA PAZ.- Chile aceptó incluir la demanda de Bolivia de que le restituya una salida al mar, por primera vez en décadas, en la agenda de trabajo bilateral acordada hoy por los viceministros de ambos países, Mauricio Dorfler y Alberto Van Klaveren, respectivamente. La decisión está reflejada en un comunicado de prensa conjunto entregado en la ciudad de La Paz, al término de dos días de reuniones entre delegaciones técnicas presididas por ambos funcionarios.

"Queremos hablar del tema marítimo con Bolivia. Sabemos la relevancia que asume para Bolivia", precisó Van Klaveren en

una rueda de prensa en la Cancillería boliviana, posterior a la cita.

Las autoridades de Santiago habían ofrecido en los últimos meses una agenda "sin exclusiones", pero es la primera vez que se muestran dispuestas a conversar sobre el reclamo territorial boliviano.

Bolivia y Chile no tienen relaciones diplomáticas a nivel de embajador desde 1978 por la reivindicación de La Paz de recuperar un acceso al Pacífico perdido en una guerra con tropas chilenas a finales del siglo XIX.

En el comunicado, los viceministros Dorfler y Van Klaveren afirman haber coincidido "en avanzar en los temas de interés mutuo de ambos países, en el marco de una agenda amplia y sin exclusiones, sustentada en medidas efectivas de confianza mutua".

"Entre otros, la integración fronteriza, el libre tránsito, la integración física, el tema marítimo, la complementación económica, los recursos hídricos" de la frontera, son los "temas relevantes" que debatirán bolivianos y chilenos, a partir de hoy, precisa el documento.

El viceministro chileno dijo que, así como lo es para Bolivia, la demanda de una salida a la costa marítima "también es un tema importante" para Chile.

"Lo que estamos diciendo es que estamos disponibles para este diálogo", dijo.

Remarcó que su gobierno es "plenamente consciente del compromiso asumido hace ya varios años atrás de hablar con una agenda sin exclusiones" con su vecino transandino.

...

DiarioLibre.com

18 July 2006

Chile accepts to include outlet to the sea for Bolivia in the agenda

LA PAZ. Chile accepted, for the first time in decades, to include the Bolivian claim for the restitution of an outlet to the sea in the bilateral work agenda agreed today by the Vice-Ministers of Foreign Affairs of both countries, Mauricio Dorfler and Alberto Van Klaveren, respectively. The decision is reflected in a joint press release issued in La Paz at the end of two days of meetings between the technical delegations led by both government officials.

“We would like to talk about the maritime issue with Bolivia. We know how relevant it is for Bolivia”, stated Van Klaveren in a press conference in the Bolivian Ministry of Foreign Affairs, after the meeting.

The authorities from Santiago had offered an agenda “without exclusions” in the last months, but it is the first time that they have been willing to talk about the Bolivian territorial claim.

Bolivia and Chile have not had diplomatic relations at the ambassadorial level since 1978 because of the claim of La Paz to recover access to the Pacific, lost in the war against Chilean troops at the end of the 19th century.

In the press release, the Vice-Foreign Ministers, Dorfler and Van Klaveren, claimed to have concurred “to move forward with the discussion of issues of mutual interest for the two countries, within the framework of a broad agenda without exclusions, supported by effective measures of mutual trust”.

“Among others, border integration, free transit, physical integration, the maritime issue, economic complementation, water resources” of the frontier are the “relevant issues” to be discussed by Chileans and Bolivians as of today, the document details.

The Chilean Vice-Foreign Minister said that, as it is for Bolivia, the claim for an outlet to the maritime coast “is also an important issue” for Chile.

“What we are saying is that we are available for this dialogue”, he said.

He remarked that his Government is “fully aware of the commitment assumed several years ago to talk with an agenda without exclusions” with its trans-Andean neighbor.

...

Chile acepta incluir en agenda salida al mar para Bolivia - DiarioLibre.com

Página 2 de 2

Al ser consultado sobre si este acuerdo es un paso hacia la restitución de plenas relaciones diplomáticas entre ambas naciones, respondió que Chile "está interesado en desarrollar las mejores relaciones posibles con Bolivia".

"Nosotros siempre hemos dicho que estamos disponibles para una reanudación diplomática. Eso ha sido una política permanente de Chile", sobre la cual no se ha discutido hoy.

Van Klaveren pronosticó que la probable solución de los asuntos pendientes en Chile y Bolivia "augura un futuro muy promisorio para la relación" entre los dos países vecinos.

"Nos alegra mucho haber acordar un programa de trabajo con Bolivia, que contiene una serie de temas que son de gran relevancia para ambos países y que en definitiva van a beneficiar a los ciudadanos de los dos países", subrayó.

Por su parte, el viceministro boliviano destacó la importancia de haber cerrado un programa de trabajo con el gobierno de Santiago, tras años de frustrados intentos cerrados por la posturas chilena de que no había asuntos bilaterales pendientes.

"Lo importante es que podamos concluir por fin con una etapa de trabajo que nos lleve a tener una agenda sin exclusiones, común, un programa de trabajo en el que están incorporados todos los temas que son relevantes para cada uno", apuntó.

De **EEF**

When asked if this agreement is a step towards the restitution of full diplomatic relations between both nations, he answered that Chile “is interested in developing the best relations possible with Bolivia.”

“We have always said that we are available for a resumption of diplomatic relations. This has been a permanent policy of Chile”, which was not discussed today.

Van Klaveren predicted that the probable solution of the pending issues between Chile and Bolivia “predicts a very promising future for the relationship” between the two neighboring countries.

“We are very glad to have agreed a program of work with Bolivia, which contains a number of issues which are of great relevance for both countries, and that will ultimately benefit the citizens of the two countries”, he noted.

On the other hand, the Bolivian Vice-Foreign Minister emphasized the importance of having closed a program of work with the Government of Santiago, after years of attempts frustrated due to the Chilean position that there were no pending bilateral issues.

“What is important is that we can finally conclude with a stage of work that leads us to have an agenda without exclusions, common, a program of work in which all the issues which are relevant for each country are incorporated”, he noted.

E F E

Annex 446

“The surveys show that a high percentage of the Chilean population does not agree with the proposal ‘sea for Bolivia’”,
El Mercurio (Chile), 24 June 2007

(Original in Spanish, English translation)

El Mercurio (Chile)

Canciller Alejandro Foxley:

“Las encuestas reflejan que un alto porcentaje de la población chilena no está de acuerdo con la propuesta ‘mar para Bolivia’”

Calcula que en los quince meses a cargo de las relaciones internacionales ha pasado uno de cada tres días fuera del país. Prudente y cálido, se descoloca cuando se le pregunta por su hijo Alejandro, director ejecutivo alterno para Chile y Perú en el BID desde hace un año, lo que le ha valido ser acusado de nepotismo.

RAQUEL CORREA

De partida, quería tocar sólo temas internacionales. Sin embargo, pronto le surge el político que hay en su alma. Y se adentra con pasión en la coyuntura, claro que sin mencionar personas. Desde las ventanas de su despacho se ve el palacio de gobierno.

—¿Está pensando en La Moneda para el 2009?

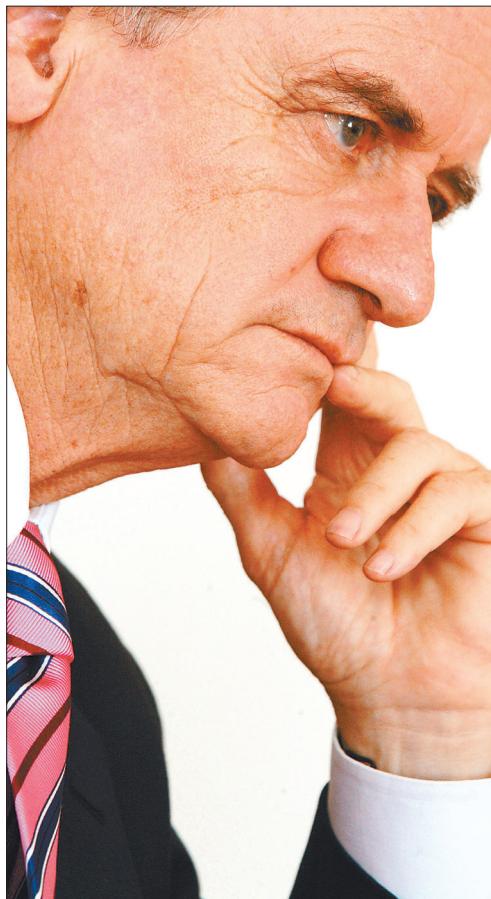
—No, no, sinceramente estoy en otra. Fui ministro de Hacienda, presidente de la DC, senador y ahora canciller. Estoy más que satisfecho.

Calcula que en los quince meses a cargo de las relaciones internacionales ha pasado uno de cada tres días fuera del país. Prudente y cálido, se descoloca cuando se le pregunta por su hijo Alejandro, director ejecutivo alterno para Chile y Perú en el BID desde hace un año, lo que le ha valido ser acusado de nepotismo.

—Esa crítica es super injusta. Es un caso clásico de discriminación al revés. Porque una persona tiene el mismo nombre de su padre se dice que no está donde está por sus méritos. Alejandro es extremadamente talentoso. Se graduó en EE.UU. en la Universidad de Notre Dame, obtuvo su doctorado en Georgetown y estoy muy orgulloso de lo que ha hecho; se ha ganado su espacio paso a paso, con esfuerzo y talento. Sólo lamento haberle puesto mi nombre...

—Hace unos meses a usted lo acusaron de coartar la libertad de expresión, a raíz de la miniserie “Epopeya”...

—Di una opinión respecto de la coyuntura, porque hubo mucha tensión entre Perú y Chile con motivo de Ley de Arica.



ACUSACIONES DE NEPOTISMO.— “Sólo lamento haberle puesto mi nombre...”, dice el canciller al preguntársele por su hijo Alejandro, director ejecutivo alterno para Chile y Perú en el BID.

Yo creo firmemente en la integración de la región para poder, de verdad, proyectarse al mundo. La relación con Argentina, Perú y Bolivia es central para ese propósito porque Chile es demasiado pequeño como para poder proyectarse solo.

—En la postulación de Venezuela para el Consejo de Seguridad de la ONU se vio como que la Presidenta quería que se nombrara al candidato venezolano y usted no...

—Yo Presidenta tomó la decisión que habíamos conversado desde el comienzo: que a Chile le convenía una candidatura de consenso porque, en este momento, en América Latina hay demasiados caminos al desarrollo, incluso tipos de democracia. Queremos ser un factor de convergencia.

—Otro tema que se ha visto complicado es su relación con el embajador Maira.

—No hay ningún problema de relación personal. Sabemos distinguir entre problemas personales y relaciones funcionales. Yo soy canciller, él es embajador: un funcionario de Cancillería. Y creo que ha hecho una buena labor.

—¿Le molestan los parlamentarios chilenos actuando como “embajadores”?

—Desde el primer día se impulsó que los parlamentarios se involucraran en la proyección internacional de Chile. Mientras se coordinen con Cancillería, nos ayudan a hacer bien el trabajo. Pero la proyección de Chile hacia el resto del mundo tiene que ser una política de Estado. Pasando las fronteras, debemos tener una sola voz.

Límites con Perú: “Esa frontera ha sido respetada por medio siglo”

—Perú sostiene que están pendientes los límites marítimos con Chile y Chile asegura que no hay nada pendiente.

—Los límites con Perú están definitivamente establecidos por Tratados de 1929, de 1952 y 1954. Eso es incuestionable. Esos tratados fueron ejecutados, de mutuo acuerdo, materializados en hitos físicos que se pusieron en el terreno por parte de una comisión bilateral. Hay documentos firmados por Perú reconociendo la validez de esos hitos. Esa frontera ha sido respetada por medio siglo por ambos países. Lo único que corresponde a Chile es hacer respetar esos derechos. Tenemos una base jurídica muy sólida y defenderemos estos derechos con mucha fuerza.

...

EL MERCURIO

SUNDAY 24 JUNE 2007

Minister of Foreign Affairs Alejandro Foxley:

“The surveys show that a high percentage of the Chilean population does not agree with the proposal ‘sea for Bolivia’”

...

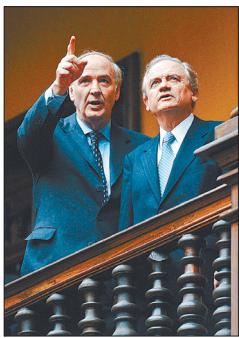


TEMARIO. — “Con Bolivia hemos definido una agenda de trece temas y sostenido que cualquiera de ellos es bilateral, no multilateral”.

—¿Le sorprende que Perú lleve el tema a la Corte Internacional de La Haya?

—No. El Presidente Alan García nos dijo en Tarija que iban a buscar una resolución —de lo que ellos llaman una controversia— por la vía pacífica y jurídica. Nosotros hemos sostenido siempre que aquí no hay una controversia y, como no la hay, corresponde respetar los Tratados firmados. Si Perú decide ir a La Haya, nosotros vamos a defender los derechos de Chile con un excelente equipo jurídico que ya tenemos instalado y que está haciendo su trabajo preparatorio.

—Si están tan seguros, ¿para qué reforzaron el equipo chileno en La Haya? Trasladaron a la embajadora Cecilia Mackenna —especialista en el tema— desde Suiza a Holanda; contrataron dos



Alejandro Foxley en una de sus reuniones con su par peruano, José Antonio García Belaúnde.

“Si Perú decide ir a La Haya, como anunció el Presidente García, defendaremos los derechos de Chile con un excelente equipo jurídico que ya tenemos instalado”.

abogados expertos internacionales...

—No hemos reforzado nada. La embajadora Cecilia Mackenna fue nombrada al comienzo de este gobierno. Desde hace mucho, tenemos un equipo en Cancillería y juristas de carácter internacional, vinculados al gobierno, preparados para enfrentar ésta u otra controversia internacional.

—¿Chile le reconocerá competencia a la Corte Internacional de La Haya?

—No voy a entrar en esa consideración. Es reservado. Pero tenemos respaldo transversal en nuestra posición y estamos preparados, tranquilos y seguros de que la posición de Chile es inquestionable desde el punto de vista jurídico internacional.

Relaciones diplomáticas con Bolivia: “Depende de ellos”

—En la OEA, el canciller García Belaúnde sostuvo que Perú está abierto a una salida al mar para Bolivia a través de una zona de soberanía tripartita en el sector de Arica.

—Con Bolivia hemos definido una agenda de trece temas y sostenido que

cualquiera de ellos es bilateral, no multilateral.

—Entre esos está incluido el de mar para Bolivia?

—Sí, es el punto 6.

—¿Chile está dispuesto a darle salida soberana al mar?

—Estamos facilitándole el acceso al mar, con medidas tan concretas como la habilitación del puerto de Iquique, además de Antofagasta y Arica.

—Lo que ellos quieren es mar. Que se cumpla el sueño de Chávez...

—El Presidente Chávez hace mucho rato reconoció que éste es un tema bilateral. Como ésta es una política de Estado, tanto para el Presidente de Bolivia como para la Presidenta de Chile, se necesita un respaldo muy consensuado dentro del país.

—¿No fue suficiente el respaldo de los chilenos, cuando vino Evo Morales: el Estadio Nacional lleno de gente gritando “Mar para Bolivia”?

—Hubo quienes pensaron que era era la demanda de todo el pueblo: no es así.

Bolivia: “Estamos facilitándole el acceso al mar, con medidas tan concretas como la habilitación del puerto de Iquique, además de Antofagasta y Arica”.

Tenemos encuestas que reflejan que, lamentablemente, un alto porcentaje de la población chilena no está de acuerdo con la propuesta “mar para Bolivia”. No queremos ponernos plazos: hay que hacer una tarea educativa para que la gente entienda que en el siglo 21 los países tenemos que integrarnos de verdad, no sólo retóricamente.

—¿Qué posibilidad hay de que Chile tenga relaciones diplomáticas plenas con Bolivia?

—Depende de ellos. Ellos estiman que es un tema para más adelante.

—¿Le preocupa que el “chavismo” cunda por América Latina, considerando que no sólo Venezuela, sino Nicaragua, Ecuador, Argentina, Bolivia y Cuba adscriben a esa corriente?

—Hay que aprender a convivir aceptando la diversidad. Lo que nos preocupa es ver si una América Latina mucho más integrada porque en la globalización no les va bien a los países solos. Por ejemplo, la Unión Europea, los países del Este de Asia, del Este de Europa, América del Norte están integradas. Nosotros vamos rezagados. El tema principal es ese, no las diferencias ideológicas. ■

DEFINICIONES:

“Soy partidario de que la carrera diplomática tenga más movilidad”

—¿Chile logrará los 97 votos que necesita para un asiento en la Comisión de DD.HH. de la ONU?

—Esperamos que sí. Pero todavía no estamos en campaña.

—¿Qué significa que se instale en Chile una Oficina Regional del Alto Comisionado para los Derechos Humanos para América Latina y el Caribe?

—Un reconocimiento de la coherencia que ha tenido Chile desde el año 90 para estar en la vanguardia de la defensa de los DD.HH.

—¿Cómo cambiarán la imagen de Chile respecto de que no respeta los DD.HH. del pueblo indígena?

—Votaremos a favor de los tratados internacionales

que defienden los derechos de los pueblos originarios. Y en las últimas cifras de la Casen —en que Chile aparece disminuyendo la pobreza desde un 45% el año 87 a un 13% del 2006— no se ha destacado que la pobreza, en los sectores indígenas, disminuye más rápidamente que el promedio del país. La brecha de pobreza entre indígenas y no indígenas se redujo un 50% entre el 2003 y 2006.

—Como doctor en Economía, ¿no te preocupa que con tanto TLC naufrague la economía chilena?

—En 1990, cuando llegamos al gobierno, Chile exportaba a todo el mundo US\$ 8 mil millones. Hoy exporta US\$ 60 mil millones.

—El Tribunal Penal Internacional ¿es su sueño

no realizado?

—Efectivamente. Cuando los crímenes de lesa humanidad se puedan juzgar en un tribunal internacional, la humanidad llegará a un nivel superior de convivencia. Chile lo suscribió y es lamentable que no haya sido ratificado en el Congreso, porque la derecha se opone.

—¿Partidario de embajadores de carrera o políticos?

—Soy partidario de que la carrera diplomática tenga más movilidad. Hoy nadie jubila porque jubilar es un derecho, no una obligación. Tenemos un proyecto para resolver eso. Tenemos embajadores designados políticamente que hacen una extraordinaria labor. Pero desde que se inicio este gobierno estamos designando embajadores de carrera prácticamente en todos los carros. ■

that all of them are bilateral, not multilateral.

Among those, is the sea for Bolivia included?

Yes, it is point 6.

We have surveys that reflect that unfortunately a high percentage of the Chilean population does not agree with the proposal “sea for Bolivia”. We do not want to set deadlines: an educational task must be undertaken so that the people understand that, in the 21st century, countries have to integrate genuinely, not only rhetorically.

Is Chile willing to give a sovereign outlet to the sea?

We are facilitating access to the sea through concrete measures such as the habilitation of the Port of Iquique, in addition to Antofagasta and Arica.

What possibilities are there for Chile to get full diplomatic relations with Bolivia?

It's up to them. They deem it is a topic for later.

...

Diplomatic relations with Bolivia: “It's up to them”

At the OAS, the Minister of Foreign Affairs, García Belaúnde, sustained that Peru is open to an outlet to the sea for Bolivia through a zone of tripartite sovereignty in the area of Arica.

With Bolivia we have defined an agenda of 13 issues and sustained

What they want is sea, to fulfill Chávez's dream.

President Chávez recognized a long time ago that this is a bilateral issue. ... Since this is a State policy, both for the President of Bolivia as for the President of Chile, it needs a strong consensus within the country.

Was not the support of Chileans when Evo Morales came enough: the national stadium full of people screaming “Sea for Bolivia”?

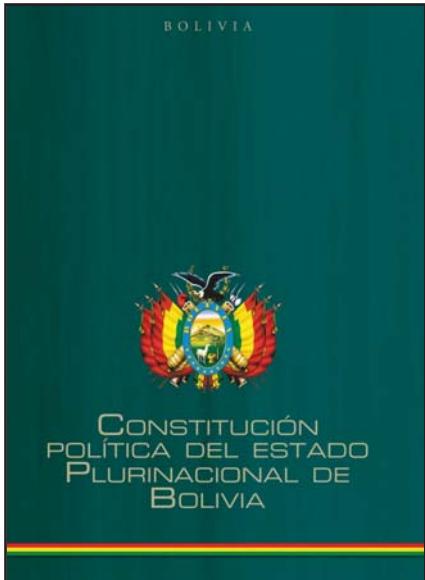
There were people who thought that this was a request of all the people. This is not so.

Annex 447

Political Constitution of the Plurinational State of Bolivia,
7 February 2009 (extract)

(Original in Spanish, English translation)

Bolivia, InfoLeyes, <<http://bolivia.infoleyes.com/shownorm.php?id=469>>



- II. Es deber del Estado ejecutar políticas de preservación y control de los recursos naturales en las áreas fronterizas.
- III. La regulación del régimen de fronteras será establecida por la ley.

CAPÍTULO TERCERO: INTEGRACIÓN

ARTÍCULO 265. I. El Estado promoverá, sobre los principios de una relación justa, equitativa y con reconocimiento de las asimetrías, las relaciones de integración social, política, cultural y económica con los demás estados, naciones y pueblos del mundo y, en particular, promoverá la integración latinoamericana.

II. El Estado fortalecerá la integración de sus naciones y pueblos indígena originario campesinos con los pueblos indígenas del mundo.

ARTÍCULO 266. Las representantes y los representantes de Bolivia ante organismos parlamentarios supraestatales emergentes de los procesos de integración se elegirán mediante sufragio universal.

CAPÍTULO CUARTO: REIVINDICACIÓN MARÍTIMA

ARTÍCULO 267. I. El Estado boliviano declara su derecho irrenunciable e imprescriptible sobre el territorio que le dé acceso al océano Pacífico y su espacio marítimo.

II. La solución efectiva al diferendo marítimo a través de medios pacíficos y el ejercicio pleno de la soberanía sobre dicho territorio constituyen objetivos permanentes e irrenunciables del Estado boliviano.

ARTÍCULO 268. El desarrollo de los intereses marítimos, fluviales y lacustres, y de la marina mercante será prioridad del Estado, y su administración y protección será ejercida por la Armada Boliviana, de acuerdo con la ley.

...

CHAPTER FOUR: MARITIME VINDICATION

ARTICLE 267: I. The Bolivian state declares its unwaivable and imprescriptible right over the territory giving access to the Pacific Ocean and its maritime space.

II. The effective solution of the maritime dispute through peaceful means and the full exercise of sovereignty over that territory constitute permanent and unwaivable objectives of the Bolivian State.

...



Presidenta o el Presidente del Estado. La Asamblea Constituyente se autorregulará a todos los efectos, debiendo aprobar el texto constitucional por dos tercios del total de sus miembros presentes. La vigencia de la reforma necesitará referendo constitucional aprobatorio.

- II. La reforma parcial de la Constitución podrá iniciarse por iniciativa popular, con la firma de al menos el veinte por ciento del electorado; o por la Asamblea Legislativa Plurinacional, mediante ley de reforma constitucional aprobada por dos tercios del total de los miembros presentes de la Asamblea Legislativa Plurinacional. Cualquier reforma parcial necesitará referendo constitucional aprobatorio.

DISPOSICIONES TRANSITORIAS

- PRIMERA.** I. El Congreso de la República en el plazo de 60 días desde la promulgación de la presente Constitución, sancionará un nuevo régimen electoral para la elección de la Asamblea Legislativa Plurinacional, Presidente y Vicepresidente de la República; la elección tendrá lugar el día 6 de diciembre de 2009.
- II. Los mandatos anteriores a la vigencia de esta Constitución serán tomados en cuenta a los efectos del cómputo de los nuevos períodos de funciones.
- III. Las elecciones de autoridades departamentales y municipales se realizarán el 4 de abril de 2010.
- IV. Excepcionalmente se prorroga el mandato de Alcaldes, Concejales Municipales y Prefectos de Departamento hasta la posesión de las nuevas autoridades electas de conformidad con el párrafo anterior.
- SEGUNDA.** La Asamblea Legislativa Plurinacional sancionará, en el plazo máximo de ciento ochenta días a partir de su instalación, la Ley del Órgano Electoral Plurinacional, la Ley del Régimen Electoral, la Ley del Órgano Judicial, la Ley del Tribunal Constitucional Plurinacional y la Ley Marco de Autonomías y Descentralización.
- TERCERA.** I. Los departamentos que optaron por las autonomías departamentales en el referendo del 2 de julio de 2006, accederán directamente al régimen de autonomías departamentales, de acuerdo con la Constitución.



- II. Los departamentos que optaron por la autonomía departamental en el referéndum del 2 de julio de 2006, deberán adecuar sus estatutos a esta Constitución y sujetarlos a control de constitucionalidad.
- CUARTA.** La elección de las autoridades de los órganos comprendidos en la disposición segunda, se realizarán de conformidad al calendario electoral establecido por el Órgano Electoral Plurinacional.
- QUINTA.** Durante el primer mandato de la Asamblea Legislativa Plurinacional se aprobarán las leyes necesarias para el desarrollo de las disposiciones constitucionales.
- SEXTA.** En el plazo máximo de un año después de que entre en vigencia la Ley del Órgano Judicial, y de acuerdo con ésta, se procederá a la revisión del escalafón judicial.
- SÉPTIMA.** A efectos de la aplicación del parágrafo I del artículo 293 de esta Constitución, el territorio indígena tendrá como base de su delimitación a las Tierras Comunitarias de Origen. En el plazo de un año desde la elección del Órgano Ejecutivo y Legislativo, la categoría de Tierra Comunitaria de Origen se sujetará a un trámite administrativo de conversión a Territorio Indígena Originario Campesino, en el marco establecido en esta Constitución.
- OCTAVA.**
- I. En el plazo de un año desde la elección del Órgano Ejecutivo y del Órgano Legislativo, las concesiones sobre recursos naturales, electricidad, telecomunicaciones y servicios básicos deberán adecuarse al nuevo ordenamiento jurídico. La migración de las concesiones a un nuevo régimen jurídico en ningún caso supondrá desconocimiento de derechos adquiridos.
 - II. En el mismo plazo, se dejarán sin efecto las concesiones mineras de minerales metálicos y no metálicos, evaporíticos, salares, azufreras y otros, concedidas en las reservas fiscales del territorio boliviano.
 - III. Las concesiones mineras otorgadas a las empresas nacionales y extranjeras con anterioridad a la promulgación de la presente Constitución, en el plazo de un año, deberán adecuarse a ésta, a través de los contratos mineros.
 - IV. El Estado reconoce y respeta los derechos pre-constituidos de las sociedades cooperativas mineras, por su carácter productivo social.



V. Las concesiones de minerales radioactivos otorgadas con anterioridad a la promulgación de la Constitución quedan resueltas, y se revierten a favor del Estado.

NOVENA.

Los tratados internacionales anteriores a la Constitución y que no la contradigan se mantendrán en el ordenamiento jurídico interno, con rango de ley. En el plazo de cuatro años desde la elección del nuevo Órgano Ejecutivo, éste denunciará y, en su caso, renegociará los tratados internacionales que sean contrarios a la Constitución.

DÉCIMA.

El requisito de hablar al menos dos idiomas oficiales para el desempeño de funciones públicas determinado en el Artículo 234. 7 será de aplicación progresiva de acuerdo a Ley.

DISPOSICIÓN ABROGATORIA

Disposición abrogatoria. Queda abrogada la Constitución Política del Estado de 1967 y sus reformas posteriores.

DISPOSICIÓN FINAL

Esta Constitución, aprobada en referendo por el pueblo boliviano entrará en vigencia el día de su publicación en la Gaceta Oficial.

NINTH.

International treaties preceding the Constitution, the provisions of which are not inconsistent with the Constitution, will remain in the domestic legal system, with force of law. Within 4 years of its appointment, the new Executive Branch will denounce and, if necessary, renegotiate those international treaties that are contrary to the Constitution.

...

Annex 448

“The Bolivian enclave that Piñera stopped” and
“The formula that is most suitable for the President”,
La Tercera (Chile), 5 December 2010

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 363 to its Reply



El enclave boliviano que frenó Piñera

Tres expertos bolivianos viajaron a la Región de Tarapacá en 2009 para inspeccionar un enclave ofrecido por el gobierno de Bachelet. Se llegó a construir mapas al sur de la Quebrada de Camarones y en febrero pasado se preparaba la firma de un acta. El plan fue rechazado por Piñera, quien es más partidario de otorgar un corredor sin soberanía por el norte del río Lluta.

TEXTO Francisco Artaza FOTOGRAFÍA Ximena Navarro

THE BOLIVIAN ENCLAVE THAT PIÑERA STOPPED

Three Bolivian experts traveled to the Tarapaca Region in 2009 to inspect an enclave offered by Bachelet's Government. Maps were drawn up to the south of Camarones Ravine, and in February an act was being prepared for signature. The plan was rejected by Piñera, who is more in favor of granting a corridor without sovereignty to the north of the Lluta River.

By Francisco Artaza

En diciembre de 2009, sólo días después de que Sebastián Piñera triunfara en las elecciones presidenciales, el gobierno de Evo Morales envió un reservado documento a la administración de Michelle Bachelet. Se trataba del borrador de un acta de carácter oficial que pretendían firmar ambos países, en el que se daba cuenta del proceso de negociaciones bilaterales de los últimos cuatro años y donde Chile adquiría el compromiso de continuar avanzando en las conversaciones para resolver la histórica demanda marítima pacífica sobre la base de lo que hasta ese momento habían trabajado ambas cancillerías.

El borrador enviado desde La Paz formaba parte de un acuerdo al que habían llegado en octubre los vicencancilleres de Bolivia, Hugo Fernández, y de Chile, Alberto van Klaveren. Los viceministros habían liderado las nueve rondas de consultas políticas de las diplomacias de ambos países desde julio de 2006 y en este encuentro, el último antes de que Bachelet concluyera su mandato, hablaron de consensuar un documento común. Bolivia quedó a cargo de redactarlo y Chile le realizaría las correcciones.

A esa altura, las conversaciones en torno al tema marítimo estaban avanzadas. Aunque el acta boliviana no consignaba fechas ni fórmulas, según señalan fuentes del gobierno de la época, para entonces Bachelet tenía en vista tres opciones para conceder un enclave costero sin soberanía a Bolivia en la provincia de Tarapacá. Una de ellas llegó a consolidarse durante las negociaciones: se trataba de un punto entre el sur de la Quebrada de Camarones y el norte de Iquique (ver infografía). La fórmula sin soberanía sorteaba las obligaciones del Tratado de 1929, que dispone que Chile debe consultar a Perú por la cesión de territorios que le per-

In December 2009, just days after Sebastian Piñera won the presidential elections, the Government of Evo Morales sent a confidential document to the Administration of Michelle Bachelet. It was the draft of an official act intended to be signed by both countries, which mentioned the process of bilateral negotiations in the last four years and where Chile acquired the commitment to continue to move forward in the talks to resolve the historical Bolivian maritime claim on the basis of what until that moment both Foreign Ministries had worked.

The draft sent from La Paz was part of an agreement reached in October by the Vice-Foreign Minister of Bolivia, Hugo Fernandez, and the Vice-Foreign Minister of Chile, Alberto van Klaveren. The Vice-Foreign Ministers had led the nine rounds of political consultations by the diplomatic missions of both countries since July 2006 and at this meeting, the last before Bachelet ended her term, they spoke of agreeing on a common document. Bolivia was in charge of drafting it and Chile would make corrections.

At that point, the talks regarding the maritime issue had progressed. Although the Bolivian act did not include dates or formulas, according to sources from the Government of the time, by then Bachelet had in view three options to grant a coastal enclave without sovereignty to Bolivia in the province of Tarapaca. One of them was consolidated during the negotiations: it was a point between the south of the Camarones Ravine and the north of Iquique. The formula without sovereignty circumvented the obligations of the Treaty of 1929, which provides that Chile must consult Peru for the cession of territories that belonged to it

tenecían antes de la Guerra del Pacífico.

Durante el primer semestre de ese año viajó en forma reservada a la provincia de Tarapacá una delegación de tres técnicos del gobierno de Morales para ver *in situ* las características del lugar que se había definido negociar. Acompañados por tres funcionarios de la Cancillería chilena, algunos de ellos de la Dirección de Fronteras y Límites, los expertos se trasladaron directamente al lugar, sin pasar por Santiago. No querían dejar huellas.

Durante tres días, con mapas y documentos topográficos y legales, los técnicos bolivianos comprobaron las características del terreno y las posibilidades de desarrollo del enclave. El lugar que exploraron fue una caleta deshabitada: era una de las condiciones de ambas partes para concordar un enclave.

El mar de la zona tenía la profundidad suficiente para buques de gran calado y una zona de playa. Se trataba de un elemento relevante. Allí se contemplaba construir un puerto para la salida de minerales de hierro y litio de Bolivia y una zona turística. Chile solicitó que el muelle fuera exclusivamente para la exportación de minerales y no fuera habilitado para el tránsito de carga general; de ese modo, no entraría en competencia con los puertos de Arica y Antofagasta. El punto fue aceptado por La Paz.

Los negociadores bolivianos también plantearon condiciones. Pidieron que en el enclave se autorizara la construcción de un eje urbano, aledaño al sector industrial. La pretensión paceña era algo mayor de 400 kilómetros cuadrados, lo que Chile no aceptó.

De todas formas, el mecanismo que se exploró era similar e incluso superior a la concesión que otorgó Perú a Bolivia en el puerto de Ilo. El acuerdo firmado en 1992 por los entonces gobernantes Alberto Fujimori y Jaime Paz Zamora incluía la cesión por 99 años de un enclave costero de cinco kilómetros y 163 hectáreas para Bolivia.

before the War of the Pacific.

During the first half of that year, a delegation of three technicians from the Morales Government traveled to the province of Tarapaca to see in situ the characteristics of the location that had been defined to be negotiated. Accompanied by three officials of the Chilean Foreign Ministry, some of them from the Directorate of Frontiers and Boundaries, the experts moved directly to the location, without passing through Santiago. They did not want to leave footprints.

For three days, with maps and topographic and legal documents, the Bolivian technicians verified the characteristics of the terrain and the possibilities of developing an enclave. The location they explored was an uninhabited cove; it was one of the conditions on both sides for agreeing on an enclave.

The sea of the area had enough depth for large draft ships and a beach area. This was a key element. There it was contemplated to build a port for the export of iron and lithium minerals from Bolivia and a tourist zone. Chile requested that the dock be exclusively for the export of minerals and not be enabled for the transit of general cargo: that way, it would not enter into competition with the ports of Arica and Antofagasta. The point was accepted by La Paz.

The Bolivian negotiators also raised conditions. They asked that they be authorized to build an urban axis in the enclave, adjacent to the industrial sector. The claim from la Paz was somewhat larger than 400 square kilometers, which Chile did not accept.

In any case, the mechanism that was explored was similar and even superior to the concession granted by Peru to Bolivia in the port of Ilo. The agreement signed in 1992 by the then Presidents Alberto Fujimori and Jaime Paz Zamora included the transfer for 99 years of a coastal enclave of five kilometers and 163 hectares for Bolivia.

"No era una fórmula ideal. Pero era lo que había como alternativa posible", asegura una fuente de la Cancillería chilena que conoció de estas conversaciones.

Con todo, a Morales le interesó. El mecanismo no satisfacía la demanda por una salida soberana y con continuidad territorial, pero el enclave sí les permitía recuperar la cualidad marítima.

El rechazo de Piñera

Pese a la derrota de Eduardo Frei en las urnas, Bachelet mantuvo vivo el interés de alcanzar un acuerdo con Bolivia antes de terminar su mandato. El borrador del acta boliviana estaba siendo revisada para su ratificación mientras se iniciaba el traspaso de mando a Piñera. Entrado febrero, señalan altas fuentes diplomáticas, Cancillería dio a conocer a las nuevas

El enclave consideraba un puerto en el norte chileno para trasladar minerales desde Bolivia y un eje urbano aledaño al sector industrial.

Bachelet tenía tres alternativas para conceder un enclave costero sin soberanía al gobierno de Morales. El plan era fruto de años de diálogo.

“It was not an ideal formula. But it was what was possible as an alternative”, asserts a source of the Chilean Foreign Ministry who knew of these talks.

Still, Morales was interested in it. The mechanism did not satisfy the claim for a sovereign outlet with territorial continuity, but the enclave did allow Bolivia to recover its maritime quality.

PIÑERA’S REJECTION

Despite Eduardo Frei’s defeat at the polls, Bachelet kept alive the interest of reaching an agreement with Bolivia before finishing her term. The draft of the Bolivian act was being reviewed for its ratification as the transfer of command to Piñera began. In the first days of February, according to high diplomatic sources, the Foreign Ministry informed the new

The enclave contemplated a port in the northern part of Chile to transport minerals from Bolivia and an urban axis adjacent to the industrial sector.

**Bachelet had three alternatives for granting
a coastal enclave without sovereignty
to the Morales Government. The plan
was the result of years of dialogue.**

autoridades la declaración conjunta que pretendían firmar con Evo Morales. El documento fue considerado "excesivo" por los representantes de Piñera y a poco andar fue abortado. Muchos lo veían como un intento por dejar "amarrado" al nuevo gobierno respecto de los mecanismos que debían seguir adelante las conversaciones con Morales.

En paralelo, Piñera estaba enterado de que Bachelet barajaba tres opciones para otorgar un enclave a Bolivia y que el diálogo estaba avanzado. El Presidente rechazó la iniciativa. Tenía una razón de fondo: no compartía la idea de otorgar un enclave a ese país. A juicio del nuevo gobierno, la entrega en concesión o comodato por 99 años a La Paz de una franja de litoral en territorio chileno abriría a futuro nuevos focos de tensión en las relaciones bilaterales. Problemas de índole migratorio, de libre tránsito, administrativos y de infraestructura, dicen en el Ejecutivo, surgirían de este mecanismo. "El Presidente no cree viable 'dividir' el territorio en dos", afirma un cercano, quien añade que Piñera es más proclive -en teoría- a la idea de otorgar un corredor sin soberanía por el norte del río Lluta (ver página 5).

La decisión de Piñera de febrero pasado echó por la borda las reservadas negociaciones de Bachelet y Morales. En julio de 2006, ambos acordaron establecer una agenda de 13 puntos, en los que estaba incluido el tema marítimo en el punto sexto de la tabla. Meses después, en abril de 2007, se comenzó a hablar de eventuales fórmulas entre sus gobiernos.

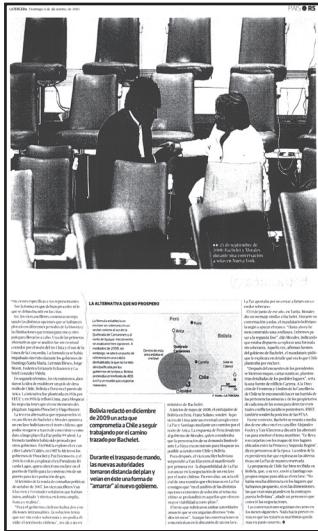
Durante todo ese año, en los cuatro encuentros que sostuvieron a puertas cerradas, los viceministros de ambos países abordaron en términos generales los posibles mecanismos para una solución al tema marítimo. Por el lado del gobierno chileno se sentaba Van Klaeveren. Por el boliviano estuvieron, primero, Mauricio Dorfler y luego Hugo Fernández. En esos días, ni Bachelet ni Morales dieron ins-

authorities about the joint declaration that they intended to sign with Evo Morales. The document was considered “excessive” by the representatives of Piñera and it was aborted shortly afterwards. Many saw it as an attempt to leave the new Government “tied” to the mechanisms that should continue in the talks with Morales.

In parallel, Piñera was aware that Bachelet was considering three options to grant an enclave to Bolivia and that the dialogue was advanced. The President rejected the initiative. He had a substantive reason: he did not share the idea of granting an enclave to that country. In the opinion of the new Government, the granting of a strip of littoral in Chilean territory to La Paz as a concession or a gratuitous bailment for 99 years would in the future open new sources of tension in the bilateral relations. Problems of a migratory, free transit, administrative and infrastructure nature, according to the Executive, would arise from this mechanism. “The President does not believe it is viable to ‘divide’ the territory in two”, according to someone close to the President, adding that Piñera is more inclined –in theory– to grant a corridor without sovereignty to the north of the Lluta River.

Piñera’s February decision threw overboard the confidential negotiations of Bachelet and Morales. In July 2006, they both agreed to establish an agenda of 13 points, which included the maritime issue in the sixth point of the agenda. Months later, in April 2007, they began to talk about eventual formulas among their Governments.

Throughout that year, in the four meetings they held behind closed doors, the Vice-Foreign Ministers of both countries addressed in general terms the possible mechanisms for a solution to the maritime issue. On the side of the Chilean Government it was Van Klaveren. For the Bolivian side it was, first, Mauricio Dorfler and then Hugo Fernandez. In those days, neither Bachelet nor Morales gave specific instructions



trucciones específicas a sus representantes sobre la forma en que debían proceder ni lo que se debía discutir en las citas.

Así, los vicencancilleres comenzaron repasando las distintas opciones que se habían explorado en diferentes períodos de la historia y las limitaciones que tenían para uno y otro país para llevarlos a cabo. Una de las primeras alternativas que se analizó fue un eventual corredor por el norte del río Lluta y el sur de la Línea de la Concordia. La fórmula ya se había impulsado sin éxito durante los gobiernos de Domingo Santa María, Germán Riesco, Jorge Montt, Federico Errázuriz Echaurren y Gabriel González Videla.

En segundo término, los viceministros abordaron la idea de establecer un polo de desarrollo de Chile, Bolivia y Perú en el puerto de Arica. La iniciativa fue planteada en 1926 por EE.UU y en 1976 la reflotó Lima, para bloquear las negociaciones que en ese momento desplegaban Augusto Pinochet y Hugo Banzer.

La tercera alternativa que repasaron los vicencancilleres de Bachelet y Morales apuntó a un enclave boliviano en el norte chileno, que podía otorgarse a través de concesión o como dato a largo plazo (La Paz pedía 99 años). La fórmula también había sido pensada por otros gobiernos. En 1968 la exploró el ex canciller Gabriel Valdés; en 1987 lo hicieron los gobiernos de Pinochet y Paz Estenssoro, y el 2001 lo volvió a explorar el ex Presidente Ricardo Lagos, quien ofreció un enclave en el puerto de Pativillo para la construcción de un puerto para la exportación de gas.

Al término de la ronda de consultas políticas de octubre de 2007, los vicencancilleres Van Klaveren y Fernández señalaron que habían intercambiado "criterios en forma amplia, franca y realista".

"Para el gobierno chileno había dos condiciones intransables: la solución tenía que ser sin ceder soberanía y no podía dividir el territorio chileno", recalca un ex

to their representatives on how they should proceed or what should be discussed in the meetings.

Thus, the Vice-Foreign Ministers started by reviewing the different options that had been explored in different periods of history and the limitations they had for each country carrying them out. One of the first alternatives that was analyzed was an eventual corridor to the north of the Lluta River and to the south of the Concordia Line. The formula had already been unsuccessfully promoted during the Governments of Domingo Santa Maria, German Riesco, Jorge Montt, Federico Errazuriz Echaurren and Gabriel Gonzalez Videla.

Secondly, the Vice-Foreign Ministers addressed the idea of establishing a development pole for Chile, Bolivia and Peru in the port of Arica. The initiative was raised in 1926 by the US and in 1976 it was raised again by Lima, in order to block the negotiations that at that time Augusto Pinochet and Hugo Banzer were carrying out.

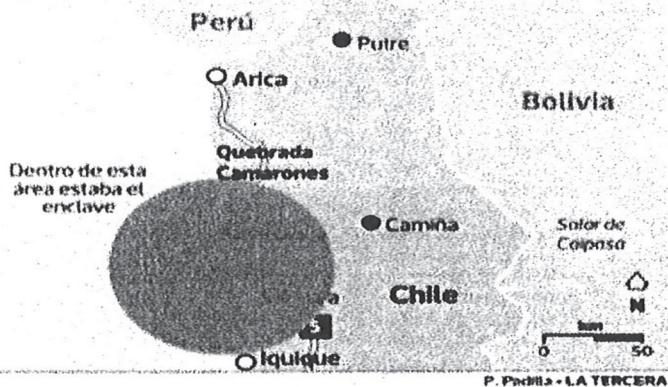
The third alternative reviewed by the Vice-Foreign Ministers of Bachelet and Morales pointed to a Bolivian enclave in northern Chile, which could be granted through a long-term concession or gratuitous bailment (La Paz requested 99 years). The formula had also been considered by other governments. In 1968, former Foreign Minister Gabriel Valdes explored it; in 1987 the Governments of Pinochet and Paz Estenssoro did so also, and in 2001 it was explored again by former President Ricardo Lagos, who offered an enclave in the port of Patillo for the construction of a port to export gas.

At the end of the round of political consultations in October 2007, Vice-Foreign Ministers van Klaveren and Fernandez said that they had exchanged “criteria in a broad, frank and realistic manner”.

“There were two non-negotiable conditions for the Chilean Government: the solution had to be without a cession of sovereignty and it could not divide Chilean territory”, emphasized a former

LA ALTERNATIVA QUE NO PROSPERO

La fórmula establecía un enclave sin soberanía en un sector costero al sur de la Quebrada de Camarones y al norte de Iquique. Inicialmente, se analizaron tres opciones. A mediados de 2009, sin embargo, se ubicó un punto de referencia en una caleta deshabitada, la que no ha sido desclasificada por los gobiernos de la época. Bolivia pretendía un territorio de 400 km² y un muelle para exportar minerales.



Bolivia redactó en diciembre de 2009 un acta que comprometía a Chile a seguir trabajando por el camino trazado por Bachelet.

Durante el traspaso de mando, las nuevas autoridades tomaron distancia del plan y veían en éste una forma de "amarra" al nuevo gobierno.

ministro de Bachelet.

A inicios de mayo de 2008, el embajador de Bolivia en Perú, Franz Solano, sondó la posición de Lima ante un eventual arreglo entre La Paz y Santiago mediante un corredor por el norte de Arica. La respuesta de Perú desalentó al gobierno de Morales, quien consideraba que la presentación de su demanda limítrofe ante La Haya era un intento para bloquear un posible acuerdo entre Chile y Bolivia.

Poco después, el viceministro boliviano sorprendió a Van Klaveren al manifestarle -por primera vez- la disponibilidad de La Paz a avanzar en la negociación de un enclave por el norte chileno. En esos días, un acta oficial de una reunión que efectuaron en La Paz consignó que "en el análisis de las distintas opciones existentes de solución al tema marítimo se profundizó en aquellas que ofrecen mayor viabilidad a corto plazo".

El texto que rubricaron ambas autoridades anunció que se encargarían diversos "estudios técnicos". Aunque las conversaciones se concentraban en la discusión de un enclave,

THE ALTERNATIVE THAT DID NOT PROSPER

The formula established an enclave without sovereignty in a coastal sector located to the south of the Camarones Ravine and to the north of Iquique. Initially, three options were analyzed. By mid-2009, however, a reference point was located in an uninhabited cove, which has not been declassified by the Governments of that time. Bolivia sought a 400 km² territory and a dock to export minerals.

[GRAPHIC]

Bolivia drafted, in December 2009 an act that committed Chile to continue working on the path outlined by Bachelet.

During the presidential inauguration, the new authorities took distance from the plan and saw in it a way to “tie” the new Government.

Minister of Bachelet.

In early May 2008, the Bolivian Ambassador to Peru, Franz Solano, sounded out the position of Lima on an eventual arrangement between La Paz and Santiago through a corridor to the north of Arica. Peru's response discouraged the Morales Government, which considered that the presentation of its border claim before The Hague was an attempt to block a possible agreement between Chile and Bolivia.

Shortly afterwards, the Bolivian Vice-Foreign Minister surprised van Klaveren by announcing –for the first time– the availability of La Paz to move forward in the negotiation of an enclave in the north of Chile. In those days, in an official minute of a meeting held in La Paz it was recorded that “in the analysis of the various existing options for a solution to the maritime issue, those that offer greater viability in the short term were deepened”.

The text, initialed by both authorities, announced that a number of “technical studies” would be commissioned. Although the talks focused on the discussion of an enclave,

La Paz apostaba por no cerrar a futuro un corredor soberano.

El 14 de junio de ese año, en Tarija, Morales dio un mensaje similar a Bachelet. Durante su conversación a solas, el mandatario boliviano la urgió a apurar el trámite. "Hasta ahora hemos construido una confianza. Debemos pasar a la segunda fase", dijo Morales, indicando que estaba dispuesto a explorar una fórmula sin soberanía. Aquella vez, afirman fuentes del gobierno de Bachelet, el mandatario pidió que le explicara en detalle qué era lo que Chile planteaba por enclave.

"Después del encuentro de los presidentes se hicieron mapas, cartas náuticas, plantillas detalladas de los posibles lugares", señala una fuente de edificio Carrera. A la Dirección de Fronteras y Límites de la Cancillería de Chile se le encomendó hacer un barrido de las pertenencias mineras y de los propietarios de cada una de las zonas para detectar eventuales conflictos jurídicos posteriores. RREE también sondeó la posición de las FFAA.

En ese contexto, Bachelet se reunió a mediados de ese año con el ex canciller Alejandro Foxley y Van Klaveren a discutir las alternativas para resolver el tema marítimo. "Le llevaron carpetas con los mapas de tres lugares ubicados entre la Primera y Segunda Región", dicen personeros de la época. La orden de la ex presidenta fue que exploraran las alternativas con La Paz de manera reservada.

La propuesta de Chile fue bien recibida en Bolivia, que, a su vez, envió a Santiago sus propios mapas para ubicar el enclave. "No había mucha diferencia en los lugares que habíamos propuesto, si en las dimensiones, las que eran más grandes en la contrapropuesta boliviana", añade un personero que conoció las negociaciones.

Las conversaciones seguirían en curso en los meses siguientes. Nada hacía prever entonces que las tratativas marítimas quedarían en punto muerto. ■

La Paz bet on not closing a sovereign corridor in the future.

On 14 June of that year, in Tarija, Morales gave a similar message to Bachelet. During their private conversation, the Bolivian President urged her to hurry. “So far we have built trust. We must move to the second phase”, said Morales, indicating that he was willing to explore a formula without sovereignty. At that time, according to sources from the Bachelet Government, the President asked her to explain in detail what it was that Chile posed by enclave.

“After the meeting of the Presidents, maps, nautical charts, and detailed planimetries were drawn up in relation to possible locations”, according to a source from the Carrera building. The Directorate of Frontiers and Boundaries of the Chilean Foreign Ministry was entrusted to do a sweep of the mining belongings and the owners from each of the zones in order to detect possible future legal conflicts. The Foreign Ministry also sounded out the position of the Armed Forces.

In that context, Bachelet met in the middle of that year with former Foreign Minister Alejandro Foxley and Van Klaveren to discuss alternatives for resolving the maritime issue. “They brought her folders with maps of three places located between the First and Second Regions”, according to officials of the time. The order of the former President was to explore the alternatives with La Paz on a confidential basis.

Chile’s proposal was well received in Bolivia, which, in turn, sent to Santiago its own maps to locate the enclave. “There was not much difference in the locations that we had proposed; there were differences, however, in the dimensions, which were bigger in the Bolivian counterproposal”, adds an official who knew about the negotiations.

The talks would continue in the following months. There was nothing then to predict that the maritime discussions would meet an impasse.



La fórmula que más acomoda al Presidente

Piñera quiere sellar un acuerdo con Bolivia y convertirlo en un hito de su gestión, luego de que en 2012 se resuelva la demanda de Perú en La Haya. El Presidente ha hablado del tema con Morales y se ha volcado a consolidar la agenda bilateral

The formula that is most

suitable for the President

Piñera wants to conclude an agreement with Bolivia and make it a milestone of his Administration, after Peru's claim before The Hague is resolved in 2012. The President spoke about the issue with Morales and has focused on consolidating the bilateral agenda.

EL PRESIDENTE Piñera fue muy sincero, muy directo y estamos decididos juntos a construir una profunda amistad, una confianza para tocar temas de importancia para los dos países, entre ellos la reivindicación marítima de Bolivia", dijo en agosto pasado Evo Morales, al término de la reunión que sostuvo con el Mandatario chileno en San Juan, Argentina, en el marco de una cumbre de Mercosur.

En su intervención, Morales también dijo que Piñera le había comunicado las limitaciones que tenía el gobierno chileno respecto de las fórmulas para dar una solución a la demanda marítima boliviana. Era una manera de aterrizar las expectativas que se habían generado en La Paz un mes antes, tras la reanudación de las rondas de consultas políticas entre Chile y Bolivia. En esa ocasión, tras una larga y difícil negociación de cuatro días en la capital boliviana, se incluyó en la declaración oficial el compromiso de "proponer y alcanzar soluciones concretas, factibles y útiles" en el tema marítimo.

Piñera también pudo guardar las expectativas. A inicios de esta semana se debía realizar la segunda reunión de consultas políticas de los viceministros de ambos países, en Santiago. La Moneda, sin embargo, canceló el encuentro: no existían avances en el tema marítimo y la reunión podía terminar abriendo un posible foco de conflicto.

La decisión del Presidente se enmarcó dentro de una decisión estratégica a más largo plazo. El Mandatario ha monitoreado de cerca el tema y cree que cualquier acercamiento con La Paz se debe construir paso a

“President Piñera was very sincere, very direct and we are determined together to build a deep friendship, a confidence to touch issues of importance for the two countries, including Bolivia’s maritime claim”, said Evo Morales last August, at the end of the meeting he held with the Chilean President in San Juan, Argentina, within the framework of a MERCOSUR summit.

In his intervention, Morales also said that Piñera had informed him of the limitations that the Chilean Government had with respect to formulas to give a solution to the Bolivian maritime claim. It was a way of reducing the expectations that had been generated in La Paz a month before, after the resumption of the rounds of political consultations between Chile and Bolivia. On that occasion, after a long and difficult four-day negotiation in the Bolivian capital, the official declaration included the commitment to “propose and reach concrete, feasible and useful solutions” on the maritime issue.

Piñera was also careful in guarding the expectations. Earlier this week, the second meeting of political consultations between the Vice-Foreign Ministers of both countries was to be held in Santiago. La Moneda, however, canceled the meeting: there was no progress on the maritime issue and the meeting could have ended up opening a possible source of conflict.

The President’s decision was part of a long-term strategic decision. The President has closely monitored the issue and believes that any rapprochement with La Paz must be built step

paso. No sólo eso. En La Moneda señalan que Piñera apuesta a convertir un acuerdo con Bolivia en uno de los hitos de su gestión, luego de que en 2012 se resuelva la demanda de Perú en la Corte de La Haya y que Chile eventualmente sorteé en buenos términos el litigio, como confía.

De acuerdo a sus cercanos, Piñera cree que la única solución para resolver algún día el tema marítimo pasa por otorgarle a Bolivia un corredor sin soberanía por la localidad de Lluta, en una zona de cerca de 10 kilómetros de la Primera Región.

Un sondeo de **La Tercera** de octubre arrojó que un 59% rechaza otorgar una salida al mar a Bolivia mediante un corredor sin soberanía. La alternativa era la que tenía más apoyo: la de un corredor con soberanía tuvo un 64% de rechazo y un enclave, el 63%.

by step. Not only that. In La Moneda, they point out that Piñera has the intention of turning an agreement with Bolivia into one of the milestones of his Administration, after Peru's claim before the Court of The Hague is resolved in 2012 and Chile eventually overcomes that dispute in good terms, which he trusts will happen.

According to people close to him, Piñera believes that the only solution to resolve someday the maritime issue is to grant Bolivia a corridor without sovereignty in the zone of Lluta, in an area located almost 10 kilometers from the First Region.

A survey of La Tercera in October showed that 59% reject granting an outlet to the sea to Bolivia by way of a corridor without sovereignty. That alternative was the one that had the most support: that of a corridor with sovereignty had a 64% rejection and an enclave, 63%.

El Presidente ha conversado en varias oportunidades con Morales sobre el tema marítimo. Siempre le ha dicho lo mismo: no está por otorgar un corredor soberano a Bolivia ni tampoco un enclave, lo que, a su juicio, significaría dividir el territorio chileno y generar problemas graves, como el libre tránsito de camiones. La validez del Tratado de 1904 ha sido su argumento en muchos diálogos, como también el recuerdo de casos de otros países con problemas limítrofes.

Aclarado ese punto con Morales, el Presidente apuesta a construir confianzas sobre la base de avances concretos en el resto de la agenda de 13 puntos con La Paz. Varios ya están en marcha, pues, de acuerdo con La Moneda, los gobiernos de Ricardo Lagos y Michelle Bachelet no avanzaron lo suficiente en el tema. El Mandatario ha ordenado a

The President has talked on several occasions with Morales regarding the maritime issue. He has always told him the same thing: he is not about to grant a sovereign corridor to Bolivia or an enclave, which, in his opinion, would mean dividing Chilean territory and causing serious problems, such as the free transit of trucks. The validity of the Treaty of 1904 has been his argument in many conversations, as well as his reference to cases of other countries that have border problems.

Once this point is clarified with Morales, the President intends to build trust based on concrete progress in the rest of the agenda of 13 points with La Paz. Several points are already underway, because, according to La Moneda, the Governments of Ricardo Lagos and Michelle Bachelet did not move forward sufficiently in the matter. The President has ordered the

RREE avanzar en la construcción del tren Arica-La Paz, que estaría operativo en 2012, y otorgar facilidades en los puertos de Arica y Antofagasta. Incluso, está dispuesto a facilitar bodegas en el puerto de Valparaíso y redoblar los acuerdos de cooperación económica a través de ProChile, así como avanzar en la integración fronteriza, el libre tránsito y la cooperación para el control del tráfico de drogas en las fronteras, entre otras.

"Nuestra actitud es que aquí hay un problema y queremos ayudar a encontrar una solución", es el mensaje que ha transmitido Piñera al gobierno de Morales.

Piñera quiere evitar que se produzca un quiebre en las conversaciones, en momentos en que las autoridades bolivianas han aumentado la presión para que Chile presente "propuestas concretas, factibles y útiles". No sólo porque cree que Morales es su mejor interlocutor, debido a su respaldo interno. En el horizonte, el gobierno mira con preocupación lo que pueda pasar el 2012. Ese año, Cochabamba será sede de la Asamblea General de la OEA y en Chile no olvidan lo que ocurrió en 1979, la última vez que el organismo hemisférico se reunió en una localidad boliviana. Aquella vez, La Paz introdujo la demanda marítima en una resolución de la OEA. El 2012, además, vence el plazo establecido por el artículo 9 transitorio de su Constitución, que obligaría a Bolivia a desanuviar el tratado con Chile de 1929.

Si se tensan las relaciones, dicen en La Moneda, Chile podría verse en problemas: la demanda boliviana cuenta con varios aliados en la región. Piñera, sin embargo, también sabe que una solución nunca convencerá del todo ni a chilenos ni bolivianos.❶

Foreign Ministry to move forward in the construction of the Arica-La Paz railway, which would be operational in 2012, and would provide facilities in the ports of Arica and Antofagasta. He is even ready to facilitate warehouses in the port of Valparaiso and to redouble the economic cooperation agreements through ProChile, as well as to move forward in border integration, free transit and cooperation for the control of drug trafficking at the borders, among others.

“Our attitude is that there is a problem here and we want to help find a solution” is the message that Piñera has transmitted to the Morales Government.

Piñera wants to avoid a break in the talks, at a time when Bolivian authorities have increased the pressure for Chile to present “concrete, feasible and useful proposals”. Not only because he believes Morales is his best interlocutor, but also because of his internal support. On the horizon, the Government looks with concern on what may happen in 2012. That year, Cochabamba will host the OAS General Assembly and what happened in 1979 has not been forgotten in Chile, the last time the hemispheric organ met in a Bolivian city. At that time, La Paz introduced its maritime claim into an OAS Resolution. In addition, the term established by transitional article 9 of its Constitution expires in 2012, which would force Bolivia to evict the Treaty of 1929 with Chile.

If relations are tense, it is said in La Moneda, Chile could be in trouble: the Bolivian claim has several allies in the region. Piñera, however, also knows that a solution will never completely convince either Chileans or Bolivians.

Annex 449

“Moreno and the enclave: ‘Alternatives that divide the country are not beneficial’”, *La Tercera* (Chile),
6 December 2010

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 364 to its Reply

Moreno y enclave: “Alternativas que dividan al país no son beneficiosas”

- Canciller explicó por qué se desechó fórmula de enclave propuesta por Bachelet a Bolivia.
- Cinco senadores viajaron ayer a La Paz, donde abordarían el tema del mar con las autoridades locales.

F. Artaza y M. J. Pavez

“Las alternativas que significan dividir al país en dos, nos parece que no son las alternativas que van en beneficio de Chile”, afirmó ayer el canciller Alfredo Moreno al explicar las razones que tuvo el gobierno de Sebastián Piñera para desechar a comienzos de año la fórmula de un enclave costero para Bolivia, sobre el que habían avanzado Bachelet y Evo Morales.

Ayer, al ser consultado sobre los mecanismos que explora el gobierno, el canciller Moreno señaló en entrevista a TVN que “queremos buscar todas las soluciones que cooperen con un mejor acceso de Bolivia al mar, pero siempre buscando el interés de Chile, y el interés de Chile nunca va a estar en algo que divida al país en dos”.

Desde mediados de 2007, como lo divulgó ayer *La Tercera*, los vicencancilleres Alberto van Klaveren y Hugo Fernández trabajaron la posibilidad de un enclave boliviano en el litoral de la Primera Región, más precisamente al sur de quebrada de Camarones y al norte de Iquique. A mediados de 2009, Bolivia envió a la zona a un equipo téc-

nico para ver en terreno las condiciones de este enclave, dejando de manifiesto su interés por avanzar en este mecanismo. El gobierno boliviano pedía cerca de 400 kilómetros cuadrados de territorio, un muelle para la exportación de minerales y la posibilidad de construir una zona urbana y turística en el lugar.

En octubre de 2009, y ante la inminencia del cambio de gobierno en Chile, La Paz urgía a la Cancillería chilena suscribir un acta en el que se dejaría expresa constancia de los avances que se habían registrado en las conversaciones sobre el tema del mar y se fijara los pasos que debían concretarse en los próximos años.

El acta llegó a Santiago a fines de diciembre, después de la primera vuelta presidencial. En ese contexto, el gobierno de Bachelet optó por no firmar el documento y esperar la llegada de las nuevas autoridades. En febrero, el entonces canciller Mariano Fernández mostró el acta al equipo de Relaciones Exteriores del gobierno entrante, los que frenaron las tratativas. El documento, señalán fuentes del actual gobierno, fue considerado excesivo. En el entorno de Piñera, aseguran que el

Mandatario estimó que la fórmula de un enclave no es la solución definitiva a la aspiración marítima boliviana y, por el contrario, se puede transformar en un nuevo incordio. Para Piñera, la salida ideal al tema marítimo boliviano sigue siendo un corredor por el norte del río Lluta, que no divide a Chile.

Al respecto, el jefe de la diplomacia chilena, aunque declinó entregar detalles, recalcó que no está sobre la mesa una fórmula con soberanía para Bolivia. “Lo que nosotros estamos buscando es mejorar su acceso al mar y buscar todas las soluciones que para nosotros sean posibles, concretas para ellos y una cosa muy importante, que sean útiles”, dijo Moreno.

Senadores en La Paz

Las nuevas revelaciones surgen momentos en que se encuentran en La Paz los miembros de la comisión de Relaciones Exteriores del Senado.

Los parlamentarios se reunirán hoy, a las 9 de la mañana, con el canciller David Choquehuanca y luego, con sus pares del Congreso boliviano, para finalizar con un almuerzo con el vicepresidente Álvaro García Linera. En todas estas citas, la delegación chilena que encabeza Hernán Larraín, espera abordar el tema del mar. “Es razonable seguir buscando fórmulas mientras se avanza en La Haya, pero entre Chile y Bolivia, sin incluir a Perú”, afirma el senador Larraín.

El senador PPD Eugenio Tuma se manifestó partidario de “acortar los plazos para dar una salida al mar a Bolivia”. Para el parlamentario, la única alternativa es un corredor por el norte de Arica. “Buscar fórmulas transitorias, a través de enclaves o comodatos, no resuelve el problema de fondo”, indicó. ●

Reunión en París

► “No vamos a escatimar ningún recurso para defender los intereses de Chile frente a la Corte de La Haya”, señaló ayer el canciller Alfredo Moreno poco antes de viajar a París para asistir a las reuniones del equipo a cargo de la defensa ante la demanda marítima interpuesta por Perú.

En la capital francesa están reunidos, desde el jueves los agentes chilenos Alberto van Klaveren y María Teresa Infante, con los abogados ex-

tranjeros contratados por Chile, analizando la réplica que entregó Perú en noviembre pasado en respuesta a la contramemoria chilena.

La cita se realiza en las oficinas del bufete de abogados del jurista francés Pierre-Marie Dupuy. A este encuentro fueron convocados los expertos internacionales James Crawford, David Colson, Jan Paulsson y Luigi Condorelli. Este último se sumó recientemente a la defensa chilena.

LA TERCERA Monday 6 December 2010

Moreno and the enclave:**“Alternatives that divide the country are not beneficial”**

The Minister of Foreign Affairs explained why the formula for an enclave proposed by Bachelet to Bolivia was discarded.

Five Senators travelled to La Paz yesterday to address the sea issue with local authorities.

F. Artaza and M.J. Pavez team to the area to check out that the President believes the “Any alternatives that would split the country in expressing its interest to move solution to Bolivia’s maritime two, we do not think these are forward with this mechanism. The aspirations; on the contrary, it alternatives that would benefit Bolivian government was asking could even become a new thorn in Chile,” stated Minister of Foreign Affairs Alfredo Moreno yesterday when explaining the reasons why possibility of building an urban early this year Sebastián Piñera’s and tourism zone there. Administration ruled out the formula for a Bolivian coastal enclave that had been discussed by Bachelet and Evo Morales.

Yesterday, when asked about the mechanisms that the government is looking into, Minister Moreno pointed out during an interview with TVN that “we want to seek establishing the steps to be taken all the solutions that will help Bolivia get better access to the ocean, while always keeping Chile’s interests in mind, and anything that would split the country up in two will never be in Chile’s interests.”

Since mid-2007, as reported yesterday by La Tercera, Vice-Ministers of Foreign Affairs Alberto van Klaveren and Hugo Fernández had been working to the Foreign Affairs team of on the possibility of a Bolivian enclave in the First Region’s coastal area, more precisely south of the Camarones ravine and north of Iquique. In mid-2009, Bolivia sent a technical

team to the area to check out that the President believes the “Any alternatives that would split the country in expressing its interest to move solution to Bolivia’s maritime two, we do not think these are forward with this mechanism. The aspirations; on the contrary, it alternatives that would benefit Bolivian government was asking could even become a new thorn in Chile,” stated Minister of Foreign Affairs Alfredo Moreno yesterday when explaining the reasons why possibility of building an urban early this year Sebastián Piñera’s and tourism zone there. Administration ruled out the formula for a Bolivian coastal enclave that had been discussed by Bachelet and Evo Morales.

In October 2009, and given the imminent change in Chile’s administration, La Paz urged the Chilean Ministry of Foreign Affairs to sign a document expressing stating the progress pointed out during an interview regarding the maritime issue, and with TVN that “we want to seek establishing the steps to be taken all the solutions that will help Bolivia get better access to the ocean, while always keeping Chile’s interests in mind, and anything that would split the country up in two will never be in Chile’s interests.”

The document reached Santiago in late December, following the first ballot in the presidential elections. In that context, Bachelet’s Administration chose not to sign it, but rather wait for

Five Senators travelled to La Paz yesterday to address the sea issue with local authorities.

In this regard, Chile’s chief diplomat declined to provide specifics but emphasized that a formula providing sovereignty to Bolivia is not on the table. “What we are looking for is a way to improve its access to the sea, seeking all solutions that would be possible for us, concrete for them and, most importantly, useful,” said Moreno.

Senators in La Paz

These new revelations were made while the members of the Senate’s Foreign Affairs Commission are in La Paz.

The senators will be meeting at 9:00 a.m. today with Foreign Minister David Choquehuanca and later on with their counterparts from the Bolivian Senate, after which they will have lunch with Vice-President Alvaro García Linera. Led by Hernán Larraín, the Chilean delegation expects to be addressing the maritime issue at all three encounters. “It is reasonable to continue to look for formulas while issues move forward at The Hague, but between Chile and Bolivia, without including Peru,” stated Senator Larraín.

Senator Eugenio Tuma (PPD) favors “shortening the deadlines for giving Bolivia a maritime outlet.” He believes the only alternative is a corridor north of Arica. “Looking for temporary formulas consisting of enclaves or loans does not settle the underlying issue,” he said.

Meeting in Paris

“No resource will be spared in attorneys hired by Chile, to defending Chile’s interests at The Hague,” said Foreign Minister Alfredo Moreno yesterday shortly before travelling to Paris to join the meetings of the team charged with defending Chile from the maritime application filed by Peru. Chilean agents Alberto van Klaveren and María Teresa Infante have been in Paris since Thursday for their meetings with the foreign defense team.

The discuss the reply Peru filed this past November in response to Chile’s counter-memorial. The meeting venue is the offices of French lawyer Pierre-Marie Dupuy’s law firm. International experts James Crawford, David Colson, Jan Paulsson, and Luiggi Condorelli were invited to attend. Condorelli recently joined Chile’s

LA TERCERA Lunes 6 de diciembre de 2010

► El canciller dijo que se están buscando soluciones sin soberanía. FOTO: LUIS SERGIO.

CORREDOR SIN SOBERANÍA AL NORTE DE RÍO LLUTA

LAS CIFRAS

La solución de entregar un corredor sin soberanía a Bolivia es la fórmula mejor evaluada por el Presidente Piñera, según su entorno. La vía –de un ancho máximo de 10 kilómetros– pasaría por la región de Arica y Parinacota, entre el Río Lluta y la línea fronteriza con Perú.



FUENTE: elaboración propia.

LA TERCERA

5

senadores de la Comisión de RR.EE. viajaron a La Paz, entre ellos el ex canciller Walker.

1

día dura la visita relámpago que los parlamentarios realizarán a Bolivia.

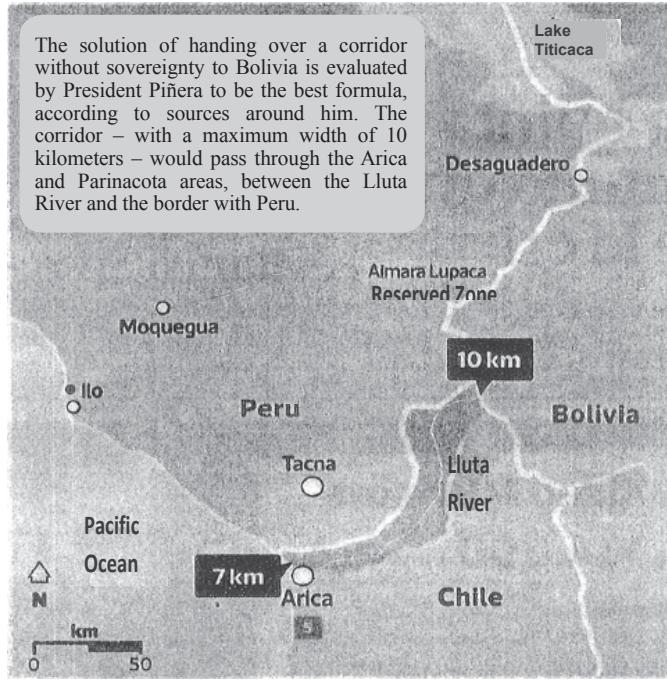
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reuniones sostendrá la comitiva chilena, la más importante con el canciller Choquehuanca.

LA TERCERA Monday 6 December 2010

The Minister of Foreign Affairs said that solutions without sovereignty are being sought.

CORRIDOR WITHOUT SOVEREIGNTY TO THE NORTH OF THE RIVER LLUTA



THE FIGURES

5 senators of the Foreign Affairs Committee traveled to La Paz, among them former Foreign Minister Walker.

1 day's duration, the lightning visit the parliamentarians will make to Bolivia.

3 meetings will be held by the Chilean entourage, the most important one with Foreign Minister Choquehuanca.

Annex 450

“Bachelet offered 28 km to Bolivia”, *El Deber* (Bolivia),
6 February 2011

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 143 to its Memorial

Ed. Impresa EXVICECANCILLER BOLIVIANO

Bachelet ofreció 28 Km a Bolivia

Por Deber El - Agencia - 6/02/2011



Bachelet y Morales en uno de sus anteriores encuentros. - Efe Agencia

Artículo(s) relacionado(s)

[Confirman reunión entre cancilleres de Bolivia y Chile por demanda marítima](#)

[Canciller ratifica reunión en La Paz de Comisión de Alto Nivel boliviana-chilena](#)

Santa Cruz |

El enclave de costa para Bolivia que llegaron a considerar la expresidenta de Chile Michelle Bachelet y el presidente Evo Morales en negociaciones “casi secretas” entre 2007 y 2009 tenía una extensión de 28 kilómetros y aunque en esa oportunidad no se habló de soberanía.

El exvicecanciller boliviano Hugo Fernández, que encabezó la comisión de alto nivel por el lado boliviano, reveló detalles de esas negociaciones, que no se conocían hasta ahora, para que Bolivia pueda acceder al mar desde un enclave ubicado al sur de la Quebrada de Camarones y al norte de Iquique en la provincia de Tarapacá

Printed edition FORMER VICE-FOREIGN MINISTER

Bachelet offered 28 km to Bolivia

By Deber El – Agency – 6 February 2011

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The coastal enclave for Bolivia that the former President of Chile, Michelle Bachelet and President Evo Morales came to consider in “almost secret” negotiations between 2007 and 2009 had an extent of 28 kilometers although at that time there was no talk of sovereignty.

The former Bolivian Vice-Foreign Minister, Hugo Fernández, who headed the high-level commission on the Bolivian side, disclosed the details of those negotiations, which were unknown until now, so that Bolivia can access the sea from an enclave located south of Camarones ravine and to the north of Iquique, in the province of Tarapaca.

Dijo que la fórmula “sin soberanía”, que se debatió en varias mesas de trabajo, sorteaba las obligaciones del Tratado de 1929, que dispone que Chile debe consultar a Perú por la cesión de territorios que le pertenecían antes de la Guerra del Pacífico porque eran territorios bolivianos. Más detalles de ese acercamiento no se hicieron públicos.

Ahora, el hombre que encabezó la comisión de alto nivel del lado boliviano como vicecanciller del Estado boliviano habla desde su domicilio en La Paz sobre los pormenores de esa oferta que nació de una propuesta chilena que mereció una contrapropuesta boliviana y que ambos países debatieron en el marco de la agenda de 13 puntos que se suscribió en julio de 2006 y en la que se encuentra incluido el tema marítimo.

Fernández recuerda que desde el comienzo de las negociaciones con la Vicecancillería de Chile se hizo saber a ésta que la propuesta tenía que contemplar el terreno para construir una ciudad, un aeropuerto y sus carreteras, varios puertos y una amplia playa para tomar el sol y hacer negocios.

“Pero hay algo que los bolivianos deben saber –dice la exautoridad– nosotros dejamos en claro a Chile que si bien no íbamos a discutir la soberanía en el principio, sí lo íbamos a hacer al final. Hay una norma en diplomacia: nada está acordado si todo no está acordado”, puntualiza.

Fernández recuerda que cuando trataron con Chile sobre el “tamaño del mar” que Bolivia negocia, él les planteó: “Cualquier solución pasa por un tamaño de costa que pueda verse en un mapa de esos que utilizan en las escuelas. Es decir, nada pequeño”.

Por eso –afirma el exvicecanciller– en esa propuesta de enclave se habló sobre la otorgación de 28 kilómetros de costa en sentido lineal. “Un tamaño insignificante para Chile pero importante para Bolivia”, remata el excanciller.

Tan serio iba el asunto que durante el primer semestre de 2009 una delegación de tres técnicos del Gobierno de Bolivia viajó de forma reservada, sin la intención de dejar huella, a la provincia de Tarapacá para ver in situ las características del sitio que se había definido negociar. Los bolivianos estuvieron acompañados por funcionarios de la Cancillería de Chile y de la Dirección de Fronteras y Límites.

En esa comitiva no estaba Fernández porque a esas alturas de las negociaciones él ya era una persona conocida entre la prensa chilena, pero estaba enterado del operativo. “Los técnicos viajaron en un transporte regular, vestidos como personas corrientes, los esperaron en Iquique y después se fueron en helicóptero al lugar del enclave”, recuerda.

El viaje duró tres días y la comitiva boliviana se respaldó con mapas y documentos topográficos para inspeccionar las características del terreno y las potencialidades de tal enclave.

He said that the formula “without sovereignty”, which was debated in various working sessions, circumvented the obligations of the 1929 Treaty, which provides that Chile has to consult Peru for the cession of territories which belonged to it before the War of the Pacific since they were Bolivian territories. More details on this approach were not disclosed.

Now, the man who headed the high-level commission on the Bolivian side as Vice-Foreign Minister of the Bolivian State talks from his home in La Paz about the details of that offer which was born from a Chilean proposal which deserved a Bolivian counterproposal and which both countries debated within the framework of the Agenda of 13 points which was subscribed in July 2006 and in which the maritime issue is included.

Fernandez recalls that from the beginning of the negotiations with the Vice-Foreign Ministry of Chile it was made known to it that the proposal had to contemplate the terrain to construct a city, an airport and its roads, ports and an ample beach to sunbathe and make business.

“But there is something that the Bolivian people ought to know” – says the former authority – “we made it clear to Chile that although we were not going to discuss sovereignty at the beginning, we were going to do it at the end. There is rule in diplomacy: nothing is accorded if everything is not accorded”, he pointed out.

Fernandez recalls that when the “size of the sea” that Bolivia was negotiating was addressed with Chile, he posed to them: “Any solution needs to be the size of a coast that can be seen on a school map. That is to say, nothing small”.

That is why – says the Vice-Foreign Minister – in that enclave proposal, the granting of 28 kilometers of coastline was discussed. ”An insignificant size for Chile but important for Bolivia”, as he said.

The affair was so serious that during the first semester of 2009 a delegation of three technicians of the Government of Bolivia secretly travelled to the province of Tarapaca, without the intention of leaving traces, to see in situ the features of the place that had been defined to negotiate. The Bolivians were accompanied by officials of the Foreign Ministry of Chile and the Directorate of Frontiers and Boundaries.

Fernandez was not in that entourage because at that time he was already a well-known person before the Chilean press, but he was aware of the operation. “The technicians travelled in regular transportation, dressed as normal people, they were received in Iquique and then they were taken on a helicopter to the area of the enclave”, he recalls.

The trip lasted three days and the Bolivian entourage was backed up with maps and topographic documents to inspect the features of the terrain and the potentialities of the enclave.

Fernández dice que hay un documento en el que se menciona la visita de la misión conjunta sobre la cual se hizo un estudio específico para luego ser elevado como un acta de una posible solución.

El borrador del acta boliviana estaba siendo revisado para su ratificación mientras se iniciaba el traspaso de mando a Piñera. Pero todo cambió cuando llegó febrero. Fuentes diplomáticas de Chile señalan que la Cancillería dio a conocer a las nuevas autoridades la declaración conjunta que pretendían firmar Michelle Bachelet con Evo Morales y que el documento fue considerado “excesivo” por los representantes del flamante presidente Piñera.

El logro: que en Chile se hable de mar

Hasta antes de 2006, cuando la agenda de 13 puntos no estaba acordada entre Bolivia y Chile, la confianza mutua entre las dos naciones estaba en pañales y la reivindicación marítima era una mala palabra en Santiago.

Paralelamente a las reuniones que mantenían representantes de las cancillerías, salieron varias voces desde el mismo Chile para proponer, a nivel congresal, la aplicación de un plebiscito para que sea el pueblo el que decida si se da o no una salida al mar a Bolivia.

El presidente Evo Morales dijo que valora que la demanda boliviana ya esté en debate en la opinión pública de Chile. Cabe recordar que en octubre de 2010 el senador Pablo Longueira, del UDI, planteó la necesidad de agendar un plebiscito para resolver la cuestión marítima con Bolivia.

Encuestas reflejan que el 80 por ciento de los chilenos no apoya la cesión de territorio con soberanía. En Bolivia se ha generado un factor que preocupa a Chile.

La nueva Constitución boliviana, en su artículo 9, señala que en 2012 vence el plazo para adecuar los tratados internacionales al texto de la Carta Magna, caso contrario éstos serían renegociados o denunciados. Este plazo ha generado inquietud en la clase política chilena, tal es así que el presidente de Chile, Sebastián Piñera, convocó a un diálogo con partidos políticos de su país para definir una posición conjunta en torno a la demanda boliviana.

El 17 de enero, los Gobiernos de Bolivia y Chile anunciaron la creación de una comisión binacional de alto nivel encabezada por sus respectivos cancilleres para acelerar la propuesta de soluciones útiles, factibles y concretas al tema de la salida al mar.

Cancilleres en reunión en La Paz

El canciller chileno, Alfredo Moreno, y su par de Bolivia, David Choquehuanca, se reunirán mañana lunes en La Paz con el propósito de revisar una agenda común de 13 puntos que se elaboró en 2006 y que incluye hoy la demanda marítima del país vecino, según publica en su edición sabatina de ayer el diario chileno La Tercera.

Fernandez says that there is a document mentioning the visit of the joint mission on which a specific study was conducted to then be elevated as an act of a possible solution.

The draft of the Bolivian act was being revised for ratification as the transfer of power to Piñera began. But everything changed in February. Chilean diplomatic sources note that the Foreign Ministry informed the new authorities about the joint declaration that Michelle Bachelet and Evo Morales intended to signed and that the document was considered “excessive” by the representatives of the new President Piñera.

The accomplishment: that in Chile they speak about sea

Prior to 2006, when the 13-point agenda had not yet been agreed between Bolivia and Chile, mutual trust between the two nations was in its infancy, and maritime vindication was a bad word in Santiago.

At the same time as representatives from the Foreign Ministries were meeting, several voices from Chile itself came out to propose, at the congressional level, the application of a plebiscite so that it would be the people who decide whether or not to give Bolivia an outlet to the sea.

President Evo Morales said he values the fact that Bolivia’s claim is already debated in the public opinion in Chile. It is worth noting that, in October 2010, Senator Pablo Longueira, from UDI, raised the need to schedule a plebiscite to solve the maritime issue with Bolivia.

Surveys reflect that 80 percent of Chileans do not support the cession of territory with sovereignty. In Bolivia a new factor that worries Chile has been generated.

Article 9 of Bolivia’s new Constitution establishes that 2012 is the deadline to bring international treaties in line with the text of the Magna Carta; otherwise, those treaties are to be renegotiated or denounced. That deadline has raised concern amongst the Chilean political class, so much so that Chile’s President, Sebastián Piñera, convened a dialogue with the political parties of his country to define a joint position as regards the Bolivian claim.

On 17 January, the Governments of Bolivia and Chile announced the creation of a high-level binational commission led by their respective Foreign Ministers to speed up the proposition of useful, feasible, concrete solutions to the outlet to the sea issue.

Foreign Ministers to meet in La Paz

Chile’s Foreign Minister, Alfredo Moreno, and his Bolivian counterpart, David Choquehuanca, will be meeting tomorrow, Monday, in La Paz, with the purpose of reviewing a common agenda of 13 points that was drawn up in 2006 and that today includes the neighboring country’s maritime claim, reported Chilean newspaper La Tercera yesterday in its Saturday edition.

En diciembre pasado, el presidente de Chile, Sebastián Piñera, y el de Bolivia, Evo Morales, también acordaron crear una comisión permanente para atender el seguimiento de la demanda marítima. A esto se suma la reunión de varios parlamentarios durante el mismo mes en La Paz para analizar una agenda en común, encabezados por el senador Hernán Larraín (UDI).

El día viernes, los parlamentarios chilenos también se reunieron con miembros de la Comisión de Política Internacional de la Cámara de Senadores de la Asamblea Legislativa Plurinacional de Bolivia, presidida por el senador Fidel Surco, del Movimiento al Socialismo (MAS), partido del presidente Evo Morales.

Al respecto, con anterioridad y en varias oportunidades, el canciller boliviano dijo que ya pasó el tiempo que se requería para crear confianza y que llegó el momento de las propuestas concretas, factibles y útiles.

En apariencia no pasaba mucho en el diálogo. Ahora se sabe que se estuvo conversando, con la reserva propia de estas instancias, sobre un enclave sin soberanía por 99 años al sur de la Quebrada de Camarones y el norte de Iquique, en una caleta deshabitada, que albergaría un muelle para la exportación de hierro y litio y una zona urbana y turística. No tenía conexión territorial ni proyección marítima.

This past December, Chile's President Sebastián Piñera and Bolivia's President Evo Morales also agreed to create a permanent commission to follow up on the maritime claim. In addition to this, a meeting was held that same month in La Paz by several Congress members to discuss a shared agenda, led by Senator Hernán Larraín (UDI).

This Friday, the Chilean parliamentarians also met with members from the Foreign Policy Commission of the Chamber of Senators of the Plurinational Legislative Assembly of Bolivia, chaired by Senator Fidel Surco, a member of President Evo Morales' party *Movimiento al Socialismo* (MAS).

In this regard, the Bolivian Foreign Minister had already repeatedly stated that the period required to build trust was over and the time had now come for concrete, feasible, useful proposals.

Nothing much seemed to be going on with the dialogue. Now it is known that there were conversations, with the confidentiality typical of such instances, over an enclave without sovereignty for a period of 99 years, south of the Camarones Ravine and north of Iquique, at an unpopulated cove, which would harbor a pier for iron and lithium exports, and an urban and touristic area. It had no territorial connection or maritime projection.

Annex 451

Letter from the Ministry of Foreign Affairs of Chile to
the Ministry of Foreign Affairs of Bolivia,
8 November 2011

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 82 to its Memorial

GOBIERNO DE
CHILE
MINISTERIO DE RELACIONES EXTERIORES
Consulado General de Chile
La Paz - Bolivia

Nº 745/183



Estado Plurinacional de Bolivia
Ministerio de Relaciones Exteriores
Comprobante de Recepción de Correspondencia

Código: E-032132/2011
Fecha: 09-nov-2011
Hora: 17:07:09
Recibido por: Arce Aramayo, Augusto Félix
Número de Anexos: 1

DAM

11-11-11



El Consulado General de Chile en La Paz saluda atentamente al Ministerio de Relaciones Exteriores del Estado Plurinacional de Bolivia – con el propósito de referirse a la carta remitida al Secretario de la Corte Internacional de Justicia (la Corte), de fecha 8 de julio de 2011, en el marco del caso sometido a ese tribunal por la República del Perú, titulado por la Corte “*Maritime Dispute (Peru v. Chile)*”.

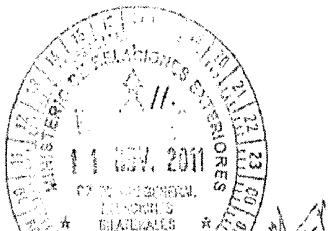
El Gobierno de Chile ha tornado nota de que el Estado Plurinacional de Bolivia expresamente señala en la carta indicada que no solicita intervenir en el caso citado. En razón de lo anterior, el Estado de Chile no se referirá a la improcedencia de dicha comunicación ni a su falta de fundamentos jurídicos para invocar, en la especie, los artículos del Estatuto de la Corte relativos a la intervención de terceros Estados.

No obstante, el Gobierno de Chile estima necesario representar al Estado Plurinacional de Bolivia, que los planteamientos contenidos en la mencionada carta son materias que se encuentran fuera de la jurisdicción de la Corte y ajenas a los tratados vigentes sobre delimitación marítima invocados en el caso “*Maritime Dispute (Peru v. Chile)*”.

Del mismo modo, el Estado de Chile cumple con el deber de transmitir su total reserva respecto de la naturaleza y alcances de los hechos relatados en el documento que se comenta, por omitir antecedentes fundamentales, representar una versión sesgada de los hechos históricos, y por conducir a conclusiones erróneas y carentes de sustento iurídico.

Ningún antecedente mencionado en la carta de 8 de julio pasado, permite inferir un reconocimiento de la existencia de una obligación de negociar un acceso soberano al mar, o de un supuesto derecho de acceso soberano al mar, como lo pretende sugerir el Estado Plurinacional de Bolivia.

09/11/2011



Government of
 CHILE
 MINISTRY OF FOREIGN
 AFFAIRS
 Consulate General of Chile
 La Paz - Bolivia

...

Nº745 / 183

The Consulate General of Chile in La Paz present its compliments to the Ministry of Foreign Affairs of the Plurinational State of Bolivia – with the purpose of referring to the letter submitted to the Secretary of the International Court of Justice (the Court), on 8 July 2011, in the case submitted to that court by the Republic of Peru, titled “*Maritime Dispute (Peru v. Chile)*” by the Court.

The Government of Chile has taken note that the Plurinational State of Bolivia expressly points out in the aforementioned letter that it does not request to intervene in the cited case. Because of the foregoing, the State of Chile shall not refer to the impropriety of the said communication or the lack of legal grounds to invoke, in this way, the articles of the Statute of the Court related to the intervention of third States.

Nonetheless, the Government of Chile deems it necessary to represent to the Plurinational State of Bolivia that the considerations contained in the aforementioned letter are matters outside the Court’s jurisdiction and unrelated to the treaties in force on maritime delimitation invoked in the case “*Maritime Dispute (Peru v. Chile)*”.

Likewise, the State of Chile complies with the duty of transmitting its total reservation concerning the nature and scope of the facts reported in the document discussed, since it omits fundamental antecedents, represents a skewed version of historical events, and leads to erroneous conclusions without legal support.

No antecedent mentioned in the letter of 8 July 2011 allows the inference of a recognition of the existence of an obligation to negotiate sovereign access to the sea, or of an alleged right of sovereign access to the sea, as the Plurinational State of Bolivia intends to suggest.

GOBIERNO DE
CHILE
MINISTERIO DE RELACIONES EXTERIORES
Consulado General de Chile
La Paz - Bolivia

Las consultas y negociaciones efectuadas hace casi cuarenta años, en un marco de canje territorial y de mutuas concesiones, fueron precisamente terminadas por decisión del Estado boliviano quien adoptó, además, la determinación de suspender sus relaciones diplomáticas con Chile. Igual suerte tuvieron otras iniciativas diplomáticas en contextos históricos específicos cuyo tratamiento, en la mencionada carta que se comenta, faltan a la verdad histórica y jurídica.

Como es de su conocimiento, la posición de Chile ante tales pretensiones es y ha sido clara e inequívoca: todas las materias fronterizas entre Chile y el Estado Plurinacional de Bolivia se encuentran plena y definitivamente resueltas en el Tratado de Paz y Amistad de 1904, el cual fue válidamente celebrado, se encuentra vigente y es aplicado en forma permanente por las Partes.

Finalmente, es oportuno señalar, como el Estado Plurinacional de Bolivia conoce, que el amplio diálogo consensuado existente desde hace algunos años por los gobiernos de ambos países, para abarcar vastas materias bilaterales al amparo de la confianza mutua y dentro del marco jurídico que rige las relaciones reciprocas, no ha comprendido concepto alguno que se refiera al deber, por parte de Chile, de negociar un acceso soberano al Océano Pacífico del Estado Plurinacional de Bolivia.

El Consulado General de Chile, se vale de la oportunidad para reiterar al Honorable Ministerio de Relaciones Exteriores - las seguridades de su más alta y distinguida consideración.



Al Honorable
Ministerio de Relaciones Exteriores del Estado Plurinacional de Bolivia
Presente

La Paz, 8 de noviembre de 2011.

Government of
CHILE
MINISTRY OF FOREIGN AFFAIRS
Consulate General of Chile
La Paz -Bolivia

The consultations and negotiations carried out almost forty years ago, within a framework of territorial exchange and mutual concessions, were terminated precisely by decision of the Bolivian State, which also adopted the determination to suspend diplomatic relations with Chile. Other diplomatic initiatives in specific historical contexts – whose treatment, in the aforementioned letter, disregards the historical and legal truth – had the same fate.

As you are aware, the position of Chile before such claims is and has been clear and unequivocal: all border issues between Chile and the Plurinational State of Bolivia are fully and definitively settled in the Treaty of Peace and Amity of 1904, which was validly concluded, is in force and is permanently applied by the Parties.

Finally, it is important to point out that, as the Plurinational State of Bolivia knows, the broad consensual dialogue by the Governments of both countries, existing for some years, covering a wide range of bilateral issues based on mutual trust and within the legal framework which governs the reciprocal relations, has not included any concept referring to a duty, on the part of Chile, to negotiate a sovereign access to the Pacific Ocean for the Plurinational State of Bolivia.

The Consulate General of Chile takes this opportunity to reiterate to the Honorable Ministry of Foreign Affairs – the assurances of its highest and most distinguished consideration.

La Paz, 8 November 2011

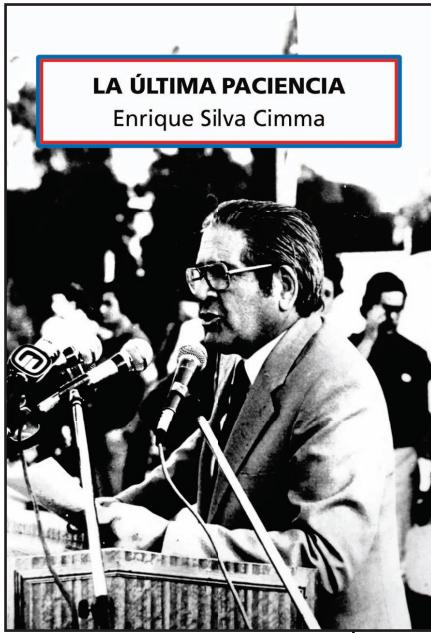
To the Honorable
Ministry of Foreign Affairs of the Plurinational State of Bolivia
Delivered by hand

Annex 452

E. Silva Cimma, *The Last Patience* (2012),
pp 33-36 (extract)

(Original in Spanish, English translation)

<[http://www.xn--pequeodios-x9a.cl/wp-content/uploads/2015/10/
SILVA-CIMMA.pdf](http://www.xn--pequeodios-x9a.cl/wp-content/uploads/2015/10/SILVA-CIMMA.pdf)>



LA ÚLTIMA PACIENCIA

Las relaciones diplomáticas entre ambos países fueron muy elevadas, no sólo con el canciller Blacker Miller, sino luego con su sucesor Óscar de la Puente Raigadas y, finalmente, con el empresario Efraín Goldenberg. Los tres dieron factura directa al presidente Fujimori, sin vinculaciones explícitas con la llamada tradición de Torre Tagle. Del mismo modo, guardo gratos recuerdos de mi trato con los distinguidos funcionarios de carrera del gobierno peruano, los embajadores Marchant y Riveros.

Recuerdo que el Canciller de Chile fue reconocido con dos condecoraciones en este país hermano: una, la Orden del Sol a su más alto nivel y la otra por “Servicios Distinguidos”. Claro, de nada valió todo eso pues el Parlamento peruano no llegó a ratificar las gestiones planificadas. Lo único que conservo, además de las condecoraciones, es un legajo de documentos peruanos que me fue donado por el canciller José de la Puente en aquella reunión y que contiene la historia y relación de la lucha del famoso guerrillero peruano don Gregorio Albarracín, sorprendido y muerto junto con su hijo en la guerrilla por las tropas chilenas y que fuera pariente de mi madre.

Bolivia

La intención de integración fue exitosamente replicada también con Bolivia. Bástenos recordar cómo, de común acuerdo con el país hermano, pusimos término a las dificultades que existían en el campo del ingreso y permanencia de bolivianos en la región ariquén y cómo se resolvió que ellos podrían adquirir libremente inmuebles en la provincia de Arica. Asimismo, recordemos que se puso término por nuestra parte a las dificultades que permitieron habilitar el camino de Arica a La Paz por Tambo Quemado, al igual que se allanaron las materias relativas a la enajenación en las provincias de Arica y Tarapacá, de modo tal que

...

Bolivia

The integration intention was also successfully replicated with Bolivia. We simply need to recall how, by mutual agreement with the sister country, we put an end to the difficulties that existed in the fields of the entry and the stay of Bolivians in the region of Arica, and how it was resolved that they could freely acquire real property in the Arica province. Besides, we should recall that we put an end to difficulties, which enabled activation of the road from Arica to La Paz through Tambo Quemado, and the issues related to the disposal of property in the provinces of Arica and Tarapacá were also addressed, so that

ENRIQUE SILVA CIMMA

los bolivianos tuviesen acceso a las entidades de venta de productos liberados, como automóviles y otros, en las ciudades de Arica e Iquique, y por lo mismo, se solucionaron los problemas que permitieron el libre y amplio perfeccionamiento del ferrocarril de Antofagasta a Bolivia.

Es necesario mencionar el planteamiento que sobre la mediterraneidad se nos ha planteado por el gobierno boliviano. En él, se ha reiterado en todo caso la política de bilateralidad de los tratados que nuestro país ha mantenido invariablemente y que terminó por ser reconocida a nivel continental. No obstante, cada cierto tiempo, ha ocurrido que algún país latinoamericano mencione, con un tenor indiscutiblemente político, juicios a favor de una tesis amplia de Bolivia. Es el caso del presidente Chávez, al que no podemos dejar de aludir por su ligera falta de seriedad en la materia.

Hasta el Pacto de Tregua de 1884, el territorio de Bolivia se extendía hacia el occidente hasta llegar al mar; en la Guerra del Pacífico, iniciada al violar Bolivia el Tratado de 1874, por el cual los bolivianos no incrementarían los impuestos a la exportación de minerales por 25 años, se produjo la ocupación del territorio por parte de Chile. Por el Tratado de 1904, Bolivia reconoció como chileno el territorio hasta el río Loa, y quedó sin acceso al mar.

En el Tratado de Paz y Amistad entre Bolivia y Chile, conocido como el Tratado de 1904, se definió la actual delimitación territorial, según la cual la soberanía chilena se extiende hasta la frontera con Perú, otorgándosele a Bolivia a perpetuidad un amplio y libre derecho de tránsito comercial por territorio chileno y por los puertos del Pacífico, y un ferrocarril hasta Arica. De acuerdo a lo planteado en determinados contextos políticos, para la cancillería boliviana el Tratado de 1904 es injusto y poco solidario, firmado bajo la presión de la derrota, aún cuando se comprende que fue firmado años después del término de las hostilidades y tras una negociación libremente iniciada en 1902, según los procedimientos normales de las relaciones diplomáticas entre Estados.

Bolivians could have access to the entities selling tax-free products, such as cars and others, in the cities of Arica and Iquique. For this same reason, other problems were solved, which enabled the free and ample improvement of the railway from Antofagasta to Bolivia.

It is worth mentioning the Bolivian government's approach regarding its landlocked situation. In it, our country's bilateral policy with respect to treaties has been reiterated in every case, and has eventually been recognized at a continental level. However, occasionally, some Latin American country has expressed, with an undoubtedly political tenor, opinions in favor of Bolivia's broad thesis. That is the case with President Chávez, who we cannot avoid mentioning due to his lack of seriousness on the matter.

Before the 1884 Truce Pact, the territory of Bolivia extended to the west reaching the sea. During the Pacific War, which started when Bolivia violated the 1874 Treaty, whereby Bolivians were not to increase the taxes on mineral exports for 25 years, Chile occupied the territory. Pursuant to the 1904 Treaty, Bolivia recognized as Chilean the territory extending up to the Loa River, thus remaining without access to the sea.

The current territorial delimitation was defined in the Treaty of Peace and Amity between Bolivia and Chile, known as the 1904 Treaty, whereby Chilean sovereignty extends up to its border with Peru, granting Bolivia a broad and free perpetual right of commercial transit through Chilean territory and the ports on the Pacific, as well as a railway to Arica. According to some statements made in certain political contexts, the Bolivian Ministry of Foreign Affairs deems the 1904 Treaty unjust and little supported, signed under the pressure of defeat, even though it is understood that it was signed many years after hostilities had ceased and after negotiations were freely conducted in 1902, pursuant to the normal procedures in the diplomatic relations between States.

En todo caso, en el orden de la relación de nuestros dos países, ésta se manifiesta con claridad en lo que se ha denominado la Nómica de los 13 Puntos de Conversación y Diálogo, establecida en el 2006. Es muy útil reconocer cómo esta agenda ha permitido que nuestras relaciones caminen por un terreno inmejorable.

De este modo, al término de nuestro mandato suscribimos un comunicado conjunto con el Ministro de Relaciones Exteriores de Bolivia en Salvador de Bahía el 16 de julio de 1993, en el contexto de la III Cumbre Iberoamericana de Jefes de Estado y de Gobierno, por la cual, junto al ministro Ronald McLean Abaroa, destacamos: “la importancia del esfuerzo realizado para el tratamiento de diversos temas de interés compartido y para ampliar el intercambio de informaciones y puntos de vista con el fin de estimular una más cabal percepción e interpretación recíproca de los intereses de los dos países”. Terminamos aquella declaración conjunta diciendo que “los Ministerios estuvieron de acuerdo en que éstos han sido posibles, también, gracias al ambiente favorable emergente de la vigencia en ambas naciones, de sistemas democráticos orientados por intereses coincidentes y por una predisposición favorable a la concertación y entendimiento”.

Aquel criterio, oficializado por ambos cancilleres, fijó afortunadamente una línea de acción que permanece presente y que continúa siendo respetada en la actualidad por los dos países.

En aquella época, tanto el Presidente de Chile como su Canciller llegaron a conversar específicamente acerca de la cuestión de la mediterraneidad, y se habló por nuestra parte de una posibilidad de arreglo consistente en el establecimiento de la entrega o concesión de un enclave en el puerto de Pisagua, sin que ello significara ninguna alteración de nuestra soberanía. Esta medida no prosperó ni avanzó, porque el Presidente boliviano de la época, Jaime Paz Zamora, no llegó a adoptar un criterio que hubiese permitido una culminación del problema.

In any case, as far as the relationship between our two countries is concerned, this is clearly shown in what has been known as the Agenda of 13 Points of Conversation and Dialogue, established in 2006. It is worth recognizing that this agenda has allowed our relations to follow an excellent path.

Thus, at the end of our term in office we signed a joint statement with the Minister of Foreign Affairs of Bolivia in Salvador de Bahía on 16 July 1993, within the context of the Third Ibero-American Summit of Heads of State and Governments, whereby, together with minister Ronald McLean Abaroa, we highlighted: “the importance of the efforts made to discuss several topics of common interest and for a greater exchange of information and points of view in order to foster a more thorough perception and mutual interpretation of both countries’ interests”. We ended such joint statement by saying that “the Ministries agreed that these efforts and achievements have also been possible due to the favorable climate resulting from the existence of democratic systems, guided by coinciding interests and a predisposition for cooperation and understanding in both countries”.

Such opinion, made official by both ministers of foreign affairs, fortunately established a course of action that remains present and continues to be respected by both countries.

At that time, both the President of Chile and its Minister of Foreign Affairs specifically talked about the issue of the Bolivian landlocked situation, and we discussed the possibility of an arrangement consisting in the handing over or granting of an enclave in the Port of Pisagua, without altering in any way our sovereignty. This measure did not succeed or move forward because the Bolivian President at that time, Jaime Paz Zamora, did not adopt an approach that would have allowed for a solution to the problem.

ENRIQUE SILVA CIMMA

No podemos pasar por alto este asunto, pues siempre nos interesó prioritariamente que se respetase el principio invariable de intangibilidad de los tratados, lo que no tiene por qué impedir que esto pueda ser elaborado y utilizado dentro de un contexto de ejercicio de buena voluntad de Chile en virtud de una posible política de Estado favorable a tal tesis de reconocimiento gracioso internacional hacia Bolivia como República hermana.

Interesa destacar esta tesis en momentos actuales, cuando Bolivia hace resaltar internacionalmente la nueva Constitución aprobada por su pueblo, en la que el presidente Morales enfatiza la tesis de una pretendida reivindicación internacional para él y su nación, irrenunciables en una recuperación de un territorio mediterráneo o marítimo que los llevaría finalmente a luchar por la revisión y desahucio final del Tratado de 1904, a la vez que, por tal vía, conduciría a la obtención definitiva de lo que muy discutiblemente se ha introducido en los artículos 267 y 268 de la nueva Constitución boliviana, que señalan respectivamente que: “el Estado boliviano declara su derecho irrenunciable e imprescriptible sobre el territorio que le de acceso al océano Pacífico y su espacio marítimo”, y que “el desarrollo de los intereses marítimos, fluviales y lacustres, y de marina mercante será prioridad del Estado, y su administración y protección será ejercida por la Armada Boliviana, de acuerdo con la ley”.

América Central y el Caribe

Un claro ejemplo de nuestra política integracionista fue la realizada con América Central y el Caribe. Recuerdo que en una reunión de hombres de primer nivel en el campo diplomático, a la cual accedí pocos días antes de mi designación ya oficializada, se decidió la concreción de mi visita oficial como Canciller a los países del Caribe. Uno de

We cannot overlook this matter, as it has always been a priority for us to respect the unalterable principle of the intangibility of treaties, which should not necessarily prevent this from being developed and used within a context of goodwill by Chile by virtue of a potential State policy favorable to the thesis of gracious international recognition towards Bolivia as a sister Republic.

It is worth noting this thesis at the present time, when Bolivia internationally highlights its new Constitution approved by its people, by which President Morales emphasizes the thesis of intended international vindication, both for himself and his nation, that is unwaivable in order to recover coastal or maritime territory, which would eventually lead it to strive for the revision and final termination of the 1904 Treaty, and, along the same path, to finally obtain what was arguably introduced in Sections 267 and 268 of the new Bolivian Constitution, which, respectively, provide that: “the Bolivian state declares its unwaivable and imprescriptible right over the territory giving access to the Pacific Ocean and its maritime space” and “the development of maritime, fluvial and lacustrine interests, as well as those of merchant shipping, will be a priority for the State, and its administration and protection shall be exercised by the Bolivian Navy, in accordance with the law”.

...

Annex 453

Statement by the Minister of Foreign Affairs of Chile,
67th Session of the UN General Assembly, A/67/PV.15,
28 September 2012, pp 37-41 (extract)

(Original in English)

United Nations, <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/523/96/PDF/N1252396.pdf?OpenElement>>

United Nations
General Assembly
Sixty-seventh session
15th plenary meeting
Tuesday, 28 September 2012, 10 a.m.
Official Records

President: Mr. Jeremić (Serbia)

In the absence of the President, Mr. Beck (Palau), Vice-President, took the Chair.

The meeting was called to order at 10:05 a.m.

Agenda item 8 (continued)
General debate
Address by Mr. Ralph E. Gonzales, Prime Minister of Saint Vincent and the Grenadines

The Acting President: The Assembly will now hear an address by the Prime Minister of Saint Vincent and the Grenadines.

Mr. Gonzales (Saint Vincent and the Grenadines): Your Excellencies, Mr. President, Mr. Gonzales, Prime Minister of Saint Vincent and the Grenadines, and inviting him to address the General Assembly.

Mr. Gonzales (Saint Vincent and the Grenadines): I have great pleasure in welcoming His Excellency Mr. Ralph E. Gonzales, Prime Minister of Saint Vincent and the Grenadines, and inviting him to address the General Assembly.

Mr. Gonzales (Saint Vincent and the Grenadines): My delegation heartily congratulates Mr. Vojislav Šešelj on his assumption of his responsibilities as President of the General Assembly at this crucial intergovernmental session. We also extend our congratulations to his predecessor, Mr. Abdallah Al-Nasser of the State of Qatar, who left an indelible mark on the General Assembly.

We meet again in the quest for development, equity, and peace. Last year, our debate took place against

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the backdrop of rapid, often violent, geopolitical change, as well as continuing underlying instability and uncertainty. The world of a global debate, marked by winds of change and clouds of uncertainty, was not without hope and optimism. Member States anticipated more progress in the quest for development, equity, and Sustainable Development. We predicted a robust and legally binding arms trade treaty. We embraced principles calling for political change. And we scanned the economic horizon for encouraging signs of recovery and growth.

Today, global optimism has largely disappeared. We are in search of answers in the international community that have acknowledged the challenges of a new world and found itself wanting. Our global structures, particularly the United Nations, are failing with regard to a scope, scale and manner that substantially outpace our ability to react, partly exceed our capacity to respond, and demand a level of courage, principle and leadership that we have not yet demonstrated by our political will. Today, we are not merely spectators watching a process of global change; rather, we are participants in that change.

What is clear is that we must answer two questions that we must answer: "What is our vision of tomorrow's possible world?" And, "And, how can we achieve that world?"

Our avoidance of these fundamental questions threatens to set our Assembly adrift andudderless, shirking responsibility and afraid of making difficult decisions. It is to build our future in the shifting sands of meaningless resolutions while we studiously disregard our imperative quest for a unifying principle

to foreign direct investment
and conflict resolution
Court of Arbitration in
singly important role to play.

al property rights effectively
should therefore strengthen the
World Intellectual Property Organization.

Finally, the Millennium Development Goals need a new agenda, with bold ideas to end poverty and plans to promote sustainable development and foster economic growth. The private sector is crucial to achieving those goals, especially when it comes to unlocking the potential of small and medium-sized enterprises. To quote renowned economist Paul Collier, "We cannot make poverty history unless the countries of the bottom billion start to grow".

The United Nations is indispensable for the agenda of peace, freedom and prosperity. The widening gap between the increasing expectations we have of the United Nations, on the one hand, and of its capacity to deliver, on the other, is a cause of serious concern. Therefore, we need a more effective, efficient and coherent United Nations.

The Security Council must act decisively when serious crimes are involved and international peace and security are at stake. All United Nations organizations should deliver as one. The Secretary-General's reform proposals must be implemented.

Emerging Powers rightly ask for more influence, due to new political and economic realities. The Security Council should be reformed while taking those realities into account. At the same time, the larger share of those emerging Powers in the world economy should be reflected in the relative contributions of Member States to the United Nations budget.

The Members of the United Nations need to take action in five areas. First, countries should respect universal human rights without distinction. That key principle also applies to lesbian, gay, bisexual and transgender individuals. Secondly, the rights of religious minorities should be guaranteed all over the world. Governments should protect religious groups against violence. Thirdly, countries should recognize the compulsory jurisdiction of the International Court of Justice, as the Secretary-General has requested. Fourthly, countries should adhere to the principle of the responsibility to protect. That applies to prevention,

protection and prosecution. Fifthly, countries that have not done so to date should join the International Criminal Court. That will ensure that civilians are protected and the perpetrators of atrocities are prosecuted.

That takes me back to Syria. The Syrian crisis highlights the mounting challenges of the United Nations and its States Members. I applaud the active stance of the Secretary-General with regard to Syria. The Office for the Coordination of Humanitarian Affairs, the World Food Programme, the Office of the United Nations High Commissioner for Refugees and many other organizations are providing crucial assistance to the victims of the violence. I want to pay explicit tribute to the Governments of Turkey, Lebanon and Jordan for their invaluable efforts to alleviate the suffering of the thousands of refugees.

In conclusion, for me, meeting Medya, that courageous Syrian journalist and mother, has given a voice to those refugees. I hope that I will meet Medya, that 25-year-old mother of a five-year-old child, again in the near future in Homs, Syria. I want to see her live in an inclusive and prosperous Syria, where democracy and human rights replace terror and violence. It is about democracy and human rights. That is our aim. I want to see her live in a Syria where jobs and economic opportunities have replaced poverty and despair.

That woman, Medya, has already shown the courage and the will to contribute to Syria's future. Together, we, the peoples of the United Nations, should show that same courage. Together, we must preserve peace, protect freedom and promote prosperity. Together, let us build a stronger international legal order.

The Acting President: I now call on His Excellency Mr. Alfredo Moreno Charme, Minister for Foreign Affairs of the Republic of Chile.

Mr. Moreno Charme (Chile) (spoke in Spanish): Allow me to convey to Mr. Jeremić our warmest congratulations on his election as President of the General Assembly at its sixty-seventh session and to once again extend to him our fullest cooperation. We would also like to convey our gratitude to Mr. Nassir Abdulaziz Al-Nasser for his significant work during the previous session. We also congratulate Secretary-General Ban Ki-moon on his leadership at a time marked by the immense scale of the challenges that we face.

Chile's foreign policy is based on principles such as the defence of democracy, respect for human rights

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and the peaceful settlement of disputes. Among others, those principles form part of the Charter of the United Nations. Their observance provides for coexistence among States at the international and national levels, and thus preserves, for nations and their peoples, the most precious asset of national societies and the international community, namely, peace.

Peace is the basic value at the root of this body. However, despite the efforts made, serious problems persist internationally, as well as nationally in some Member States. We have witnessed the Arab Spring, which, by channelling the legitimate expression of its peoples for greater freedom, democracy and respect for human rights, resulted in some cases, without prejudice to the difficulties that remain to be overcome, in processes that have led to democratic changes. Regrettably, in other cases, it has given rise to repression and violence.

The repression of their people by dictatorial regimes and the inability to peacefully forge democratic transition processes are the result of a mistaken way of engaging in and understanding politics. Confrontation has prevailed over tolerance, violence over dialogue and conflict over understanding, as we see now happening in Syria.

From this rostrum, we reiterate the call to all parties, in particular the Government of that country, for an immediate end to the violence, respect for human rights and the establishment of the foundations for a dialogue that can lead to a political solution of the current crisis, in which justice and the rule of law prevail. The international community bears the responsibility to support that process, while respecting the principles of non-intervention, territorial integrity and, above all, human life.

We must condemn the intolerance that shows a lack of respect for different cultures and beliefs and has given rise to outbreaks of violence. Nothing justifies the criminal act committed in Libya against United States diplomats. We vigorously condemn that event and any other act of violence, which, in that particular case, negates the essence of the diplomatic function, which this forum must specifically seek to defend with the utmost resolve and determination.

In addition, we have resolutely supported all international efforts towards a just, legitimate and lasting solution of the problem between Palestine and Israel. We recognize the Palestinian State — a

country that we hope very shortly to welcome to the Organization. We strongly believe that the Palestinian people have the right to a free, sovereign and democratic State. However, we also note that the State of Israel has the right to recognized, safe and respected borders. Only in that way will Palestinians and Israelis be able to coexist and move forward in peace and harmony.

The leaders of the States members of the Assembly have the moral obligation and enormous responsibility of seeking to harmonize interests in order for reason to prevail. The United Nations is the sole international forum with the necessary capacity to address the maintenance of peace, security, the protection of human rights and international development cooperation. It is therefore our responsibility to strive to find the means for consensus to enable us to cooperate in resolving current conflicts, averting future ones, preserving peace and launching a cycle of development for the benefit of our peoples.

Chile, through a sustained effort, has enjoyed more than 100 years of peaceful international coexistence on the basis of understanding and dialogue, as well as legally and politically respected border agreements and treaties, as borne out by our peaceful vocation. Nearly 40 years ago, however, my country experienced a crisis that shattered its institutional order and divided our society, leading to a confrontation with tragic consequences. Thanks to a united effort, an exemplary peaceful transition was possible. Despite the deep divisions that were a hallmark of that time, we were able to move forward in building a solid foundation owing to the willingness to reach an understanding that prevailed among political forces that previously held irreconcilable positions.

Moreover, despite its differences, Latin America has learned to live in diversity and has progressed more than other regions in the past decade. In our region, various kinds of Governments that propose different political and development models coexist. However, through dialogue, understanding and reason, we have reached consensus on establishing regional integration mechanisms that have enabled us to move forward with common goals. That policy, based on respect for differences and the pursuit of mutually beneficial integration, is at the heart of our foreign policy.

Just as mutual respect and human understanding are ground rules of our national policy to achieve freedom, progress and social justice, the same should occur in

the international political arena. This is the best forum for the leaders of nations to debate ideas, free from absolute, exclusive or discriminatory positions, which inevitably lead to confrontation. Many of the problems facing us are due to the fact that the virtue of dialogue, which is the only means for our mutual understanding and civilized coexistence, is increasingly undermined.

However, countries alone cannot always find the basis for understanding in order to achieve the political stability that makes solid institution-building and economic and social development possible. The international community also has a responsibility. We believe that it is crucial not only to help countries emerge from crisis situations, but also to support them in peacebuilding and development in a comprehensive way. That means support for the rebuilding of political institutions and for internal reconciliation processes and social and economic development, which are tasks for which the Peacebuilding Commission was established. We strongly support its work.

In that context, with regard to the United Nations Stabilization Mission in Haiti, we believe that the required modifications to its composition and size must be offset by strengthening the presence of the development component of the United Nations system through its agencies, funds and programmes. That is fundamental to helping the reconstruction and development of Haiti.

In that spirit of cooperation in peacebuilding, we also welcome with satisfaction, a sense of responsibility and enthusiasm the invitation of the Colombian Government to assist in the negotiations process launched to put an end to the internal conflict that has affected that brother country for more than 50 years, causing so much suffering. We commend the willingness and readiness of the parties and the courage of the Government of Colombia, which, building on the circumstances brought about through its efforts and patience in recent years, took the decision to initiate a peace process that, we trust, will end successfully to the benefit of all Colombians.

Mr. Charles (Trinidad and Tobago), Vice-President, took the Chair.

We have conveyed our vision of what we believe to be the most profound purpose of politics. On this occasion, we would also like to address the issue of Security Council reform. In order to strengthen its capacities and legitimacy, a more representative

and democratic organ that is in line with the new international reality should be formed. Chile reiterates its support for a Security Council reform that envisages the expansion of its membership in the permanent and non-permanent categories, thus ensuring due regional representation and enhanced transparency of its working methods.

We also wish to reiterate our opposition to the veto power. However, given its existence, Chile supports the call for the veto not to be used in situations of crimes against humanity, war crimes, genocide or ethnic cleansing. The countries with the veto power have a great responsibility and the obligation to use it with moderation and transparency in seeking to resolve crises, putting aside national or ideological positions that hamper the system and render it ineffective.

In that context, our commitment to the main themes on the international peace and security agenda has led us to submit our candidature for Security Council for the period of 2014-2015. As part of that effort, we wish to help strengthen the effectiveness of the multilateral system based on democratic values and principles, namely, equality and individual freedoms and solidarity, which are substantial aspects of our foreign policy. We also wish to contribute to that from the perspective of Latin America and the Caribbean.

Democracy demands respect for, and the promotion of, human rights, which requires full implementation of the rule of law. Chile is firmly committed to that. Our own experience regarding a shattered democracy, with tragic consequences for the rights of individuals, which I have already mentioned, underscores for us the importance of developing public policies. It also highlights the need to implement the instruments made available to us by the international system, with particular emphasis on those that support the most vulnerable, namely, children, women, young people, indigenous peoples, people with disabilities and the elderly. In that regard, we support strengthening the functioning of the human rights treaty body system and the work undertaken by the United Nations High Commissioner for Human Rights.

In addition to the issue of peace, another acute problem for nations today is the international financial crisis. It has wrought havoc on markets, trade, finance, investment and, worse still, employment. As in the case of politics, where confrontation and the lack of dialogue impede solutions and compromises, in economics the

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improper practices of excessive spending, a lack of fiscal tightening and the absence of adequate regulatory frameworks triggered the crisis that currently affects us and whose end is not yet in sight.

The experience of our country and our region has taught us harshly in recent decades that progress and true development require measures that are not populist or short term. Governments must act responsibly and control public spending without turning to that as an easy solution to artificially promote an economic boom. The current crisis blatantly shows the painful consequences of such policies. A rigorous fiscal policy and the establishment of stabilization funds, like some countries have created, such as Norway on the basis of oil and Chile on the basis of copper, are examples of efficient mechanisms for economic stability and balancing global cycles.

Similarly, in seeking solutions to the crisis, we must avoid the temptation to resort to artificial and short-term measures. There are voices clamouring for the imposition of protectionist practices to boost the economy. Such practices may benefit a specific economic sector in the short term. However, they have a fleeting effect. Let us not fool ourselves. Protectionism protects inefficient industries and provides citizens with poor quality and more expensive products. Worse still, it undermines productivity, eliminates competition and entrepreneurship and hampers real development.

Our experience shows us that we must take the opposite path, namely, greater openness and more free trade. Threats to democracy are thereby overcome through greater democracy. Economic growth is boosted by greater openness to markets and fewer obstacles to global trade. Years ago, our country launched trade liberalization by, first, unilaterally reducing its tariffs and, subsequently, through free trade agreements that today extend to more than 60 countries and that represent more than 85 per cent of world gross domestic product. Chile has the most free trade agreements and has the world's eighth-lowest tariffs, at less than 1 per cent on average.

Despite external difficulties, that policy has enabled us to increase our growth by 6 per cent in the past two years and to achieve the region's highest per capita income. In turn, it has made it possible to reduce the level of unemployment, poverty and extreme poverty by creating new jobs and social protection programmes.

Real and effective integration goes beyond trade. We are also pursuing shared projects with other nations, such as the recent Pacific Alliance initiative, launched together with Peru, Mexico and Colombia. It focuses on the integration not only of goods and services, but also the free movement of people and capital, thus sharing the full potential of our economies. Such initiatives with Pacific Rim countries are not new. In 1994, we were already part of the Asia-Pacific Economic Cooperation, seeking to accelerate trade liberalization in a broad region that unites the largest economies on both sides of that ocean. Subsequently, in 2005, along with Singapore, New Zealand and Brunei Darussalam, we launched a process to forge an ambitious free trade agreement. Today, that project, known as the Trans-Pacific Partnership, aspires to create the largest global free trade area with the accession of new members, including the United States.

Two years ago, only days after the Government that I represent assumed its duties, a natural disaster of global proportions, namely, the fifth-largest earthquake registered in the world since such disasters were recorded, caused destruction and death in our country. Chile recovered thanks to the solidarity and unity of its people and as a result of the generous assistance of friendly nations and organizations. Recently, President Sebastian Piñera Echenique affirmed the announcement that he made at that time, pointing out that, by the end of his term in office, all material damage would be fully rebuilt.

In recent years, we have seen an increase in the number of natural disasters — floods, tornados, typhoons, earthquakes and mudslides. There is no place on the planet that is not either suffering or has suffered from a natural disaster. No country has the capacity to deal with disasters of that scale alone. There is therefore a need for the assistance and solidarity among nations that we saw not only during the earthquake in 2010, but also at the time of the collapse of the San José mine, which affected 33 miners. The lives of those miners were saved thanks to their courage, to the determination of the Government of Chile to rescue them and to international cooperation.

In Chile, we have strengthened disaster preparedness and early-warning systems and have enhanced the national civil protection agency in order to ensure greater coordination at the national, regional and local levels. However, the occurrence of some of those natural phenomena is also linked to

environmental protection. Preserving the environment is another topic that merits the attention of the international community and means that we should act responsibly to safeguard for future generations a clean environment and sustainable development that respects nature. The recommendations of the United Nations Conference on Sustainable Development, namely, sustainable development goals, financing mechanisms and a mechanism to transfer and distribute clean energy, should now be implemented.

Chile assumed the position of the first pro tempore presidency of the Community of Latin American and Caribbean States (CELAC) with great satisfaction. The 33 member States of Latin America and the Caribbean agreed the Community's guiding principles and purposes, including the promotion and protection of democracy and human rights, political coordination, integration, the fight against poverty and inequality and stronger global engagement. Among the issues of interest to CELAC that I would like to underscore in this forum is support for the legitimate claims of the Argentine Republic in the dispute for sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. We call for a resumption of negotiations with the United Kingdom of Great Britain and Northern Ireland in order to find a peaceful and lasting solution to that dispute. CELAC also wishes to underscore the need to put an end to the economic blockade imposed by the United States of America against Cuba. The General Assembly has adopted important resolutions on both matters.

We live in a world of great opportunities, but also significant challenges and global threats that require the coordinated action of the international community in order to ensure an appropriate response. Only through effective, efficient and inclusive multilateralism will we find the best way to respond to those great global challenges.

The United Nations system has the capacity to exercise leadership in pursuing international peace and security, in promoting sustainable development and cooperation and in protecting and promoting human rights. Also, in seeking to resolve the global economic crisis, in environmental protection and in the rapid international response to prevent and provide assistance in the case of natural disasters, we, as Member States, must demonstrate the political will to make that

capacity a reality and thus ensure that the politically correct action is also morally correct.

The President of Bolivia mentioned, in terms that do not comply with the norms of good coexistence among nations, that country's maritime claim (see A/67/PV.11). Along with the formal note of reply that was submitted to the President of the General Assembly, in addressing this debate I feel obliged to categorically reject the position, affirmation and charges made against my country. It is timely to reiterate to the Assembly that there are no outstanding border issues between our States. Those matters are clearly set out in the 1904 Treaty of Peace and Friendship, and are fully respected.

Chile has fully met its obligations under that Treaty, allowing the most extensive free transit through its territory by means of high-quality infrastructure, as acknowledged by the Bolivians themselves. Bolivia has no right to claim access to the sea. The respect of border agreements between neighbouring countries is one of the cornerstones for coexistence among States and is the guarantor of international peace, as prevails between our countries.

Before this Organization, Chile reaffirms that the Constitution of the Plurinational State of Bolivia, adopted in 2009, introduced provisions that contravene the framework of international law, which governs the peaceful coexistence among nations. Those provisions are therefore not enforceable with regard to our country. As declared by a committee of lawyers appointed by the League of Nations in 1921 and as acknowledged at the last session of the General Assembly of the Organization of American States, held in the Bolivian city of Cochabamba, this is strictly a bilateral matter. Chile has continued to convey to Bolivia its readiness for brotherly dialogue, based on full respect for the treaties in force, which provide significant benefits for both peoples. It is in the hands of Bolivia to accept that invitation.

The Acting President: I now call on His Excellency Mr. Bernard Kamillius Membe, Minister for Foreign Affairs and International Cooperation of the United Republic of Tanzania.

Mr. Membe (United Republic of Tanzania): At the outset, allow me to convey the fraternal greetings of His Excellency Mr. Jakaya Mrisho Kikwete, President of the United Republic of Tanzania, who could not attend this session of the General Assembly due to other equally important engagements.

Annex 454

Clarifications on History of the XIXth Century Between Chile and Bolivia

(Original in English)

Prepared by the Government of Chile in response to BR Annex 373

CLARIFICATIONS ON HISTORY OF THE XIX CENTURY BETWEEN CHILE AND BOLIVIA

1. To clarify the assertions inaccurately presented in Annex 373 of Bolivia's Reply, Chile is constrained to make the following historical precisions.
2. Chile participated fully in the process that led to the independence of the Republic of Bolivia, providing support with material resources and by sending an expeditionary force that in 1820 had the purpose of liberating the last bastion of the Spanish Crown in South America, the Vice-royalty of Peru. This effort was onerous for the country and received scarce recognition afterwards. No Chilean presence remained in the area after the Battle of Ayacucho in 1824, in which a high number of Chilean troops fought alongside forces from other South American countries. The successful culmination of this campaign, of which the main leader was Simon Bolivar, allowed for the independence of Bolivia. Chile's involvement in the process was the result of the close alliance between Chile's head of state, Bernardo O'Higgins, and the chief strategist of the war of independence in the southern region of South America, Jose de San Martin.
3. The application of the principle of *uti possidetis iuris* —respect for the boundaries inherited from the colonial era— encountered difficulties in practice, because the delimitation of jurisdictions within the Spanish Empire was unclear and situations arose in which the attribution of territories was not manifest. The process of establishing boundaries encountered tensions and problems that were substantively overcome over the years.¹
4. After the end of the war between Chile and the Peru-Bolivia Confederation (1836-1839), Chile neither sought nor obtained a single square kilometer of territory. The border between Chile and Bolivia remained undefined and it was not object of concern for the respective governments at the time. The war against

¹ See Chile's Counter-Memorial, para 2.12.

the Confederation was to a large extent a conflict between caudillos, the likes of which characterized for a long time the history of Latin America; it was a sort of civil war, especially regarding Peru and Bolivia. Chile perceived Bolivian president Andrés de Santa Cruz's annexation of Peru as a threat. Furthermore, Peru was divided into two states, in what seemed to be a long-term project. It was only after the War of the Pacific that, and as a re-interpretation of such events, that the war against the Confederation has been purported as a prologue to the War of the Pacific, even though there was neither political nor ideological continuity between both events.

5. The differences and incidents regarding the boundary between Chile and Bolivia began in the 1840s. The *Audiencia de Charcas* was always a society of the highlands, vitally and politically united with Lima and southern Peru. Its international commerce was mostly conducted through the port of Arica. After independence (1825), Simon Bolivar officially gave Bolivia an outlet to the sea, without considering —because it was not an issue— the delimitation of the border with Chile. Except for a minimal administrative presence, Bolivia did not effectively occupy the area. This territory, then known as *Despoblado de Atacama*, was first explored by adventurers and then by Chilean entrepreneurs and workers, who spontaneously arrived and settled in the zone. This situation unfolded a process marked by misunderstandings between Chilean and Bolivian authorities because of the existing overlapping claims in the area. On some occasions, partial and pragmatic agreements were reached; while at others times discordance prevailed. Given the continuous arrival of Chileans and the scant Bolivian presence in the area, in the 1840s the Chilean government began to actively exercise its jurisdiction up to the 23th parallel (Mejillones) in order to supervise the interests of its compatriots. These are the reasons that explain the incidental circumstances mentioned in paragraph 6 of Bolivia's Annex 373, which are seriously taken out of context. In these new circumstances, the Bolivian Congress authorized the President to declare war on Chile in 1863.²

² Bolivian Law of 5 June 1863, CCM Annex 79.

6. As stated in paragraph 2.14 of the Counter-Memorial, Chile formed an alliance with Bolivia, Peru, and Ecuador with the purpose of defending the Pacific coast of South America from a neocolonial Spanish incursion. No expansionist country would have followed such a policy.

7. The convergence that resulted from the conflict against Spain opened the way for the conclusion of two treaties (1866 and 1874),³ in which Chile and Bolivia recognized overlapping rights in a disputed territorial area. Both parties conceded on some of their claims. The Bolivian government recognized that Chile had tangible and substantive rights in the area. The preamble to the first treaty signed by Chile and Bolivia in 1866 reflected the common effort undertaken by both nations.⁴

8. As stated in paragraphs 2.17 and 2.18 of the Counter-Memorial, the Treaty of 1866 established a zone in which both countries would share in half the export duties to be collected over the minerals to be extracted in said territory. As the concrete application of this regulation later created some difficulties, the parties concluded a new treaty in 1874. This latter treaty ratified the boundary at parallel 24th, but modified the system of sharing the export duties. In addition, both countries signed on 21 July 1875 a Supplementary Protocol agreeing to submit to arbitration all issues that could arise in relation to the 1874 Treaty.⁵

9. On 6 February 1873, Bolivia and Peru signed a treaty whose secret character clearly suggested an alignment that could be interpreted as contrary to

³ See Treaty of Limits between Chile and Bolivia, signed at Santiago on 10 August 1866 (the **1866 Treaty of Limits**), CCM Annex 80; and Treaty of Limits between Chile and Bolivia, signed at La Paz on 6 August 1874 (the **1874 Treaty of Limits**), CCM Annex 83.

⁴ 1866 Treaty of Limits, CCM Annex 80, Preamble.

⁵ See Supplementary Protocol to the 1874 Treaty of Limits between Chile and Bolivia, signed at La Paz on 21 July 1875 (the **1875 Protocol**), CCM Annex 84, Article 2.

Chile.⁶ The Chilean government formally learned of the existence and terms of the treaty only in March 1879.⁷

10. Paragraph 52 of Bolivia's Memorial asserts that Chile carried out an expansionist policy. The landscape was different. The 1866 and 1874 Treaties were signed between Chile and Bolivia to deal with a bilateral reality that unfolded with a spontaneous immigration to the area of Antofagasta. The need to regulate the presence of Chilean nationals and companies between parallels 23th and 25th. Bolivian historians clearly acknowledge this reality.

11. Bolivia's assertions⁸ that the new tax on the nitrate exported by the Antofagasta Nitrate & Railway Company (10 cents per quintal) did not violate article 4 of the Treaty of 1874, is evidently mistaken (see Counter-Memorial paragraph 2.20).

12. In response to the new tax Chile, by Letter of December 1878, reminded Bolivia of the commitment sanctioned by the Treaty of 1874.⁹ This position was reiterated subsequently by Chile.¹⁰

13. Bolivia ignored the arbitration mechanism proposed by Chile, which consisted of the establishment of an arbitral tribunal, in accordance with the Supplementary Protocol.¹¹ On the contrary, on 1 February 1879, the Bolivian

⁶ Secret Defensive Alliance Treaty between Bolivia and Peru, signed at Lima on 6 February 1873, **CCM Annex 81**.

⁷ Letter from the Legation of Chile in Peru to the Minister of Foreign Affairs of Chile, 22 March 1879, **CCM Annex 99**, p 163.

⁸ Historical Clarifications Concerning the Origin of the Dispute Between Bolivia and Chile, **BR Annex 373**, paras 8 and 9.

⁹ Letter from the Minister of Foreign Affairs of Bolivia to the Chargé d'Affaires of Chile in Bolivia, 26 December 1878, **CCM Annex 87**, pp 20-21. See also Letter from the Minister of Finance of Bolivia to the Governor of Caldera in Bolivia, 31 December 1878, **CCM Annex 88**.

¹⁰ Note from the Legation of Chile in Bolivia to the Minister of Foreign Affairs of Bolivia, No 42, 20 January 1879, **CCM Annex 91**, pp 87 and 89.

¹¹ Letter from the Minister of Foreign Affairs of Chile to the Government of Bolivia, 3 January 1879, **CCM Annex 89**; Note from the Legation of Chile in Bolivia to the Minister of Foreign Affairs of Bolivia, No 42, 20 January 1879, **CCM Annex 91**, pp 89-92; Note from the

government rescinded the concession contract signed in 1873 with the Antofagasta Nitrate & Railway Company.¹² Following this decision, on 14 February 1879 Bolivia confiscated and ordered the auction of the assets of the company, in flagrant violation of the Treaty of 1874.¹³

14. Contrary to what Bolivia states in Annex 373, the Treaty of 1874 was violated by Bolivia – not by Chile – by the application of an illegal tax and its decision to auction off the assets of the Antofagasta Nitrate & Railway Company. The actions undertaken by Chile in the city of Antofagasta had the purpose of preventing the auction and, as a consequence, the definitive taking of the assets of the company; the protection of workers, the majority of which were Chilean and who had been ordered to be expelled from Antofagasta.¹⁴ At the same time, this action looked for the enforcement of the rights that Chile had always claimed to have up to 23° parallel as the treaties of 1866 and 1874 enshrined, and to seek to settle these differences with Bolivia by means of diplomacy.

15. On the events that followed that period, the discussions to agree on the bases for the Truce Pact, concluded with the Protocol to Make an Arrangement to Put an End to the War of the Pacific,¹⁵ dated 13 February 1884, did not contemplate any commitment on the part of Chile to grant Bolivia a sovereign outlet to the sea. This has been sufficiently clarified in Chile's Counter Memorial, in paragraphs 2.28, 2.29, and 2.30.

Chargé d'Affaires of Chile in Bolivia to the Minister of Foreign Affairs of Bolivia, 8 February 1879, **CCM Annex 94**; and Note from the Chargé d'Affaires of Chile in Bolivia to the Minister of Foreign Affairs of Bolivia, 12 February 1879, **CCM Annex 95**.

¹² Bolivian Resolution of 1 February 1879, **CCM Annex 92**, p 22.

¹³ Letter from Severino Zapata, Colonel of the Bolivian Army, to the Customs Administrator in Antofagasta, 11 January 1879, **CCM Annex 90**; Bolivian Resolution of 1 February 1879, **CCM Annex 92**, p 22; Telegram from a correspondent of the newspaper *La Patria* (Peru), 15 February 1879, **CCM Annex 96**; and Letter from the Consul General of Chile in Bolivia to the Minister of Foreign Affairs of Chile, 7 February 1879, **CCM Annex 93**.

¹⁴ See Chile's Counter-Memorial, para 2.23.

¹⁵ Protocol to Make an Arrangement to Put an End to the War of the Pacific, 13 February 1884, **BM Annex 103**, para 16.

16. When Bolivia negotiated and signed the Treaty of 1904, its representatives did not argue that there was any pending issue regarding an access or outlet to the Pacific Ocean arising from the Protocol of 13 February 1884.

17. As stated in the preceding paragraphs, Bolivia fails to present accurately the historical record. This failure encompasses not only the facts concerning the conflicts that existed between Chile and Bolivia. It also extends to the legal and historical context of events that occurred more than one hundred years ago-during the XIX century.