

INTERNATIONAL COURT OF JUSTICE

OBLIGATION TO NEGOTIATE ACCESS TO THE PACIFIC OCEAN

(BOLIVIA v. CHILE)

**MEMORIAL OF THE GOVERNMENT OF THE PLURINATIONAL
STATE OF BOLIVIA**

VOLUME II

PART I

(ANNEXES 1 – 115)

17 APRIL 2014

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POLITICAL CONSTITUTIONS

**ANNEX 1: EXTRACTS FROM BOLIVIA'S CONSTITUTIONS OF 1831, 1834,
1839 AND 1843**

ARTICLES RELATED TO THE TERRITORY

**A. POLITICAL CONSTITUTION OF THE REPUBLIC OF BOLIVIA,
SANCTIONED ON 14 AUGUST 1831**

Title I. the Nation

Chapter II. On the Territory

Article 3. The Territory of the Bolivian Nation comprehends the Departments of Potosi, Chuquisaca, La Paz, Santa Cruz, Cochabamba and Oruro, the Provinces of Littoral and Tarija.

**B. POLITICAL CONSTITUTION OF THE REPUBLIC OF BOLIVIA,
AMENDED ON 16 NOVEMBER 1834**

Title I. The Nation

Chapter II. On the Territory

Article 3º- The territory of the Bolivian Nation comprehends the Departments of Potosi, Chuquisaca, La Paz, Santacruz [sic], Cochabamba and Oruro, and the Provinces of Littoral and Tarija.

**C. POLITICAL CONSTITUTION OF THE REPUBLIC OF BOLIVIA
SANCTIONED BY THE CONSTITUTIONAL GENERAL CONGRESS OF
1839**

SECOND SECTION

The territory of the Republic and its inhabitants

Article 4° The territory of Bolivia comprehends the Departments of Potosí, Chuquisaca, La Paz, Santa Cruz, Cochabamba, Oruro and Tarija and the District of Littoral. The Departments and the district are divided into provinces and these are divided into cantons.

D. POLITICAL CONSTITUTION OF 1843

2nd SECTION

On the territory

Article 5° The territory of the Republic comprehends the Departments of Chuquisaca, Potosi, Paz de Ayacucho, Santa-Cruz, Cochabamba, Oruro, Tarija, Beni and the Littoral District of Cobija.

ANNEX 2: EXTRACTS FROM CHILE'S CONSTITUTION OF 1833

ARTICLES RELATED TO THE TERRITORY

**A. POLITICAL CONSTITUTION OF THE REPUBLIC OF CHILE,
1833 ENACTED ON 22 MAY 1833**

Chapter I

The territory

Article 1. The Chilean territory extends from the Desert of Atacama to Cape of Hornos, and from the Chains of Andes to the Pacific Ocean, including the archipelago of Chiloé, all adjacent islands, and those of Juan Fernandez.

NATIONAL LEGISLATION

**ANNEX 3: LAW OF INDIES, BOOK II, TITLE XV, LAW IX ON THE LIMITS
OF THE PROVINCE OF CHARCAS**

Law IX. Audience and Royal Chancellery of La Plata, Province of “Los Charcas”

Another Audience and Royal Chancellery shall be created in the city of “La Plata” of New Toledo, Province of “Los Charcas”, in Peru; with the President; five “Oidores” (judges) who shall also be Mayors, one Prosecutor, a Main Sheriff; a Deputy Chancellor, and the rest of the Ministers and necessary Officials for the District of the Province of “Los Charcas”, and the whole of Collao, from the Town of Ayabiri, through the road of Hurcosuyo, from Assillo Town through the road of Humasuyo, from Atuncana, through the road of Arequipa, to the area of “los Charcas”, including the Provinces of Sangabana, Carabaya, Iuries and Dieguitas, Moyos and Chunchos, and Santa Cruz de la Sierra, limits to the North with the Royal Audience of Lima, and undiscovered Provinces; to the South with the Royal Audience of Chile; and to the East and West with the two Seas of the North [Atlantic Ocean] and South [Pacific Ocean], and boundary between the Kingdoms of Castilla and Portugal, at part of the Province of Santa Cruz of Brazil. All those limits have to be interpreted and understood in conformity with the Law 13 which refers to the foundation and constitution of the Royal Audience of La Trinidad, Puerto de Buenos Aires, because it is our will that such law be complied with and enforced precisely and promptly.

ANNEX 4: BOLIVIAN LAW OF 5 NOVEMBER 1832

Law of 5 November, 1832

Reduction of indigenous contribution in certain districts of Atacama:

Exemption for the settlers of Lamar

**ANDRES DE SANTA-CRUZ, CONSTITUTIONAL PRESIDENT
OF THE BOLIVIAN REPUBLIC, ETC.**

We inform all Bolivians that,

The Chamber of Representatives with the approval of the Senators,

DECREES:

1. Starting from first semester of next year 1833, the indigenous of the Districts of Susques, Rosario, Antofagasta and Conchi, in the Province of Atacama shall pay only twenty reales per semester at a rate of five pesos for their annual contribution.
2. The indigenous of the Districts of San Pedro and Chiuchiu, in the same province shall pay four pesos per semester.
3. The indigenous settled in the Port of Lamar, and the ones that may move to this town shall be exempt from paying personal contributions.

Inform the Executive Power for its publication and fulfilment. Plenary Hall of the Chamber of Representatives. Chuquisaca, 3 November 1832, *José Estaquio Eguivar*, President – *Dionisio Barrientos*, Secretary.

This decree is given in the Government Palace of Chuquisaca on 5 November 1832. – *Andres Santa Cruz*. Minister of Finance, *José María de Lara*.

ANNEX 5: BOLIVIAN LAW OF 17 JULY 1839

LAW OF 17 JULY 1939

It authorizes the Executive to yearly invest the amount of thirty thousand pesos of the gross national incomes to repair the public buildings of Cobija; establishes a Customs Office in that port: authorizes the Executive to issue the respective regulations and orders.

With regard to the customs office it shall be installed under the rules of 4 October 1839

The General Constitutional Congress

DECREES

1. We authorize the Executive to yearly invest the amount of thirty thousand pesos of the gross national incomes to repair the public buildings of the Port of La-Mar, build a dock, external security, rearrange the replenished water supply, fix health posts and construction a lighthouse to accurately demarcate the bay.

2. A customs office is established in the mentioned port, the Executive will decree the regulations and orders which are aimed at this end.

3. The Executive shall report to the following legislatures the state in which public works, established under Article 1, are and the expenses incurred in.

Inform the Executive for its execution and fulfillment. Given in the Plenary Hall in the city of Sucre on 17 July 1839. José Maria Linares - President - *Fernando Balverde* – Deputy Secretary.

This is signed in the city of Sucre, at the Government Palace, on 17 July 1839. To be enforced. –José Mariano Serrano- *Manuel Maria Urcullu*.

ANNEX 6: CHILEAN LAW OF 31 OCTOBER 1842

COQUIMBO GUANO DEPOSITS

Santiago, 31 October 1842

Whereas,

The National Congress has adopted the following law project:

Article 1° All guano deposits existing on the coast of the Province of Coquimbo, on the coastal territory of the Desert of Atacama and in its adjacent islands and islets are declared: national property.

Article 2° All national or foreign vessel which without the authorization of the Government of Chile extracts guano from any of the areas within the territory mentioned in the above Article shall be confiscated with the cargo on board.

Article 3° The President of the Republic is authorized, for a term of five years, to tax guano with departure freight, or to export it on behalf of the nation, or to auction it for a period that does not exceed five years.

Article 4° The President shall also has the power to invest, once, if it were necessary, six thousand pesos in a maritime guard to prevent the illegal extraction of guano.

Article 5° The individuals who before 1 April this year had, in good faith, readied guano shipments in the coasts of the Republic making the necessary payments, shall be able to ship them until 1 January 1843, with a special permit issued by the

Government, if they pay in cash the customs rights for each quintal of guano extracted to the Custom Office that the Government assigns.

Whereof, having heard the Council of the State, I have approved and adopted it; and I instruct its promulgation and that it is put into force as a law of the Republic.

Manuel Bulnes

Manuel Rengifo

**ANNEX 7: BOLIVIAN LAW OF 4 NOVEMBER 1844 ON TRANSPORT
AGREEMENTS**

Which establishes the roads in the highways in the road from Cobija to La Paz and Potosi

JOSE BALLIVIAN – GENERAL IN CHIEF OF THE ARMY AND
CONSTITUTIONAL PRESIDENT OF BOLIVIA, &a. &a. &a.

We inform the Bolivian people that the Congress has enacted the following law and thus we publish it.

The Senate and the Chamber of the Representatives of the Bolivian National

DECREE:

Article 1° The Government will promote, through all means at its disposal, a society or individual enterprises which shall be in charge of establishing cart for portaging of cargo from Cobija to La Paz and Potosi, granting some privileges and pre-libation which it deems as un-harmful for the State or individuals.

2° if a year after the enactment of this law, the aforementioned society were not create, the Government will establish the said cart portage will be performed by the state, which shall issue appropriate regulations to that end.

Inform the Executive for its publication and compliance. Enacted in the hall of sessions of the senate at the Illustrious and Heroic city of Sucre on 2 November 1844.- Crispin Diez de Medina, President of the Senate – Buenaventura Guardia,

Secretary Senator, Government Palace based in Sucre, 4 November 1844- to be
Implement – José Ballivian- Minister of Finance- Miguel Maria de Aguirre.

We hence order all authorities of the Republic to comply with it and have it be
complied with. The Ministry of Finance shall have it published and broadcasted to
whoever it concerns. Illustrious and Heroic city of Sucre, 4 November 1844- José
Ballivian – Minister of Finance – Miguel Maria de Aguirre.

ANNEX 8: BOLIVIAN LAW OF 14 FEBRUARY 1878

THE NATIONAL CONSTITUENT ASSEMBLY:

DECREES:

Sole Article: The transaction aimed at imposing, as minimum, a tax of 10 cents per quintal of exported nitrates, concluded on 27 November between the Executive and the legal representative of the Nitrate and Railway Company of Antofagasta, is approved.

Inform the Legislative Power for its enforcement and fulfilment.

La Paz, 14 February 1878.

R.J. Bustamante, President – *Samuel Velasco Flor*, Deputy Secretary, - *Abdon S. Oндarza*, Deputy Secretary

House of the Supreme Government. La Paz, on 23 February 1878-

To be enforced.- H. Daza .- Great seal of the State – Finance and Industry Minister – *Manuel I. Salvatierra*

ANNEX 9: BOLIVIAN DECREE OF 28 DECEMBER 1825

Decree of 28 December 1825

Cobija Port is put into use with the name of La-Mar

Simon Bolivar

Liberator - President of the Republic of Colombia

Liberator of the Republic of Peru, and in charge of her Supreme Command

CONSIDERING:

1. That these Provinces do not have an port in service.
2. The so-called of port of Cobija is located that in the Province of Atacama and that it brings many advantages.
3. That it is a just reward to the merit of Great Marshall José de La-Mar, winner of Ayacucho (battle), the use of his name for the port; hears the Permanent Deputation,

DECREE:

<p>1. This port shall be in service since the next 1st January, as the main port of the Provinces under the name of La-Mar Port instead of Cobija.</p>

2. Offices for levying duties and taxes belonging to Public Finance shall be installed there.
3. The Great Marshall of Ayacucho, José Antonio de Sucre is in charge of the execution of this decree.

This Decree is given in the Government Palace of Chuquisaca on 28 December 1825 and shall be printed, published and communicated. *Simon Bolivar*. By order of H.E. *Felipe Santiago Estenós*.

ANNEX 10: BOLIVIAN DECREE OF 10 SEPTEMBER 1827

[Extract]

Decree of 10 September:

To grant concessions, gratifications and aid to the people and families that settle in the Port of Lamar, and ten leagues around the Port, as well as for those working at the post, from that point to Oruro and Potosi: who are deemed as a family.

This decree is ratified by Article 5 of 1 July 1829 and that of 18 February 1830, the Order of 3 November 1831, Article 3 of the Law of 5 November 1832 and the Decree of 6 January 1833 are analogous to it.

**ANTONIO JOSE DE SUCRE, PRESIDENT OF THE BOLIVIAN
REPUBLIC, ETC.**

CONSIDERING:

1° Having begun the introduction of foreign goods through the port of Lamar, the Government must provide full protection to this facilities.

2° That it is of interest of Republic to facilitate traffic through that port and to that end, it is necessary to increase population.

DECREES:

1° Every inhabitant of Lamar port, is exempt from paying any direct contribution for three years.

2° Inhabitants of Lamar, be national or foreign, will be given, for each family, for their homes and storehouses, a land 20 wide yards and 50 long, in the area assigned for population.

3° The person in charge for the settlement will trace the population in a regular manner and will make sure that homes are built in accordance to the plan provided.

4° Each indigenous family moving from any of the other Provinces of the Republic to settle the Port of Lamar, or ten leagues around it, will benefit not only from the exemption under Article 1°, but they will also be given two mules, two donkeys, two cows or oxen, ten sheep, tools for farming good enough for two people, and four 1.5 leagues of state land by the Government, so long as they sow this land within a year term.

5° At areas assigned for post, from port Lamar to Oruro or Potosi, that are unpopulated, the Government will provide twice as much the aid stipulated under Article 4° to the family in charge of the post service and will benefit from the exemptions stipulated in Article 1°.

6° To each indigenous family from other Provinces, which settles at Lamar port, within ten to twenty leagues of this port, will be given half the aid stipulated under Article 4°.

7° Every foreign family settling in any area of the Province of Atacama will be granted the aid provided under Article 4°.

8° A family is deemed as a couple married, with at least a child.

9° Families that pursuant to this decree would like to move from other provinces to Port Lamar will be helped with twenty pesos for transport, which shall be paid by the Prefect of the Department; and by introducing themselves to the person in charge of settling, they shall be granted the aid established.

10° The Prefect of Potosi shall have mules, donkeys, cows, tools etc, so that the families that move to Port Lamar are provided the said aid.

[...]

ANNEX 11: BOLIVIAN DECREE OF 1 JULY 1829

Decree of 1 July

Establishment of the littoral Government of Cobija, independent from Potosi; under the direct authority of the Governor of Atacama, able to directly address the Government; where the indigenous population shall be set in and the indigenous province taxes will be invested; the Governor of Cobija shall comply with the Decree of 10 September 1827.

1829

Great Marshall Andres de Santa Cruz, President of the Republic of Bolivia

CONSIDERING

That the port of Lamar, on the south coast, Province of Atacama is the only one that provides maritime trade advantages to the Republic and that it is therefore necessary to improve this important facilities by taking measures for prudential reasons, and

DECREE

- 1.** A littoral Government is founded, independent from the Department of Potosi in the town of Cobija, port of Lamar, in the Province of Atacama.
- 2.** The Governor to be appointed shall deal directly with the Supreme Government and shall send all his communications through the corresponding Ministry.

3. The Governor of the Province of Atacama shall be subject to the orders of the Governor of the Port and shall directly depend on his authority as he did before on the Province of Potosi.

4. The indigenous contribution of that Province shall be deposited in the treasury of Cobija, and might be invested, in the view of the Supreme Government, in improving the port and roads by presenting projects and budgets.

5. The Government of Cobija is in charge of the strict compliance of what is ordered by decree on 10 September 1827, for which it shall adopt the necessary measures in accordance to circumstances.

The General Minister is responsible for the execution of this decree and shall print, publish and make it known. This decree is given in the Government Palace of La Paz, on 1 July 1829, *Andrés Santa Cruz* - General Minister *José Maria de Lara*.

ANNEX 12: BOLIVIAN ORDER OF 26 NOVEMBER 1832

Order of 26 November

This provides the service of four monthly couriers from Potosí to Lamar: the Governmental correspondences do not pay postage, and double payment is charged to individuals.

State Ministry, Office of the Interior, Government Palace in Potosí on 26 November, 1832. On His Grace, the Prefect of the Department. His Excellency the President decrees that from this city to Lamar Port shall be establish four monthly mails, one per week. Being those mails paid by the Government, its correspondence will not pay postage, and individuals' mail shall be charged double. Your Grace knows the advantages resulting from this provision; because thanks to it they will make easy foreign relations and the individuals' communications that make their trade by this port. Therefore, His Excellency the President expects that Your Grace shall take promptly all necessary measures so that this order is duly enforced. God blessed Your Grace, Casimiro Olañeta.

ANNEX 13: BOLIVIAN ORDER OF 15 OCTOBER 1840

TO PROVIDE FACILITIES FOR THE STEAMSHIPS IN COBIJA

The Republic of Bolivia - Ministry of Finance – Government Palace in the city of Sucre on 15 October, 1840 – 32. To His Grace the Prefect of the District of Littoral

The Government is informed that steamships are close to arrive from the Pacific coasts, those steamships belonging to Mr. Guillermo Weelwright who has the exclusive privilege to navigate in such coasts from the Government of Peru, and to facilitate fast communications among the ports of those Republics, and also with Europe through the Panamá Isthmus; and desiring that the National Government contributes to the prosperity of the company which is one of the most highest importance for the trade, I have been notified by His Excellency the Constitutional President to inform His Excellency that each time those steamships arrive to that port they shall be provided with the facilities that are possible; to dispatch them at any hour, to avoid harmful delays to its traffic and also to allow them to establish in Cobija docks as a deposit for the coal, tools and food, with no fees for this reason.

This is a Supreme Order to its enforcement and shall be informed to whom are responsible. God bless Your Grace. His Excellency.- Miguel María de Aguirre.

ANNEX 14: RESOLUTION OF 1 FEBRUARY 1879

**THE TRANSACTION OF 27 NOVEMBER 1873, BETWEEN THE
GOVERNMENT AND THE NITRATE COMPANY OF ANTOFAGASTA
IS DECLARED NULL; THE EFFECTS OF THE LAW OF FEBRUARY
1878 ESTABLISHING THE 10 CENTS TAX ARE SUSPENDED**

The Ministry of Finance and Industry – La Paz, 1 February 1879- assessed at the Council of the Cabinet, upon what exposed by the District Attorney and considering: that laws are compulsory, in the whole of the territory of the Republic, since their enactment, be by promulgation or by their insertion into the official newspaper; that the law of 14 February 1878 was promulgated by both media, that consequently it could not be less compulsory for the Nitrate and Railway Company of Antofagasta, represented by Jorje Hicks; that the objection of a lack of personal notification is, due to this fact, illegal and untimely

Considering: that the aforesaid legal attorney has protested against the law of 14 February before the notary of the Port of Antofagasta, Jose Calisto Paz.

Considering: that even though such a protest introduced a practice unusual and unknown by our laws, it must mean, nonetheless, in the current case, the non-acquiescence and opposition of the company to the aforesaid law of 14 February 1878.

Considering: that this law is the last and main trial act by the company to reach an agreement with the government over the gracious and illegal concession, obtained from the Melgarejo administration, which were declared null and void by 9 and 14 August 1871 laws.

Considering: that the objection against the act approving the 27 November 1873 transaction implies a breach of this transaction and withdraws things back to the state in which the cited laws of 9 and 14 August 1871 were left.

Considering: that since the alienation of the national income is the competence of the Legislative body, it was necessary, for the validity of the convention of 27 November, that more than a transaction, it implies a great and free adjudication of nitrates exploitations rights “estacas”, which was approved by the said body, as it did by the law of 14 February.

Considering: that the law of authorization, when granting the Executive the capacity to transfer indemnifications and other pending claims against the State, it imposed the obligation of informing the Legislature, not with another purpose, than that of approving or not the stipulations which may have been agreed, by means of transaction.

Considering: that without that approval, the transaction dealt with, has been unable to be deemed as improved and with legal and definite value: that it was so declared by the legislative Power, which is the only one with the capacity to interpret laws, by the mere fact of having passed the law of 14 February.

Considering, finally: that the Government is the one to instruct to enforce or to comply with laws and to exercise overview and tuition of the national interests, whose virtue may rescind of the contracts concluded by the Administration and that they have not been complied with in good faith by the contracting parties: that the convention of 27 November 1873 concluded between the Government and the Nitrate Company of Antofagasta is rescinded and with no effect: due to this fact the effects of the Law of 14 February 1878 are suspended. The competent Minister shall dictate the pertinent orders, for the vindication of the nitrate

deposits owned by the Company. Take cognizance and inform who may be concerned and then return it.

Daza. – Martin Lanza.- Serapio Reyes Ortiz.- Manuel Othon Jofré.- Eulojio D. Medina.

**CORRESPONDENCE (MEMORANDUMS, DIPLOMATIC
NOTES, NOTES VERBALES AND LETTERS)**

ANNEX 15: CHILEAN MEMORANDUM OF 3 MARCH 1879

(In, P. Ahumada, *Guerra del Pacífico, recopilación completa de todos los documentos oficiales, correspondencias y demás publicaciones referentes a la Guerra que ha dado a la luz la prensa de Chile, Perú y Bolivia*, Imprenta del Progreso, Valparaíso, 1884, p. 64)

TO THE HONOURABLE DIPLOMATIC MINISTERS ACCREDITED IN CHILE

Santiago, 3 March 1879

Sir,

I have the honor to inform His Excellency about the reasons which justify Chile's vindication of the territories that possessed in the desert of Atacama, between the parallels 23 and 24 of southern latitude.

I trust that the reading of that simple narration will convince Your Excellency that Chile, in its relations with Bolivia, has not abandoned the moderation and temperance policy that always characterized it, but when it saw the paths exhausted and the dignity of the country and valuable interests of its citizens resident in that territory put in danger.

The highest and legitimate interests of the Government of Chile is that its international policy be duly appreciated by the Governments whose friendship is valued and whose esteem needs to be highly deserved, has induced me to record

in writing the exposition that now put in the hands of His Excellency, asking to submit this to their distinguished governments.

I do not need to ensure His Excellency that your nationals will find in the territory where this law prevails now, all kind the guarantees for its people and interests.

I take this opportunity to renew, His Excellency, the expression of my highest consideration with which I am, your attentive and obedient servant.

ALEJANDRO FIERRO

ANNEX 16: BOLIVIAN MEMORANDUM OF 31 MARCH 1879

(In, *Bolivia, Documentos oficiales de Bolivia relativos a la cuestión del Pacífico*,
Buenos Aires, 1879, pp. 105-115)

[Extracts]

MINISTRY OF FOREIGN AFFAIRS - LA PAZ, 31 MARCH 1879 [sic].

Mister,

The events – transcendental and of growing importance to the American Continent- that have been taking place, marked with violence and scandal, since 14 February, force me to address to His Excellency to express to you the unjust and outrageous fearlessness with which the Government of Chile occupied, by the force of arms, part of the Bolivian Coastal Territory comprehended from degrees 23 and 24 of southern latitude, taking over the important towns of Antofagasta, Mejillones and Caracoles, three sources of wealth on account of their natural products of nitrate, guano, silver, copper and other substances.

Such an attempt and highly detrimental to the Bolivian sovereignty and independence, of its property and dignity, has aggravated much more today with the occupation of Cobija and Tocopilla, which has been evidenced on 21 and 22 March.

The attitude in response to these acts and the duty of employing all means necessary so as to repel the force of armed aggression and vindicate the usurped territory naturally derive from the violent situation created by Chile against Bolivia.

Chile's aggression taking place amidst peace; without a prior declaration of war, or any other transaction, and with the negotiations initiated in this city by Mr. Videla- Chargé d'Affaires -still pending has indeed surprised my Government and taken it off guard. The presence of war vessel "Blanco Encalada" on waters of Antofagasta, was denounced from the very beginning by the public opinion and even by the very press of Valparaiso, as precursor of the events that have taken place subsequently; yet My Government, trusting the circumspection and the probity of Chile, did not want to lend its ear to such offensive and unacceptable rumours and it limited itself to question them to the Chilean representative. The reply consigned in its Note of 27 January, was satisfactory and my Government could not suspect that it was a means used to numb or darken truth, for in that event, it would have tried to guard its defenceless ports, without omitting any sacrifice and the armed occupation, would not have been, with no doubt, less easy, but it would have been much more honourable for Chile.

The defencelessness and distant location of the Bolivian coastal territory on the Pacific- far from action and power centres of the Bolivian Government-, the abruptness and unexpectedness of the event, what hidden in the view slowly and tranquilly conceived, since time ago, are both circumstances which affect the honour of the Government of Chile and which give its true nature and features to the crime committed against Bolivia and against public law of nations.

[...]

If the Chilean Foreign Ministry does not acknowledge and breaches the Treaties of Territorial Limits of 1866 and 1874, Bolivia will be forced to recover and keep its right of property over the three geographical degrees of its coastal

territory which it ceded to Chile through the said treaties, honouring peace and desiring to keep the most perfect harmony between both Republics.

Chile has not alleged any justification which could authorize the offensive war it has started against Bolivia. The aggression caused by the occupation of its territory and the breach of the treaties of territorial limits could not be any more unjust and violent, for Bolivia has been placed in an extreme situation, to its detriment, of resorting to arms for the defence of its usurped territory, of its evaded taxes, of its harmed dignity and of its flag outraged in its own territory.

[...]

ANNEX 17: BOLIVIAN MEMORANDUM N° 38 OF 22 JUNE 1895

MEMORANDUM ON THE DEVELOPMENT OF THE NEGOTIATIONS
ENTRUSTED TO THE BOLIVIAN LEGATION IN SANTIAGO TO REACH A
DEFINITIVE TREATY OF PEACE, FRIENDSHIP AND COMMERCE
BETWEEN THE REPUBLICS OF BOLIVIA AND CHILE

NEGOTIATIONS FOR A TREATY WITH CHILE

1895

Mission: H. Gutiérrez

N°38 1895

Memorandum concerning the development of the negotiations entrusted to the Bolivian Legation in Santiago to reach a final Peace, Friendship and Commerce Treaty between the Republics of Bolivia and Chile.

Santiago, 22 June 1895

Bolivian Legation in Chile

In the communiqué from our Foreign Ministry, dated Oruro, 3 September 1891 and marked with number 1, it was appointed as the main subject matter of the diplomatic mission formed in Santiago, “to make effective the protocol signed by this Foreign Ministry and the confidential agent of the governing board of Iquique, laying the foundations of the final Peace, Friendship and Commerce Treaty between Bolivia and Chile.”

In latter written communication, dated 12 September this same year, marked with N° 4, I was dictated that, “Mr. H. Gutierrez L.L., Bolivian Minister Plenipotentiary in Chile, primarily commissioned to conclude the Peace Treaty with Chile on the basis set out in the Protocol dated 19 May this same year, strives to get Chile to adopt the delimitation established by the Limits Treaty signed with Bolivia as the demarcation of the territories, adjoining Argentina, that have been transferred to it.

I was anticipated about, in the same communiqué, the elucidation and the definitive fixation of the boundaries between Bolivia and the Province of Tarapacá.

With the pact of Iquique subject to the deliberation of the National Congress of Oruro, the following agreement was reached: “the National Congress of Bolivia, finds the basis set in the protocol signed with the representative of the Governing Board of Iquique acceptable and trusts in the patriotic efforts of the Government, which when concluding the final Peace Treaty with the Republic of Chile, will accept it, inspired by the new parliamentary statements issued during the debate.”

In a communiqué dated Sucre, 9 December 1891, marked number 8, the Minister of Foreign Affairs told me that, “there is no need to hasten the diplomatic negotiations regarding the final Limits, Friendship, and Commerce with Chile, since Mr. Matta (Don Manuel Antonio) has refused to submit the protocol dated this past May to the Chambers, but we ought not to lose the opportunity to show the high officials of that country the solemn compromise they have assumed in the most difficult times of civil war; in such circumstances, Bolivia compromised its most valuable interests and its repose due to its providing the Governing board of Iquique its appreciated moral support:

The negotiations started in Santiago were affected by the condition that the congressional vote had caused to the Iquique protocol.

Mr. Matta, Chile's Minister of Foreign Affairs, had first showed being determined to sign treaties with Bolivia within the basis of the aforementioned protocol. He then thought of following our Foreign Ministry's proceeding, introducing it to the Congress. He finally decided to avoid such act to the point that the presidential message kept absolute reserve, as it actually happened with respect to the protocol dated May.

Minister Pereira, who replaced the one from Mr. Matta, avoided having a frank and discrete discussion with the Bolivian Delegation, limiting himself to state that the Government of Chile agreed, with no limitations, with the basis set in May. According to the Bolivian negotiator, he thought that it was essential to correct the mistaken rates that that protocol contained, address some omissions and extend the demarcation of limits up until latitude parallel 24, reduced to the territories found between parallel 23 and the mouth of Loa River to the Pacific, in both the 1884 Truce Pact and the protocol from May.

He postponed, meanwhile, the pursuance of the negotiations, to wait for, he said, the arrival of Don Juan Gonzalo Matta, from whom he was to get clarifications and enough information to formulate a complete concept with regard to the negotiation that had taken place in May.

Few days after the arrival of Mr. Matta, a new Ministry was created, becoming part of Mr. Juan Castellon's Department of Foreign Affairs.

From the very beginning of the conversations I had with him, he expressed his fear that the Bolivia – Argentina boundary Treaty, signed on 10 May 1889, would compromise the territories occupied by Chile.

This great issue was subject, since then, of broad elucidations and demonstrations that I was able to utter, with some difficulty, so as to establish the integrity of the Bolivian right in the Atacama Puna. I appealed for the effect of the text of the 1884 Truce Pact which left free and with no clear definition not only the territories found in the Andean range, which were never subject of Chilean intentions, but also those contained from the coast to the range, between parallels 23 and 24.

I understood that Mr. Castellon, after first having discussed this issue in a direct manner with me, and then, in a broader manner, through Don Juan Gonzalo Matta, to whom he had entrusted such issue, was convinced that the Bolivian diplomacy had proceeded within the scope of its unquestionable rights when acknowledging the Atacama Puna in favour of Argentina through its Treaty May 1889.

Indeed, he did not ignore the strength of my demonstrations and I understood that he did not frankly state his agreement, inhibited by the ideas maintained by the public opinion in his country, thus attributing the preceding acts of the Chilean Government the sufficient effectiveness when incorporating, by own will, the Bolivian territories contained between south latitude parallels 23 and 24, to the Chilean nation; and when considering, on the other hand, that in such intended incorporation, the territories contained within, which were never subject of discussion in the preceding and lengthy debates that had taken place before 1866 and 1874, were also to be included.

Meanwhile, I came to the realization that the course the negotiations were taking here, demonstrated the purpose held by the Chilean Foreign Ministry of indefinitely postponing the negotiations. Although such a tendency coincided with our Government's aspiration, as seen in the aforementioned communiqué dated 9 December 1891, it seemed wise to protect May's protocol with a much more explicit nature as well as one of a higher authority, so that it could be used as a precedent in the future development of negotiations.

I requested, to this end, to the Department of Foreign Affairs of this country (Chile), on 16 May 1892, an explicit acceptance of the Protocol that had been concluded on May 1891 with the Governing Board of Iquique, thus obtaining a frank and final reply of acceptance and acknowledgement of this Protocol.

Inspired by the latest instructions of my Government, true manifestation of the national aspirations, I addressed in a frank manner, in my conference with Mr. Castellon dated 31 May 1892, as supported by the communiqué with the same date, and marked N° 97, that I forwarded to our Foreign Ministry, the joint discussion of the Reyes-Matta Protocol, on condition that Chile acknowledged a port on the Pacific in favour of Bolivia, proposing, of course, the territories of Tacna and Arica, once they definitely become Chile's possession.

I based this initiative on the firm decision, much more stressed as days went by, that dominated in Bolivia, regarding the need of having an own port over the Pacific, highlighting that there was no consideration that could modify the feeling deeply embodied in all social strata.

Mr. Castellon provided nothing but evasive replies, taking our discussion towards other issues, which though in theory related with the subject matter, were subject to an extensive development, with no practical result.

II

With the negotiation set in the aforementioned terms, this Legation was informed, through communiqué dated June 11th, that a new office had been created, nominating Mr. Don Isidoro Errázuriz its Minister of Foreign Affairs, who from the very first moment expressed the intention and purpose of reaching definitive Peace and Commerce Treaties with Bolivia, by means of acceptable conditions.

This situation coincided with the Bolivian change of office, circumstance that imposed certain discretion upon me, until receiving new instructions that the new Government was to emit.

Mr. Errázuriz seemed to be annoyed by the fact that such instructions did not arrive as soon as he had expected. I then realized that this displays of impatience may have been part of his political plan, since in the course of events, it served him so as to justify his behaviour towards the Bolivian Legation in Chile.

Meanwhile, he was sharing his diplomatic activities in the French management to ensure the rights of those credited with that nationality with substantial titles to Peru's guano; with this Republic to strengthen the arrangement with France, with Brazil, where it is believed that he was about to form an alliance against Argentina, with the United States of America to settle old and new claims; with Argentina, readying the 1893 Protocol, if he could not have his impositions prevail, he would do this by means of Brazil's cooperation; and finally with Bolivia to whom he overfilled with promises showing himself as a restless workman at the service of Bolivia's needs and benefits, willing, on the other hand, to request for our concourse of blood and sacrifice in the given time.

Under these circumstances, broad, understanding, and sufficient instructions arrived to this Legation, aiming at satisfying Mr. Errázuriz's initiatives and reaching a Peace and Friendship Treaty, under the condition of reciprocal acceptance.

Such instructions dated 18 September 1892 and have the following wording: grounds for a Peace and Commerce Treaty with the Republic of Chile.

1st Bolivia declares that Chile has absolute and definitive possession over the territory mentioned in Article 2 of the Truce Pact of 4 April 1884 and over that situated south of parallel 23 between the sea and the high ranges of the Andes, that is, the line that starts from the Llicancaur (take into account Bertrand's map), passes through Pular, Varitas, Llullaillaco (34 kilometres north parallel 25), Azufre, (parallel 25) and connects with the line that has always separated the Republics of Chile and Argentina south of degree 26.

2nd Chile undertakes compensating Bolivia for the territory this latter cedes in accordance with the preceding ground (1st) with those of Tacna and Arica, be this through joint negotiations with other states before Peru, so that this latter agrees on modifying the Treaty of Ancón and grants its consent for the transfer of Tacna and Arica in favour of Bolivia, which will pay the amount set or the one to be set, in case the possession over such territories is conducted through plebiscite.

3rd In case the transference of Tacna and Arica in favour of Bolivia is not accomplished, through one or other procedure, the declaration and cession of territories stipulated in the first ground will not come to an effect.

4th In the event that Chile keeps the full ownership of the territories fixed by the 1st foundation, so that the transfer of the territories of Tacna and Arica in favour of

Bolivia is made effective, Chile is made responsible for Bolivia's debt credits under the Truce Pact and others that have their origin in credit compromises that may have been accepted for the purpose of public works contracted for the Bolivian Littoral or deriving from other equally legal acts.

5th If Bolivia wished to take responsibility for the charges mentioned in the 4th foundation, Chile will be obliged to pay on behalf of Bolivia the amount equivalent to those obligations, on account of the amount that Bolivia has to pay for the territories of Tacna and Arica.

6th Chile will provide Bolivia, as a loan and for the time necessary to negotiate a loan contract (two years at most), with all the amounts that Bolivia needs to submit when making the transference of Tacna and Arica fully effective, be this the total amount established, in case the 4th foundation prevails, be this the balance, in case Bolivia preferred to make use of the powers that the 5th foundation grants it.

7th Whether the transfer referred to through grounds one to six is made effective or not, Bolivia will enjoy of free of charge unbound transit through all Chilean ports or all those this latter possesses, from which, currently or in the future, railroads or some other means set out to Bolivian cities.

8th Bolivia and Chile's natural products will be imported respectively to the territories of these noble contracting parties, free from all custom duties, except for the encumbrance falling to those similar in the country where the importations are made. Municipal taxes on consumption in either of the countries will be subject to this very same restriction.

9th Chilean alcohols shall not be taxed higher than the tariff agreed for all other foreign alcohols.

In later communiqué, dated 24 September, such instructions were confirmed and the benefit of signing a separate commerce treaty was noted.

Once able to fully address the subject matter of the negotiations, I apperceived, after the cold and indifferent attitude with which Mr. Errázuriz held the Bolivian negotiation, avoiding and postponing with explanations that were never on short supply, the entering into discussion of the grounds that were to be used for our Treaty.

According to the information contained in my dispatch dated 25 October, Mr. Errázuriz declared that the negotiations with Bolivia were in crisis, introducing as motives, the Treaty with France, the planning of another one with Peru and, most of all, the alarming opinions by the Chilean Minister in Bolivia, who said to be jealous of the demeanour practiced by our country.

Mr. Errázuriz invoked with noticeable emphasis a communication from Mr. Matta, dated 10 October, in which, referring to the conference he had held with the President of Bolivia in extent, he said to have been deeply annoyed for not having held the negotiations aiming at calling off the negotiations with Peru, until the final arrangements with Chile are concluded.

Mr. Errázuriz corroborated, with his personal judgment, Mr. Matta's matched findings, not because he attributed a transcendental meaning to them, but rather because they fit the essence of his newest projects, as I could then understand, the purpose of faking fears that would justify to some extent, in his view, his ulterior conduct.

In subsequent communication, dated 8 November, I announced that as the only result of a recent conference, in which I asked for an explicit declaration with respect to the purposes that the Government of La Moneda (Chile) had, Mr. Errázuriz declared that it was necessary to wait for another opportunity so as to move forward with the negotiations with Bolivia, on account of the cordiality that preceded the international relations with Peru back then.

It was noticeable, however, that this intended cordiality was far from being effective, since Mr. Wiese, Peruvian agent in Santiago, complained back then about the so-called obstructions that the Bolivian Legation placed in the negotiations Peru was having with the Chile's Foreign Ministry. This antecedent demonstrated that in order to avoid the Bolivian negotiation, Chile was invoking the one with Peru, obstructing Wiese's road at the same time, thus making him understand that such obstacles derived from Bolivia.

In late November, Mr. Arce and I paid a visit to Mr. Errázuriz. On account of an initiative of his own, the Minister declared that the motives that had called off the Bolivian negotiations up until then had disappeared and that, on his side, there was no inconvenient to sign the treaties. He ended proposing that I myself submitted the worded project concerning the issue.

I submitted it immediately and it was kept to be studied at the Chilean Department of State, with Mr. Errázuriz declaring that he found it acceptable in advance, leaving, however, his reply pending, due to internal agitations that took place until 27 December, date on which he sent a counter project to the Ministry, labelled, Capital grounds.

The sight of this awkward document promoted the conferences that I had with Mr. Errázuriz and about which I informed my Government in the dispatches dated 28 December 1892 and 3 January 1893.

Although there was no doubt that such document had no other purpose but to obstruct the negotiations, I thought it was necessary to accept the future conferences proposed by Mr. Errázuriz and which, due to different excuses on his side, never actually took place.

Meanwhile, in late April, a new organization of Ministries was carried out, with Mr. Errázuriz taking office of the Ministry of Warfare and Navy and with Mr. Ventura Blanco taking office of the Ministry of Foreign Affairs, leaving no written evidence that confirmed the information that I had transmitted to my country with regard to the course and development of the negotiations carried out between Mr. Errázuriz and the Bolivian agent.

Due to such a grave consideration and after having consulted the project with Mr. Errázuriz, asking him to whether point out the corrections that, in his view, could be made to the exposure of facts, or to state his agreement, once convinced, and with the same consent that that regarding the exactness of my memorandum, I forwarded to the Chilean Ministry of Foreign Affairs the following dispatch:

Bolivian Legation in Chile – Santiago, 15 June 1893 – Sir- I have the honour to address to you to draw your attention to the special nature that the discussions have had until today. Discussions which, with the purpose of proposing a final Peace Treaty between the Republics of Chile and Bolivia have been held between the Department of Foreign Affairs and the Legation under my charge with no written evidence what so ever.

Meanwhile, I suppose you will agree with me, with regard to the need of somehow registering, at least in a written manner, the antecedents that have served as grounds during the aforementioned discussions, antecedents that could be a source of research, or at least one of reference for future negotiations, all the more necessary in case I was unable to reach a final term in the projected arrangements, notwithstanding my burning desire and my sincere purpose.

It is true that most of the discussions verified so far, were held with your honourable predecessor, Mr. Isidoro Errázuriz, who, fortunately, though being in charge of a different Office, is part of the current cabinet, situation which will allow to confirm with his consent, the exactness of the facts that I intend to expose in the course of this office.

It is worth noticing, of course, that until June 1892, the negotiations entrusted to the Bolivian legation in Santiago with the purpose of reaching a final peace Treaty that would put to an end the provisional status that currently governs the international relations between Chile and Bolivia entered a period of activity.

That Department was aware, of course, of the fact that such a provisional status could not go on indefinitely, without opposing to the strict definitions set in the Truce Pact of 1882, which in its Article 8 states that: “since the purpose of the contracting parties when concluding this Pact of Truce is to prepare and facilitate the setting of a solid and stable peace between the two Republics, they both bound themselves to pursue the actions leading towards this end.”

When that Foreign Ministry acknowledged the need of this aspiration, bringing justice to the Bolivian feeling, it confirmed with a great spirit and loyalty, the statements emitted in 1884 before the National Congress of Chile by the person who was the Minister of Foreign Affairs back then, Mr. Aniceto Vergara Albano.

Statements that represent the definitive and official comment of the Truce Pact concluded that year.

In them it is stated that: “whereas in the conferences from December 7th to 10th past year a practical result was not reached, it was at least made evident that for the negotiation of a definitive Peace Treaty, the Plenipotentiaries proposed Bolivia, as a non-negotiable condition, that their country be given an own port in the Pacific.”

Since it was impossible under those circumstances that Chile could accept or comply with that condition, as the uttermost motives stipulated in the quoted document show, the representatives of both countries had to convince themselves that the negotiations could not reach the definite term they had sought for so long as the difficulty caused by that condition was not solved.

The idea of concluding a final Peace Treaty was thus postponed until the proper timing arrived, and the negotiators committed themselves to looking for the solution to the war by means of a Truce Pact, that would grant both countries time and rest to prepare, in the most convincing way possible, the adjustment of that Treaty.

It resulted from the mentioned declarations that, notwithstanding the low spirits caused by defeat and the Chilean victorious armies located in the Bolivian frontiers, the Bolivian negotiators held, as an avoidable term to sign the Peace Treaty, the condition that this country be given a port of its own on the Pacific, and that only in the event that under such circumstances it is impossible for Chile to agree and comply with that condition, the final Peace Treaty is called off, for as long as the difficulty promoted by that condition is not solved.

The Chilean negotiator acknowledged, as it can be seen, the equity and need of the unavoidable condition held by the Bolivian negotiators of giving Bolivia a port on the Pacific, for if his criteria had been different, he would not have agreed on a provisional solution; that all that matters is the calling off of war.

Here, it is worth noticing that in years 1892 and 1893, Bolivia pretended not a point more than what was an unavoidable condition to the negotiations since 1884, without it being necessary to remember that its last condition could be considered most favoured, on account of the cordiality in its relations with Chile and of the link that was created for both countries by the declaration of acknowledgement of the Revolutionary Assembly of Iquique as belligerent, act that bond Bolivia to equal or more dangers than to those of the later victor revolution, in the fields of Concon and La Placilla.

On account of such antecedents, I was not surprised by the fact that since June 1892, that Department would persist in acknowledging in a frank and final way the equity of the Bolivian aspirations, repeatedly expressing the promise of transferring to Bolivia the territories of Tacna and Arica.

When informing my government of the state of the negotiations, I stated in 8 July 1892:

“I must add to these antecedents that the idea of securing the transfer of Tacna and Arica to complete the Bolivian nation has found a frank acceptance in the current Minister of Foreign Affairs, Mr. Errázuriz.”

According to our last conference, he was determined to request for the deliberation of this issue at the Counsel of the cabinet, declaring in advance that, in his view, the project would have a favourable acceptance, since it responds to

the international needs, generally accepted, and to the public opinion of this country, declaring themselves almost evenly in favour of such idea.”

On 6 September I added in a communication analogous to the preceding one the following:

“Mr. Errázuriz has presented, as he had told me before, the Counsel of the cabinet the idea of obtaining the territories of Tacna and Arica so that they are transferred to Bolivia, thus finding the acceptance sought for. He confirmed the observation made by me and himself with regard to the frank and final opinion ruling the Congress and the people already, favouring such an idea. I believe that the procedure to obtain a practical result, will be hard and difficult because it will necessary to recourse to the plebiscite, in view of the fact that Peru won't volunteer to conclude a new agreement.”

It is time for establishing, with all the solemnity that the case requires, that when dealing with the possible incorporation of the territories of Tacna and Arica to Bolivia, it had to always be considered under the condition that they become Chile's property, by means of lawful titles, that is, that this country is favoured in the plebiscite, stipulated in the Treaty of Ancón, and that, within this order of ideas and impositions there has always been a perfect agreement between that Chancellery and the Bolivian Legation.

The latter declaration is fully endorsed by the persisting attitude I observed, when Mr. Wiese, Peruvian agent, worked with earnestness in the diplomatic negotiations that his Government had entrusted him, partially referring to, the future condition of Tacna and Arica.

“As a result of these negotiations, the Bolivian negotiations suffered from a temporal stagnation, until mid-December, when they once again entered a period of activity.

“Invited then by H.E. Mr. Minister of Foreign Affairs, to present a project of grounds with regard to a definite Peace Treaty, I had the honour to draft these grounds and immediately present them to that Office.

“According to Article 1 of that project, the Republic of Bolivia has declared that of Chile’s with absolute and definitive dominion over the territories on the coast of the Pacific, from the mouth of river Loa, in the north, up to southern latitude parallel 24, which were subject of the treaties of years 1866 and 1874.

“According to Article 4 of the same project, as a compensation for the aforementioned territories, Chile transfers to Bolivia the territories of Tacna and Arica, which it may eventually be able to obtain, in accordance with the Treaty of Ancón, or by means of agreements which it can settle with the Republic of Peru. Article 5 states that “if the Republic of Chile were unable to obtain the definite transference of the territories of Tacna an Arica so that these are then transferred to Bolivia, the transference declared, i.e. from the mouth of Loa river to southern latitude parallel 24, by this latter will not come to an effect.

On 26 December I received a memorandum from that Office, which said:

“Capital Grounds- the Government of Chile finds no motive to astray away from what stipulated between the Government of Bolivia and the Governing Board residing in Iquique on 19 May 1871. It thus proposes that that Pact be maintained, with the amendment of 24 for 23 in the designation of the parallel to which Article 1 refers, and adding this one as an article:

“If as a consequence of the plebiscite that is to take place in conformity with what agreed upon on in Ancón in 1883, or by means of direct diplomatic arrangements, Chile obtained permanent dominion and permanent sovereignty over the territories of Tacna and Arica, Chile will cede these rights to Bolivia.

“A special Treaty would establish, in that case, how to refund the amounts Chile may have paid for the acquisition of Tacna and Arica, same which Bolivia would be under the obligation of paying; it would determine the limit between Tacna and Arica and the Chilean territory and it would comprise all other stipulations that the interests of both States may lead to.”

“I had understood that the acceptance of the grounds presented in early December had been in total accordance with that Office, since regarding them you were right to signify that even though being studied at H.E., the President of the Republic’s, dispatch, it had been your personal impression, not consulted with H.E. that there had been total agreement on the subject matter, and that an opinion divergence could be found only when dealing with some details.

“When I found out about the grounds received from that Office on December 23rd I had to see an essential difference, thus proceeding to immediately take the observations to the case to deliberation of Y.E., thus giving a conference started on the 28th of that month, same that was renewed and continued on January 2nd of the present year.

“When summarizing the terms of that conference, which I tried to translate with all the fidelity that the issue deserved, I communicated the following to my government on January 3rd.

“As I had the Honour to inform you, in my N° 34 dispatch, dated 28th the past month, that my conference with Mr. Erázuriz was left open, having resumed it just yesterday.

“As it can be followed, our differing concept regarding the discussed issue has caused an extended exchange of ideas, whose changing views can be summarized as follows:

1st When declaring, on my side, that the settlement formula proposed by Mr. Erázuriz, has no guarantee of execution, since it is reduced to a juncture or prevision from whose uncertain and eventual compliance would lead to a positive obligation undertaken by Chile, Mr. Erázuriz replied that the acts of the Minister of Foreign Affairs of that Republic, have the seal of trust and solidity, and that, the bond of execution, lays on positive acts, as the protocol Bacourt- Erázuriz, according to which, Chile offers four millions more for those territories (Tacna and Arica). He also added that every political and diplomatic action of that government aims directly at the acquisition of those territories for Bolivia; that in the light of this purpose, the concession for the construction of a railway from Tacna to San Francisco, which will take to that region more or less one thousand workers and along with them, new electors for the plebiscite; that the diplomatic action of Chile, has successfully spread overseas, closing every hope for Peru’s action, before the governments of France and the United States, outside its firm and unswerving disposition of employing public wealth to reach the chased purpose and of dealing with all the consequences.

2nd He also exposed that Peru would be happy with a simple declaration of Chile’s undertaking not ceding to Bolivia the territories of Tacna and Arica, granting, in exchange, all trade benefits that this country would like to obtain from Peru. He showed me on that occasion the text of the instructions that Wiese brought,

which was reduced to four points: 1. The cease of the invasion and handing over to Peru the territories of Tacna and Arica: 2. Reciprocal liquidation of rights over products of both countries: 3. Free entrance of vessels of both countries, in Chilean ports as well as Peruvian: 4. Arica's customs will distribute its income, separating a third part for Bolivia, another third part for Chilean creditors, and the last for Peru.

“As Mr. Erazuriz assured that such stipulations signified a great advantage for Chile, it is proper to tell him that my opinion was different and that trade franchises were nothing but a reciprocal and mutually advantageous concession. That Chile and Peru have signed their statistics on the basis of trade articles of one or the other country, thus resulting that they represent the same quantity of impossible matter.

“3rd Mr. Erázuriz insisted on regarding the commitments of Chile over Tacna and Arica, as a true sacrifice for this country, on account of the irritation that that act caused in Peru, as well as the possible difficulties with the Argentinean Republic, adding that he did not understand the little value that I attributed to such an important act, and that that fact added to the external difficulties of Chile- I replied that that step signified the natural and foreseen development of the treaty of Ancón and that consequently if there are any difficulties these would come from the Treaty itself. In that Treaty it was expressly established, I added, that the territories of Tacna and Arica would either become Chile's possession or be given back to Peru, depending on the result of the plebiscite. If by this title or any other, deriving from the special agreement, Chile obtained the definite property of those territories, to transfer them or to keep them, it would specifically proceed within the stipulations of a solemn pact, without the existence on account of that fact of the grave situation to which the Minister referred to.

4th Having insisted, on my side, on the fact that it was necessary to relate the cession of territories that Chile and Bolivia are to respectively concede, within the terms proposed on the grounds presented by this Legation, since, under Mr. Erázuriz's settlement formula, Bolivia's territorial cession to Chile, is firm and absolute, whereas that of Tacna and Arica is reduced to a mere promise depending on the willingness of this latter and thus subject to the differing concepts which could guide the criterion of the Chilean Government- Mr. Erázuriz repeated that there would be no reason for Bolivia or its government to question the word of Chile, and even less, of a solemn compromise, declared and established in a treaty or protocol.

5th As I must fear that it is not possible to reach to a final solution, in the new situation in which our negotiations are found, I told Mr. Erázuriz about my desire of formulating in a summary our long lasting conferences, so an authentic evidence of the core issues may remain. He replied that this procedure would cause the Chilean Foreign Ministry to be exposed in their relations with Peru, without refusing, meanwhile, to accept the idea, and telling me, at the same time, that the Government would soon move to Valparaiso, where we could continue with our conferences, free, on his side, from the affairs that currently oppress him.”

“Since that date and on account of various reasons, I have not had the chance to know if Y.E. insists on the conclusions of his memorandum from December or if they would be subject of a modification sufficient enough to get Bolivia's consent.

“I think I can expect for a reply from Y.E. with this regard, pleading at the same time, that you endorse the backgrounds established in this dispatch, with regard to the course and the development of the negotiations taking place since June 1892, so as to reach a definite peace treaty between the Republics of Bolivia and Chile,

thus ending the provisional condition ruling up until today in international relations of both countries.

“I have the honour to renew to Y.E. the expression of my highest and distinguished considerations.

The aforementioned dispatch was replied to by Mr. Don Ventura Blanco in terms that, whereas vague, evidenced the exactness with which the facts and antecedents were exposed, followed by his predecessor Mr. Isidoro Erázuriz. The text of this communication reads as follows:

“Republic of Chile – Ministry of Foreign Affairs – N°1011- Santiago.

28 June 1893- Mister - I have had the honour to receive the kind note addressed by Y.E., same which dated the 13th of the current month, in which Y.E. has believed necessary to consign different points that were subject of the conference concluded in the offices of my chamber on the 12th past month.

“On that occasion I had the honour to express to Y.E. the impossibility in which I found myself so as to formally evidence the exchange of ideas between Y.E. and my honourable predecessor, regarding the way of tending to the conclusion of a definite Peace Treaty between the Republics of Chile and Bolivia. I then noted that the fact that Y.E. did not ask for the formalization of those conferences at the very time they were concluded, confirmed my opinion, which I now maintain, that it was impossible to grant your request, at least not without hampering the constant practices of our Foreign Ministry and which are, doubtlessly, the usual in all countries when it comes to diplomatic relations and which prevent us from formalizing, months after they have been concluded, conferences for which it was believed that it was not necessary to leave evidence when they took place, and

when it was possible to record the spirit and scope of the ideas expressed in those conferences and in the circumstances that could influence in the soul of those concerned.

“The absence of timely formalization made me believe that Y.E yourself did not attribute to the ideas issued in the said conferences the nature of an official resolution to which it should be given the shape of style, be this by note or memorandum exchange or, by means of a protocol, so as to evidence that they thus became a Foreign Ministry agreement. The fact that there was no written evidence in this Office of the said conferences, forces me to abstain from the matters that could be dealt with in them, and even to reserve my personal opinion, since, I did not consider wise to express it in the current moment due to the reasons which, with full honesty and loyalty, I submitted to the firm criterion and honour of Y.E. Consequently, the only thing I can do so as to reply to your letter is to express to Y.E. my deep feeling for not being, although it does not please me, able to formalize or at least issue an opinion on facts or declarations that I have not been able to know of and that there is not and there has not been written evidence in the files of this Ministry, as you remember.

“At the same time I express this opinion, I want to assure that in the conference of the 12th this month which reference is made to I said that it was left at your disposition to deal with the grounds consigned in the pact concluded in the city of La Paz in May 1981, and to attempt, by all means possible, to give stability and greater development to the good and cordial relations that happily exist between Bolivia and Chile.

“I hope that this exposure of facts will persuade you that it has been of my interest to please Y.E. and that I regret having to limit myself to reiterate in this note and in very few words, what I sadly exposed to Y.E. in our last conference.

“I take advantage of this occasion to renew to Y.E. the assurances of my highest and most distinguished consideration.”

III

From that moment on, and with an invariable nature, the *sine qua non* grounds that were supposed to be consulted for a formal negotiation for the settlement with Bolivia were established.

It can be followed that the precision and meaning of such declarations were the main cause for the sterility that characterized the Blanco Ministry in the negotiations with Bolivia, perhaps because his withdrawal from all debate regarding the matter was an expression of its character, little inflected towards the acceptance of responsibilities that could compromise his political prestige.

This attitude matched with the negotiations started by the Minister of Chile in Lima, Don Javier Vial Solar, proposing a close bond with Peru and preventing Bolivia from its longing for a port on the Pacific.

His behaviour was not backed up by Chile. It left, however, as a footprint of his negotiations the idea of dividing the Territories of Tacna and Arica in three areas: the first one from Lama until the Deep Ravine (Quebrada Honda); the second one from this latter area to Vitor inlet and the third one from this latter to Camarones inlet. The area in the middle would be subject of the plebiscite set forth in the treaty of Ancón, estimated in 7 million pesos. The extreme areas will be incorporated to Chile and Peru's territory, respectively, estimating each one in one and a half million pesos.

IV

On 26 April 1894, a new Ministry was formed, thus Mr. Mariano Sanchez Fontecilla took office of that of Foreign Affairs.

I had the impression that this Ministry was futile, just like the preceding one when negotiating with Bolivia. The initiatives I conducted to move on with them were received coldly.

In mid-June I could see that the Ministry of Foreign Affairs reacted against its prior behaviour and that it exchanged ideas with influencing individuals of this Republic with regard to the way to deal with Bolivia.

As a result of these precedents, Mr. Don Eusebio Lillo visited me on either the 14th or 15th of July, on behalf of and instructed by Mr. Sanchez Fontecilla.

With such a character, I was informed about the Chilean Foreign Ministry resolution of activating the final solutions with Bolivia and Peru, for which effect, the agreement relating to the grounds that were to be followed in the plebiscite and that, pursuant to the Treaty of Ancón, would settle the definite ownership of the territories of Tacna and Arica was being actively negotiated.

Minister Vial Solar was to leave his Office in Lima and Don Máximo Lira was to take it over, so that this latter reacted against the policy of his predecessor in a more convenient sense and more accordingly to the Chilean Government.

The ten million valuation settled by the Treaty of Ancón for the territories of Tacna and Arica, would be reduced to seven millions, provided that those comprised between Vitor Inlet and Camarones, would be acknowledged in favour

of Chile and that those found between Deep Ravine and Lama be acknowledged to Peru, thus limiting the definition of the plebiscite to the central zone, where Tacna and Arica are located.

With this background, Chile proposed Bolivia the following grounds for a definite Peace, Friendship and Commerce Treaty.

1st Chile will transfer to Bolivia the central zone, that is Tacna and Arica, if it prevails in the plebiscite, for which effect, it will make all possible efforts along with Bolivia.

2nd If the result of the plebiscite does not favour Chile, then Chile will transfer to Bolivia the seven millions that it receives from Peru.

3rd An equal amount, seven millions, will be given by Bolivia to Chile, once the first obtains Tacna and Arica, thus agreeing on conditions acceptable to us for such a payment.

4th The credits, emerging from the obligations located over the Bolivian Littoral, will be acknowledged and concealed by Chile.

5th Trade stipulations reciprocally acceptable for both countries will be agreed upon.

As these grounds did not suit to my instructions, I told Mr. Lillo that I would accept them to be studied on my side and that I would ask for new instructions from my government.

In a conference that I had with the Minister of Foreign Affairs on 31 July he highlighted the need that the instructions requested for by me be imparted the soonest possible, thus renewing, at the same time, the convenience that the planned Treaty on territory be totally secret.

Mr. Lillo told me as well, a few days later, that another ground was to be added to the ones proposed, one which had slipped his mind and thus was omitted. This ground regarded the fact that if among the territories transferred to Bolivia were any containing nitrates deposits, the exportation and trade of these products was to be made with Chile's conformity.

Since early September, I was fully authorized, through the instructions set forth in dispatch N° 15 of 15 August, to engage into the negotiations prompted by Mr. Sanchez Fontecilla.

From the very beginning of the dialogue, I proposed the elimination of the phrase that posed upon Bolivia the payment of seven millions, in exchange for the territories of Tacna and Arica; proposal that was accepted by the Minister of Foreign Affairs.

As a result of further subsequent meetings, we had reached a final agreement on the following points:

1st Bolivia will transfer to Chile, the property and sovereignty of the territories comprised between parallel 24 and the mouth of Loa River in the Pacific.

2nd Chile and Bolivia will make mutual efforts to acquire the territories of Tacna and Arica, which are destined to Bolivia and are to be transferred with no financial compensation.

3rd If they became Peru's possession, Chile will give Bolivia the amount of seven millions received from Peru as well as the area of territory which extends from Vitor to Camarones.

4th The Treaty of Commerce will be separated and independent from those of Peace and Friendship and it will have a ten year term.

5th Chile will take responsibility and will pay for the credits emerging from the obligations emanated from the Bolivian Littoral.

6th The clause relating to the recognition and payment by Chile for the credits that Bolivia assumed in the Pact of Truce of 1884 remained in open discussion, thus limiting Mr. Sanchez Fortecilla's acceptance of a commitment, with no established amounts, that he would cooperate with the payment of the aforementioned credits.

7th So as to more precisely establish the conclusions agreed upon, both negotiators would present draft projects of the treaty of Peace, Friendship and Commerce in the current debate.

On September 21st, I submitted the project, resulting from the said agreement, which reads as follows:

Article I- the Republic of Bolivia declares that of Chile with absolute dominion over the territories located on the coast of the Pacific Sea, from the mouth of Loa River to southern latitude parallel 24.

Article II- From the mouth of Loa River, in the Pacific, the demarcation established in article II of the Pact of Truce of 1884 persists. Article text which reads as follows; “the Republic of Chile, for as long as this truce lasts, will continue governing, pursuant to the politic and administrative regime established in Chilean law, the territories comprised from parallel 23 to the mouth of Loa River to the Pacific, territories limited in the east, by a straight line which starts in Zapalequi, from the intersection with the demarcation which separates it from the Argentinean Republic to Licancaur Volcano. From this point on a straight line will run towards the summit of the inactive Volcano Cabana. From this point on another line will run towards the waterhole, found further to the south, on Lake Ascotan; and from this point on another line crossing along the aforementioned lake will run, thus ending in Ollagua Volcano. From this point on another line will run towards Tua volcano, further continuing to the existing division between the Departament of Tarapaca and Bolivia.

Article III- From parallel 23 to the south, the southern dividing line will run over the highest summits of the Andes, starting from Licancaur volcano, meeting Pomar (use Bertrand’s map), passing over Pular, Varitas, Llullaillaco and Azufre, in parallel 25, giving continuity to the line to the south, until it joins the one that has always separated the Republic of Chile and that of Argentina, south of parallel 26.

Article IV- As a compensation for the territories ceded by Bolivia, pursuant to the mentioned articles, Chile will transfer the territories of Tacna and Arica, which this latter Republic is to obtain first, pursuant to the Treaty of Ancón, or by means of the special agreements to which it can reach with Peru.

Article V- the Republic of Chile undertakes making all possible efforts, be this separated from or along with Bolivia, to obtain the definitive ownership of the

territories of Tacna and Arica, which it will then transfer to Bolivia, with no need of financial compensations.

Article VI- If the Republic of Chile were not able to obtain the definitive ownership of the territories of Tacna and Arica, for not having succeeded in its negotiations, or for not having prevailed in the plebiscite which, in accordance with the Treaty of Ancón, is to resolve the definitive fate of these territories, it undertakes transferring to Bolivia, immediately, in cash, or in its own bonds, the amount of seven millions, or more, which Peru acknowledges in favour of Chile, or pays to it for re-obtaining the territories of Tacna and Arica, as well as also, besides this amount, making it clear that the area of territory which comprises from Vitor inlet to Camarones ravine must be left outside the plebiscite.

Article VII- The Republic of Chile takes responsibility for the different credits, emerging from the obligations undertook by Bolivia, which regard sovereignty and administration of the territories this latter transfers to Chile, pursuant to this Treaty, as well as those emerging from the beginning of works started or performed in the said territories. These credits are: bonds for the railway between Mejillones and Caracoles (Bs. 2,190,000). Credit acknowledged in favour of Mr. Alsop and Valparaiso, supplementary to the rights of Don Pedro Lopez Gama (Bs. 835,000); those of Don Enrique G. Meciggs, represented by Don Edward Iquire, emerging from the contract concluded by the first mentioned with the Government of Bolivia on 20 March 1879, on the leasing of fiscal nitrates of Toco (Bs. 120,000), finally the credit acknowledged in favour of D. Juan Garday (Bs. 20,000).

Article VIII- The republic of Chile also undertakes responsibility for Bolivia's credits in force, acknowledged by Chile in the Pact of Truce of 1884, in favour of the mining companies of Huanchaca, Corocoro and Oruro, as well as for the

balance of the Bolivian loan of 1861, amounting to \$. 6.550,830.66 or calculated in Pounds amounting to 3000.246, to an exchange of 11d. weight.

Article IX- All Chilean ports, currently- or in the future- connecting with Bolivia, will be free for the duty free transit of importations and exportations of natural or manufactured products, proceeding from or destined to Bolivia.

Article X- The natural products of Chile and Bolivia, will be imported respectively to the territories of the high contracting parties, free from all custom duties, which are not the encumbrance falling also over those similar to the country from which the importation is made. Municipal taxes from one or the other nation will be subject to this same restriction.

Article XI- Chilean alcohols cannot be burdened, when interned to Bolivia, with a tax higher than the one governing other foreign alcohols, thus establishing that if any exception or privilege were agreed upon in favour of any State, Chile will be included in this privilege.

Article XII- Articles IX, X and XI of this Treaty will have a compulsory term of ten years, counted from the date of the exchange of acceptances. Once this term is over, any of the high contracting parties will be able to notify the other about the ejection of the said clauses.

I was not unaware of the fact that some points, with higher or lower significance, on account of their possible affecting the negotiations, would be observed by Mr. Sanchez Fortecilla and subject to a sober and well-intended study. I foresaw, on the other hand, that the main observations may be eliminated through further communications I had been expecting from my government. I received, to that effect, a telegram, immediately transcribed in communiqué of 9 October, in which

I was told: “You can accept the conclusion indicated in confidential communiqué number 19 which regards the Treaty of Trade. Once the duty freedom for natural products is conceded, propose, with regard to manufactured products, fifty percent of reduction. Grant extrication of these products only under this condition. If the Chilean negotiator accepts acknowledgement of the credits in favour of creditors on account of war seizing, with no interests, as provided for in the Pact of Truce, the proposition that Chile contributes with a share of twenty five to fifty percent will be advantageous. If payment of interests as provided in the Decree of 1884 were demanded for, wait for instructions arriving through mail the day after tomorrow.”

My surprise met no limits when in the conference alluded to Mr. Sanchez Fontecilla told me, after having read the document agreed upon and presented, that it was convenient to modify certain clauses. When he mentioned these modifications, I realized that they were nothing but a replacement of the essential conditions of the Treaty, as I confirmed in my dispatch to the Office of Foreign Affairs of Bolivia on 25 September, number 21, for other conditions which not only were different but also contrary to the ones expressly proposed.

This was, as can be seen, a retraction, motiveless, with no antecedents and on account of motives which up until today are shrouded in secrecy. As the only explanation for such unjustified behaviour, I was given nothing but ambiguous statements as these ones: “the projects on this matter vary in accordance with the circumstances”; “a certain balance in the diplomatic negotiations that concern Chile, Peru and Bolivia must be observed”; “individual willingness is different in politics relating to settling an issue”, etc.

In some of our preceding conferences he had told me about the fear that the Argentinean-Bolivia Treaty could compromise the territorial rights of Chile in the

occupied area. He did not state his observations firmly and he seemed satisfied with the elucidations I had made, thus showing the validity of Bolivia's rights over the territory of Atacama, transferred to the Argentinean Republic. It was time to consider the negotiations with Mr. Sanchez Fontecilla as concluded, who with his unexpected retraction he grounded his spontaneous propositions. I declared it this way when taking off from La Moneda.

I did not keep reserve with regard to this unexpected behaviour. I communicated it to Mr. Lillo, who had been an actor in the preliminary negotiations, at repeated and insisted request of Mr. Sanchez Fontecilla, and I could notice that, once the public took cognizance of what had happened, a unanimous spirit of disapproval toward the Minister of Foreign Affairs was uttered.

I understand that this circumstance contributed to the forming of a view which aspired in a positive and continuing manner for a Treaty of Peace with Bolivia. This impression kept developing until forming a powerful core of popular initiative in the different politic parties, it was also believed that an act of reparation was necessary so as to re-establish the prestige and firmness of speech of the Chilean Foreign Ministry, comprised on account of a long lasting period of inaction in its relations with Bolivia and more lately for an unexplainable retraction under spontaneously offered conditions.

It seemed that at the same time the notion of the true and permanent national conveniences opened their way through public opinion, thus emerging from it a feeling of regret for the time lost which could have been used to conclude the negotiations with Bolivia.

The state of international policy with regard to the relations with the Argentinean Republic and the prevision that in a future time the difficulties with that Republic

emerge again fit in these inspirations, without Chile having defined its situation with Bolivia.

V

Under these circumstances on 7 September the current Ministry was organized, with Luis Barros Borgoño taking office of the Ministry of Foreign Affairs.

I was invited by the new Minister to a conference which took place on 14 January that year. There he proposed the resuming of the negotiations stopped by his predecessor, so as to reach a Friendship and Commerce Treaty between Chile and Bolivia.

As a practical result of this conference which was not comprehensive enough in details, I took cognizance of the fact that we both agreed on the main matters.

In a second conference on the 30th, the Minister expressed the steps he had taken so as to, immediately and in virtue of agreements negotiated with Peru, obtain the definitive ownership of Tacna and Arica. He expressed to me the convenience residing in the fact of waiting for the result of this negotiation, that in case it was favourable, it would eliminate all uncertainty, thus being able to perform the real transference to Bolivia of those territories.

I totally agreed with him and it was our view that the internal policy of Peru favoured the negotiations started. In effect, the negotiations got close to a solution when the attack to Lima by the revolutionary force commanded by Pierola took place.

Together with the Bolivian negotiation, a debate taking place in Argentina relating to the fixation of the limits between Chile and Argentina developed in the press.

It is well known that the divergence in this order is contained within these concepts: the Argentinean Republic understands that the fundamental view emerging from the treaties of 1881 and 1893 is a demarcation which would run over the highest summits of the Andes mountain range in the main chain, thus having to look for in this chain and in no other one, the *divortium aquarum*, Chile holds as essential the continental *divortium aquarum*, admitting in that region the highest summits.

As the collocation of the San Francisco milestone is opposite to the Argentinean view, this latter's opposition soon developed.

VI

This debate complicated Bolivia, for the demarcation from San Francisco to the North and to parallel 23, would comprise the Atacama Puna, ceded to the Argentinean Republic by Bolivia in accordance with the 1893 Treaty.

It was essential, consequently, to always invoke Bolivia's right to face the complication that may take place now or later, invoking as a primary title in this judgment the text and the genuine meaning of the Pact of Truce of 1884, from which the following submissions emerge:

1st The Pact of truce of 1884 was limited to establishing and demarking the Chilean invasion, from parallel 23 to the mouth of Loa river to the Pacific, without mentioning at all the territories comprised between this degree and 24,

and far less those found south of the mountain range and which are now named”
Puna Atacama”

2nd Through law passed on 3 April 1879, the Chilean Congress declared, “the resolution of the Treaty of 6 August 1874 which existed with the Bolivian Republic and the subsequent invasion of the territory found between the parallels 23 and 24 of south latitude are approved”.

3rd That treaty caused the province of Atacama to remain free and commercially Bolivian giving much more strength to this right when declaring, “the lines of parallels 23 and 24 firm and subsisting, fixed by official representatives, Pissis and Mujia and which testify that the minute drawn up in Antofagasta on 6 February 1870” (Article 2 of the Treaty of 6 August 1974). According to this minute, Licancaur, Jonas, Perlas, Llullaillaco, Varitas, and Azufre, were fixed as the high points in the Andes mountain range, with Azufre being located before the intersection with the northern limit with Argentina.

4th Bolivia has not uttered declarations which compromise its acceptance to what Chile calls, “reincorporation of territories in favour of the Chilean nation”. It reminds that when claiming sovereignty over Salado river, found in the 26° 30’ of southern latitude, Chile intended its sovereignty up until parallel 23, thus later agreeing, as a result of long lasting debates, a transaction stipulated first in the Treaty of the 1866’ and endorsed in the 1864’, assigning as a definitive limit between the two countries parallel 23 from coast to mountain range.

5th That intended right of vindication or reincorporation has not been held firmly in Chile, it evidenced, on the other hand, that in the diplomatic debate held by Mr. Melchor Terrasas, opposing to the Constitution of Antofagasta, the Government of Chile invoked, as the only title it had to intend owning it, the Pact of Truce of

1874. The debate moved on these grounds in 1887, as evidenced in the notes signed by Don Francisco Freire of 7 February and by Don Miguel Luis Amunátegui on 24 July.

6th It was only on 15 December 1888 when Don Demetrio Lastarria, Chilean Minister of Foreign Affairs, declared that, “ the territory located south of parallel 23 was, in 1979, reincorporated to that of the republic of Chile”. A subsequent declaration, agreed upon in the minute of 1890, subscribed by the Chilean expert, Don Diego Barros Arana, and the Argentinean Don Octavio Pico, made it evident that the passage of San Francisco was chosen as a starting point for the demarcation to the south, “with the purpose of not compromising territories under Bolivian sovereignty, converted to Chilean legislation by the Pact of Truce of 1874”.

7th It is possible that Puna Atacama was occupied by Chile during and after the war; but since in Bolivia’s view such an occupation was not justified by any antecedent, because that would signify a new territorial absorption, it passed the law of November 1886, for the organization of the administrative service in different areas of the Bolivian border, adjacent to the Argentinean Republic. The Chilean Legation entrusted to Don Dario Zañarti opposed to that law and started negotiations so as to be heard. Consequently, the diplomatic agreement of 2 August 1887 was concluded. The Bolivian Foreign Minister, Don Juan C. Carrillo, undertook maintaining the status quo prior to the law of November, thus accepting the Chilean Minister’s observations, “for they are grounded in the manifest spirit of the stipulation contained in the last section of Article 2 of the Pact of Truce”. That section reads as follows: “in case difficulties were found, both parties will appoint a commission of engineers who will establish the limit that is fixed (from parallel 23 to the Loa) subject to the points set forth herein.”

(Consequently, Mr. Carrillo limited himself to the undertaking of a demarcation within the context of the Pact of Truce, i.e. from parallel 23 to the mouth of River Loa).

It is understood that that agreement on demarcation did not compromise, neither directly nor indirectly, the territories left outside what established in the Pact of Truce of 1884.

9th Bolivia has not doubted its full territorial sovereignty over Puna Atacama, and within that framework it signed its treaty with the Argentinean Republic in 1889, ratified with some amendments and exchanged in 1899, thus fixing as the dividing line “the highest summits of the Andes Mountain range”, i.e. pursuant to the demarcation practiced by Pissis and Mujia, from Licancaur to Azufre.

10th According to Chile’s criterion, Bolivia lost its territorial right permanently over that comprised between parallels 23 and 24 from coast to mountain range. Bolivia believes that there is nothing but a mere occupation act, and that the sovereignty of the first mentioned could only be regularized by means of a definite peace treaty and an explicit act of territorial union. The Argentinean negotiators to the Treaties of 1889 and 1893 have shared this view, thus deeming as incontrovertible that the Chilean occupation be amplified by an act of interpretation to the territories extending south of parallel 23. This act has nothing but a transitional nature, consequently the Bolivian sovereignty over them is still in force. With such a precedent the line uniting the highest summits of the Andean mountain range was fixed as the limit to the south, from the northern limit of the Argentinean republic adjacent to that of Chile’s until the intersection with parallel 23°.

VII

The Bolivian Legation has always had these conclusions in plain sight in the debate with the Chilean Foreign Ministry.

It is on that account that when shaping the stipulations of the Chilean Bolivian treaty currently planned, inspired by a severe spirit of loyalty, that is materialized in the essential plan of its Government, has been careful to safeguard, in the merits and shape of the Treaty, the integrity of the international Pact with Argentina.

When Mr. Barros Borgoño proposed me limiting the demarcation from the mouth of Loa river up until parallel 23, without mentioning neither the territories comprised between this parallel and parallel 24 nor those found inside them, I did not hesitate in accepting this proposal, though leaving it pending to new instructions from my government, as evidenced by my dispatch dated 5 May Number 84.

I understood that in this manner, our pact with Argentina was fully complied with, thus leaving the demarcation of limits of that territory to the commissions of the experts, within the scope of the attributions entrusted to them.

With a similar view and with analogous reasons I opposed to Mr. Barros Borgoño's proposition which pretended to add Mountain Range Zapalegui to the territorial cession. I totally refused to accept the proposal, preferring to break off the negotiations before accepting a clause which, in my view, affected our treaty with the Argentinean Republic, as I evidence in my dispatch of 9 April Number 103.

VIII

Finally on 18 May the final Treaties of Peace, Friendship and Commerce with Chile were signed, with a reserved nature with regard to Tacna and Arica, and separating the Treaty of Trade.

I believe there are enough reasons to believe they will be endorsed by the fore coming Congress and welcomed satisfactory by the public opinion.

It can be seen from article 1 of the Treaty of Peace and Friendship that the territories comprised between parallels 23 of south latitude up until the mouth of Loa River in the north are transferred to Chile, thus keeping the demarcation of limits set forth by the Pact of Truce of 1884.

Nothing has been settled with regard to the territories to the south of that parallel. The Bolivian Diplomacy was not to admit a speculation of limits on the mentioned territories, for this action was entrusted to the Commissions of Bolivian- Argentinean experts.

I was not, on account of that fact, to agree and stipulate with Chile the limits that the said commissions are to settle, and which will become the dividing line in the “South”, between the Republics of Argentina and Bolivia, or in any case Chile, once Bolivia has acknowledged the territorial right that the first one pretends under the title of “vindication of the territories extending between parallel 23 and 24”, ”from the sea to the Andes mountain range in the in the *divortia aquarum*”.

On account of such a great fact, I hesitated a little when accepting the proposal made by Mr. Barros Borgoño to limit our demarcation with Chile, to the one established for the Chilean invasion in 1884, thus suppressing the one we had

proposed between parallels 23 and 24, which fixes the limit line from the Licancaur in the proximities of parallel 23 and runs to the south over Jonas, Perlas, Varitas, Lullailaco and Azufre.

Thus, the Treaty stipulated a division which excludes all definition of the territories comprised inside parallels 23 and 24. Also, the status quo of 1889 and 1893 and the Bolivian-Argentinean Pact were fully maintained.

I confess there are errors in this stipulation, but that affects Chile only, who loses its chance of regularizing and consolidating its territorial sovereignty inside parallels 23 and 24.

In view of these considerations in my dispatch of 7 March Number 120, addressed to my Government I communicated the following conclusions:

1st. The acknowledgement of the line of Zapalegui which runs from parallel 23 to the surrounding territories of Licancaur Volcano, moving on from this point to the north until the Fua Volcano, cannot mean an acknowledgement of the vindication of territories to the south of that parallel and far less that of the province of Atacama, which are left free and outside that demarcation.

2nd It is true that in accordance to the Chilean view, the territories comprised inside parallels 23 and 24 from the sea to the Andes mountain range have been reincorporated to the Chilean republic, but opposing to this view is that of Bolivia, in accordance to which those territories have been included by means of an either extension or implicit behaviour caused by the provisional occupation established in the Pact of Truce of 1884.

3rd When confirming this fact, limiting the demarcation to the area extending from parallel 23 to the mouth of Loa river, we left the territories to the south to the status quo emerging from the facts under which regime the Bolivian-Argentinean Treaty was signed. Consequently, there was no room to any observation by the Argentinean Foreign Ministry. (I dare to believe that) that would happen if we modified unilaterally that *Status quo*.

4th I insist on the fact that we would stray from a righteous proceeding if by means of the Treaty with Chile, we fixed the southern limits of the Argentinean republic, fixing the line over the Licancaur up until Azufre, a procedure which has been expressly entrusted to the commission of Argentinean- Bolivian experts.

5th That procedure would lay a great difficulty upon Chile. As I have been able to take note of in my earlier communications, the matter relating to San Francisco landmark was eliminated, thus favouring the Argentinean Republic in case the line from Licancaur to Azufre prevailed. These two republics are disputing over the collocation of that landmark, because whether the demarcation line runs or not over the main chain of the range, i.e. through Azufre, Varitas, Llulailaco etc, up until territories surrounding Licancaur will depend on the place where the landmark is fixed. If the landmark collocation remains as it is, to the south of the main chain, the Argentinean view deducts that the limit would run over the next or subsequent strand, thus prevailing, as a consequence, the demarcation made in the map by Alejandro Beltrand.

When the uttering of observations, which I have set forth in Article 1 of the Treaty of Peace and Friendship, was over, I must also make it evident that with regard to such a great matter I accepted, in the development of negotiations, a conditional commitment depending on the instructions which I had requested for and I

received from my Government. I believe the other articles do not deserve an explanation.

Regarding the reserved Treaty, which establishes the transfer of territories which compensate as possible that acknowledged by Bolivia in favour of Chile, it is evident and explicit that such a compensation will be made with Tacna and Arica for whose effect Chile undertakes making all efforts, be this unilaterally or jointly with Bolivia, to obtain the definitive property of the territories of Tacna and Arica.

Chile would not comply with this solemn stipulation, if it did not make efforts “to the extent possible and which Bolivia would require”.

More importantly, the protocol of 28 May declares, complementary to the treaty, that, “the Chilean Foreign Ministry, in the discussion and development of the discussions relating to this matter, will base itself in the fundamental ground which is the acquisition of the Territories of Tacna and Arica so as to transfer them to Bolivia, without considering as an option, the extreme prevision enunciated in the quoted Article 4”. So this purpose is concluded within the next year upon the exchange of ratifications of the Peace and Friendship Treaty.

When assigning the Vitor inlet or another analogous, there seems to be no other solution, but that of an extreme prevision which has a permanent, subsidiary and guarantying nature.

“Consequently it has been established and agreed upon in stipulations that leave no room for the distrust that the territories of Tacna and Arica will be obtained by Chile and then transferred to Bolivia.

And when this Treaty is published, Peru will not be able to condemn Chile or Bolivia, for it affects in no way the rights or susceptibility of Peru, when grounding stipulations to the conditional titles that the Treaty of Ancón acknowledged in favour of the high contracting parties.

With regard to the Treaty of Commerce the instructions of our Government have been fully complied with, without being able to obtain the reduction of duty taxes for natural products. Meanwhile, all stipulations affecting the Bolivian trade and hampering the exercise of sovereignty are rectified.

As an essential definition the Treaty of Commerce has no bond depending on the other treaties, as its mandatory term is established to be one of ten years.

Alcohols are not included in duty freedom.

National industry will not be affected by the liberation, for Chilean products will be burdened with equal taxes to that of Bolivia's. Agreeing upon a new tax fee, which is not that stipulated before the current treaty, could be done. This restriction would not affect municipal action, for in the slow development of national industry, the need of constantly modifying the fee for those taxes cannot be foreseen. The fact that the fees in force today have been established once its convenience was studied, pursuant to the economic situation of national industry, can be followed.

If over the course of time some deficiency was evident, this would not signify a considerable lacuna, for the fixed and limited term for the treaty of trade eliminates the transcendence that the mentioned restriction would have under the current regime.

If despite the considerations exposed something unfavourable for Bolivian Treasury were found, a compensation will be found in Article 10, which obliges the high contracting parties to “stimulate the formation of societies of rail way constructing companies and to protect and guarantee the ones existing currently so they extend their strands to the most important centers.”

Whatever the importance attributed to these stipulations, the importance it signifies for Bolivia cannot be doubted. I understand that a construction from Tacna to the interior of Bolivia has been started and that the railway ending in Oruro demands for strands of rail way to Cochabamba and Colquechaca and their prolongation towards La Paz.

Bolivia will appreciate its conveniences and in accordance to them, it will set the lines that must fit in the definitions of that clause.

IX

As a consequence I believe that the Treaties of 18 May, completed by the additional pacts of the 28th, can satisfy the national longings and that when government deems its discrete and provisory attention towards this success, it will deserve the applause of Bolivian people and it can wait for the justice that this Treaties will make.

Opposing views, mainly by those who in Bolivia are accustomed to denying everything against the political adversary, will not be short of hand. Let hope that the view of national conveniences will surpass over them, opening its way through all extravagant assurances that, adorned by a fake patriotism and others by the shine of seductive expectations, pretend to impose themselves as possible solutions.

Upon tranquil views, the expectative formed by those who attribute to the rivalry of Chile and Argentina that lend of an effective protection that this latter would offer to Bolivia, in the extend that this latter required to re-conquer the territories dismembered as a consequence of the war of the Pacific cannot prevail.

If the Argentinean view was such, it would have already caused some indication that made it evident. There has been nothing, in the discrete behaviour of that Government in its relations with Bolivia, but a constant and discrete silence.

The undefined situation of our relations with Chile, favoured the firmness of the Argentinean intentions, before this Republic and in such a sense it was convenient for the Republic of La Plata to maintain the Pact of Truce of 1884 for as long as possible.

But such a convenience did not harmonize with the Bolivian one. Either here or in Argentina there could be a shift of the views and thus reach a final and absolute transaction. "Chile could waive its intentions without sacrificing anything but the obstinate technicality of their scientists. Argentina can waive theirs without leaving behind anything but its reluctance to an arbitral definition, established in its Treaties of 1881 and 1893.

What would be Bolivia's status had it not defined its relations with Chile?

Santiago, 22 June 1895

ANNEX 18: BOLIVIAN MEMORANDUM OF 22 APRIL 1910

The Government of Bolivia cannot allow the existing circumstances to pass without learning how Chile and Peru would receive suggestions tending to solve the Tacna-Arica controversy.

The only practical importance of those territories resides in their geographical and commercial relationship to Bolivia to the point that they may and will, with the ways of communication now building, constitute a province inseparable from the destinies of this country. For the signatories to the Pact of Ancón they possess no other than that attached to historical sentiment and national dignity.

Chile and Peru, holding the opinion of many of their eminent public men, should cease to have a common boundary and should set up the territorial sovereignty of Bolivia over an intermediate zone on the Pacific coast. It is needless to demonstrate the importance of this proposition, vital to the policy and equilibrium of the Spanish-American nations.

Bolivia cannot live isolated from the sea. Now and always, to the extent of its abilities, it will do as much as possible to possess at least one port on the Pacific, and will never resign itself to inaction each time the Tacna and Arica question is raised, jeopardizing the very foundation of its existence. It has pursued in the last few years a course of absolute fidelity to the conventions by which she was deprived of her coast, and has settled her boundary disputes with Peru by sacrificing much that in the light of its duties and rights appeared incapable of impairment, confident that someday events and high Providence would compel the only possible solution of this grave South American problem: the final embodiment of all or part of Tacna and Arica in Alto Peru.

A sovereign state cannot forego the possession through legitimate means of a zone of territory whose existence and prosperity depend on its traffic, commerce and proximity and whose embodiment in the country with which it maintains such intimate relations affects its safety and would assure its sovereign existence and economic development. This is the doctrine which within the canons of human rights this Chancellery professes and which Bolivia will defend with all the power of her will and spirit.

The Bolivian Government is far from seeking difficulties to bring into the controversy but it must fulfil a paramount duty in making known with entire nobility to Chile and Peru that she cannot stand idle at the historic moment that confronts the three countries and that she wishes to know whether the two countries that separate her from the Pacific could listen to propositions conducive to results that would conciliate the interests and dignity of the three peoples and insure their peace, good faith and fraternity.

Within the essential purpose that the delivery of a port to Bolivia would achieve and as a direct consequence of cessation of border proximity between Peru and Chile there would lie many forms of agreement by means of which diplomacy could conciliate and seal forever and by indelible bonds the interests and aspirations of each one of the participants in the War of the Pacific.

Bolivia, in taking this step, formulates her inalienable right to exist within the solidarity of America and hopes that the Governments of both Chile and Peru, as well as the Powers able to bring their influence to bear on the course of the destinies of the South American nationalities, will appreciate the importance, sincerity and honesty of our purpose, which rest on aspirations and interests of such magnitude that nothing can suppress them now or in the future.

The Cabinet of La Paz would be ready to propose to those of Santiago and Lima satisfactory bases and compensations in the event of their being willing to enter upon negotiations and their looking upon the attitude of Bolivia in a spirit of justice.

La Paz, 22 April, 1910.

ANNEX 19: CHILEAN MEMORANDUM OF 9 SEPTEMBER 1919

MEMORANDUM

I

The Treaty of Peace and Friendship concluded between Chile and Bolivia on 20 October 1904 defines the political relations between both countries in a definitive form and puts an end to all the issues derived from the war of 1879.

II

Chile has complied with all the obligations imposed by the said Treaty, and it was the spirit of that negotiation which bond the territory of Tacna and Arica to Chile's dominion, by expressly committing Bolivia to cooperate to that result.

III

Bolivia's aspiration of an own port was substituted for the construction of the railroad which links the port of Arica with El Alto of La Paz and the other obligations undertaken by Chile.

IV

The situation created by the 1904 Treaty, the interests based on this area and the security of its northern boundary impose Chile the need to preserve the maritime coast which is essential; but with the purpose of laying the foundations of the future union of the two nations on solid ground, Chile is willing to make all efforts for Bolivia to acquire an access to the sea of its own, by ceding a significant part of the area to north of Arica as well as the railway line, that is

located within those territories subject to plebiscite established by the Treaty of Ancón.

V

Independently of the stipulations of the 1904 Treaty of Peace, Chile accepts to engage into new negotiations to fulfil the longing of the friendly country, subordinated to the victory of Chile in the plebiscite.

VI

It would be subject of a prior agreement to determine the borderline that has to fix the boundary between the areas of Arica and Tacna which will respectively become Bolivia's and Chile's possession, as well as the other trade compensations or of other kind which are the basis of the agreement.

VII

In order to fulfil these goals, Bolivia would certainly join its diplomatic action to Chile's one and it would commit to effectively assure a favourable result for Chile on the plebiscitary vote in the territory of Tacna and Arica.

La Paz, 9 September 1919

ANNEX 20: CHILEAN MEMORANDUM OF 23 JUNE 1926

[Extracts]

“During the conduction of these good negotiations, notwithstanding the clearness with which our expectations of success in the plebiscite were submitted, we had occasion to express to the Secretary of State our acceptance of the following transactional formulas: 1° Division of the territory of Tacna and Arica leaving the department of Tacna for Peru and Arica for Chile, 2° creation of an independent State in the territory in dispute, as proposed by the mediator, so long as it was settled by the inhabitants of Tacna and Arica by popular vote; 3° transfer of the territory to Bolivia, as proposed by the mediator, so long as it was settled by the inhabitants of Tacna and Arica by popular vote, adding to the plebiscite of the corresponding option, as stipulated above.

Further on, and for the purpose of avoiding the failure of the conduction of these negotiations, which seemed to be imminent, we accept to sacrifice, in favour of Bolivia, a part of the Department of Arica. None of these formulas deserved to be accepted. The demands of Peru grew as our concessions advanced.

Peru’s indications to have the whole of the territory in dispute returned to its sovereignty and to give Bolivia a corridor south of Arica, taking what was left to the north of that line, show the serene and wise spirit with which we have sought to put an end to the enmity between Chile and Peru, which seems to deepen on account of facts which our Government sincerely deems as alien.-

Mathieu, Foreign Minister of Chile, Santiago, June 23, 1926.”

**ANNEX 21: SECRETARY OF STATE FRANK B. KELLOGG'S
MEMORANDUM OF 30 NOVEMBER 1926**

(In, United States Department of State / *Papers relating to the foreign relations of the United States*, 1926, pp. 505-509)

Memorandum

The Tacna-Arica controversy has engaged my closest attention ever since I assumed the duties of Secretary of State. All of my predecessors in this office during the past 40 years have followed with the deepest interest the varying phases of the problem, and several Secretaries, particularly my immediate predecessor, Mr. Hughes, have been intimately concerned, as I have been, with the task of contributing, if possible, to its solution. It is, I know, fully appreciated, not only by the parties themselves but by the world at large, that the Government of the United States never has had, nor can have, any motive or interest in relation to the matter other than that of a friendly adviser to both parties, anxious to do what it can to enable them to escape from the unfortunate situation in which they find themselves. This spirit, combined with an abiding faith in the sincerity of the contestants, has guided every step taken by my Government. I have at all times endeavoured conscientiously to observe the strictest neutrality, and have, I think, been able to arrive at a sympathetic appreciation of the respective points of view which have been presented.

In the present state of the controversy I am persuaded that it may be helpful to the parties if I outline candidly certain observations and conclusions which I have formed as the result of my experience with the matter during the past year and a half.

1. The numerous efforts which have been made since the Treaty of Ancón to effect a solution within the scope and intent of the treaty itself, whether by direct negotiations between Chile and Peru, or as contemplated by arbitration and plebiscite, have been thus far unproductive.

2. The recent negotiations for settlement outside the Treaty with the aid of the good offices of the United States have unquestionable served to explore the possibilities of adjustment, and define the positions of the principals. Representatives of the two Governments have explained their respective attitudes to me with the utmost frankness, and I am convinced that there is a sincere desire on both sides to arrive at a final and constructive adjustment.

3. We are obviously dealing with a question which turns upon a point of national honor. Now national honor is a very real thing, and in this particular case, it is perfectly clear that national susceptibilities in this regard are peculiarly sensitive in both countries and must be fully protected. I see no reason why this cannot be done. It is my conviction that this problem should be, and can be, definitively solved without the slightest sacrifice of national honor and dignity, or injury to national susceptibilities on either side. On the contrary, nothing could possibly redound so much to the honor and dignity of Chile and Peru as a high-minded settlement of this controversy, so as to permit them to stand before the world as friends unembarrassed by any serious differences between them.

4. I have studied with the greatest care the various types of solutions which have been advanced throughout the negotiations, and I have patiently listened to the views which have been so freely expressed by the representatives of the contending powers. Leaving out of consideration the attempt to carry out the unfulfilled provisions of the Treaty of Ancón, it would appear that from the nature of the case there are but three ways to deal with the disputed territory: You can

assign it all to one of the contestants; you can divide it between them on some basis to be defined; or you can effect some arrangement whereby neither contestant shall get any of the territory. These three general types comprise an exclusive classification of the logically possible ways to dispose of the *res*. I think it may fairly be said that the first of them, namely, delivery of the dispute territory in its entirety to one or the other of the parties, has virtually ceased to be regarded as a practical solution by anybody who really hopes for a permanent settlement.

The second method, that of division has also seemed to me to recede further and further into the background. The parties have not been able to find any formula or basis, either of straight division, or of division coupled with a "corridor" feature or a "free city" device, which is acceptable to both of them. The prospect of success by following this path is not encouraging. Apparently no scheme of division, however ingeniously worked out, has yet been able to overcome the stubborn fact that neither of the Governments considers that it can afford to make an adjustment which involves making substantial concessions to the other. The essential elements of compromise in the true meaning of the term are lacking. We may as well face the issue squarely, and recognize that division of this territory between Chile and Peru on any basis of agreement presents almost insuperable difficulties so long as each applies to every arrangement suggested the test of whether it may conceivably enable the other to claim a moral victory. I am not criticizing this attitude; I only state it as a fact which militates powerfully against a territorial compromise.

There remains the possibility of some arrangement by which neither contestant shall face the possibility of giving up anything to the other. Manifestly a solution of that character would possess the distinct advantage of eliminating all apprehensions arising from a comparison of relative territorial benefits secured. It would involve a joint, as distinguished from a mutual, sacrifice, and would rest

fundamentally upon the realization that in all the circumstances neither country can expect to receive any substantial part of this long disputed area, and at the same time enjoy the security and satisfaction accruing from a complete adjustment which they themselves, as well as the rest of the world, could regard as permanent. Concerning myself with the practical aspects of the problem, and conceiving it to be my duty to find, if I can, a plan which both Governments can afford to accept in the names of the peoples to whom they are responsible, I have come to regard this third method as one meeting the more vital conditions, and offering decided advantages from the point of view of permanent peace. I am moved to this conclusion principally because such a formula does not call for a moral surrender, or anything that can be so construed, by one country to the other.

5. In the course of the negotiations I have suggested for consideration, in one form or another, all three of these logically possible types of solution. On no one of them have the idea of Chile and Peru converged. I have suggested various combinations, such as division of territory with the “corridor” feature and the “free city” device annexed. Interesting discussions of details as to boundaries, etc. have ensued, but these discussions have led to no conclusion. I have also suggested the neutralization of the territory but this has not been received with favor by both parties.

To recapitulate: The proceedings under Article 3 of the Treaty of Ancón have not been successful. The parties have not agreed upon any division of the territory upon any basis whatever. They have not agreed to neutralization of the whole or of any part of the territory. No suggestion which has been put forward has proved acceptable to both Chile and Peru. What remains?

Notwithstanding the fact that an agreement has thus far not been obtained, and in the light of all that has taken place, I feel bound to consider what step it may lie in

my power now to take, in the pursuit of a friendly and disinterested effort to assist the parties; and after mature reflection I have decided to outline and place before the two Governments a plan which, in my judgment, is worthy of their earnest attention. I venture to express the sincere hope that they will adopt it. This plan calls for the cooperation of a third power, Bolivia, which has not yet appeared in any of the negotiations, at least so far as my Government is concerned. While the attitude of Bolivia has not been ascertained, save that her aspiration to secure access to the Pacific is common knowledge, it seems reasonable to assume that Bolivia, by virtue of her geographical situation, is the one outside power which would be primarily interested in acquiring, by purchase or otherwise the subject matter of the pending controversy.

With this preface let me now define the concrete suggestion which I submitted to the three countries:

a. The Republics of Chile and Peru, either by joint or by several instruments freely and voluntarily executed, to cede to the Republic of Bolivia, in perpetuity, all right, title and interest which either may have in the Provinces of Tacna and Arica; the cession to be made subject to appropriate guaranties for the protection and preservation, without discrimination, of the personal and property rights of all of the inhabitants of the provinces of whatever nationality.

b. As an integral part of the transaction provision to be made for adequate compensation to be given by the Republic of Bolivia for said cession, including public works, railways and improvements in the territory transferred, and taking into account the present value of all such public works, railways and improvements made by both Chile and Peru during the periods when they have respectively been in control and occupation of the territory; such compensation to be determined in direct negotiations participated in by Chile, Peru and Bolivia, it

being understood that the Secretary of State will place at the disposal of the three Governments his good offices, if they are required either to promote an agreement, or to fix the character and amount of compensation in case it should prove impracticable to determine the same in the tri-partite negotiation.

c. Chile and Peru to agree in direct negotiation upon the equitable apportionment between them of any cash compensation which may be provided for; it being here also understood that the Secretary of State will place at their disposal his good offices, if required to assist them in marking the apportionment, and that he will himself undertake to apportion the compensation if asked to do so by both Chile and Peru.

d. The promontory known as the Morro of Arica, with boundaries appropriately defined, to be reserved from the transfer to Bolivia, and to be placed under the control and jurisdiction of an international commission which shall be charged with maintaining it as an international memorial to the valor of both Chile and Peru, with the suggestion that there be erected on the Morro a lighthouse, or monument, to commemorate the friendly settlement of the Tacna-Arica question.

e. Simultaneously with the completion of the foregoing arrangement, or as soon thereafter as may be practicable, suitable treaties of friendship to be entered into between Chile and Peru covering the resumption of diplomatic and consular relations, treaties of commerce, navigation, and all other matters necessary to reestablish normal and friendly intercourse between the two countries.

f. The territory now comprised in the Provinces of Tacna and Arica to be, by agreement between Peru, Chile and Bolivia, perpetually demilitarized in the fullest sense of that term.

g. The City of Arica by appropriate agreement among the three powers to be made forever a free port, and adequate provision to be made insuring that no discriminatory rates or charges, as among the three countries, Chile, Peru and Bolivia, shall be made with respect to the port, or to the railroad, or to any other

means of communication within the said territory now comprising the Provinces of Tacna and Arica.

6. In submitting this plan I have not undertaken to do more than sketch its broad outlines. The details should, in my judgment, present no serious difficulties. The main advantages which this type of solution has over others which have been considered need little emphasis.

a. It furnishes a substitute for the unfulfilled provisions of Article 3 of the Treaty of Ancón, and thus forever disposes of the controversy which has existed ever since that treaty was signed.

b. It is a clean, simple solution free from obvious complicating factors attendant upon other plans.

c. It is comprehensive and definitive, leaving no room whatever for claims and disputes, and maneuvers for revision of territorial dispositions.

d. It can injure no national susceptibilities, either Chilean or Peruvian. Neither country makes any concession to the other and the moral positions of both, so far as the original controversy is concerned, are left intact.

e. It takes into account the continental interest in the controversy and embodies a settlement which South America as a whole could welcome as one insuring permanent peace and stability.

Frank B. Kellogg
Secretary of State

Washington, November 30, 1926

ANNEX 22: CHILEAN MEMORANDUM OF 4 DECEMBER 1926

(In, United States Department of State / *Papers relating to the foreign relations of the United States*, 1926, 511-512)

Memorandum of the Chilean Government

The Government of Chile has read with keen interest the Memorandum in which His Excellency, the Secretary of State of the United States of America, submits to its consideration the general lines of a plan intended to procure a definitive solution of the controversy regarding Tacna and Arica. The reflections which the Secretary makes in setting forth the antecedents which have induced him to favour that formula, move the Chilean Government to recall, although briefly, the principal historical and diplomatic phases of the question.

The Secretary of State is aware that we can point with dignity to our tradition of a century of foreign policy, always characterized by a spirit of cordial friendship for all of the peoples of America. Never have we failed to make any sacrifice, however great it might have been, when a principle of Pan-American solidarity required it for the purpose of safeguarding the political independence of a nation of this continent.

We do not wish to recall the historic causes which resulted in the break, which in our opinion the Treaties with Peru, of 1883 and with Bolivia, of 1904, brought to an end, and which loyally re-established the cordiality and peace in which, for more than fifty years, we have been living with these nations.

Only one question remained unsettled at the termination of the War of the Pacific: the definitive nationality of the territory of Tacna and Arica, which was to be decided by its inhabitants ten years after the date of the Treaty.

During forty years, in spite of our repeated initiatives to bring about an agreement fixing the bases to which this popular vote should be subjected, it was not possible for us to reach a satisfactory result.

In tranquil possession of the territory and sure that time would be our best ally to consolidate the position we reached in those provinces, to whose moral and material progress we have devoted our best energy, we spontaneously renounced that privileged position and went to Washington to seek a definitive solution for this longstanding question, animated by our high conception of international confraternity.

The Washington Protocol, entrusted to His Excellency, The President of the United States, the fixing of the bases of that solution and his Award entirely upheld the Chilean thesis which defended the principle of the determination of the sovereignty of the territories through the free will of its inhabitants.

The Plebiscitary proceedings evidenced the enormous electoral majority that existed there in favour of Chile, consecrating our rights to the definite annexation of Tacna-Arica to Chilean territory.

If that verdict had been unfavourable to Chile, our Government and people would have hastened to respect and fulfil it honourably.

In spite of this legitimate expectation, the Government of Chile has not hesitated to entertain the suggestions of the Department of State looking forward to the

division of the territory, a sacrifice accepted only as a generous effort in furtherance of peace.

The Secretary of State, who justly appeals to national sentiment of fundamental importance in this problem, will understand the full extent of this sacrifice if he considers the work of culture carried out in those territories by men who devoted the best years of their lives to permit them to enjoy all benefits of civilization. Teachers, soldiers, missionaries, manufacturers, were the tireless workers of this crusade.

The Republic of Bolivia which, twenty years after the termination of the war spontaneously renounced having a seacoast, demanding as more suitable for its interests, compensation of a financial nature and means of communication, has expressed its desire to be considered in the negotiations which are taking place to determine the nationality of these territories.

Neither in justice nor in equity can justification be found for this demand which it formulates today as a right. Nevertheless, the Government of Chile has not failed to take into consideration this new interest of the Government of Bolivia and has subordinated its discussion, as was logical, to the outcome of the pending controversy with the Government of Peru.

Furthermore, in the course of the negotiations conducted during the present year before the State Department and within the formula of territorial division, the Government of Chile has not rejected the idea of granting a strip of territory and a port to the Bolivian nation. The lofty and inspired proposals which the Government of Chile has accepted in this particular matter, did not encounter on the part of the Government of Peru the reception which they deserved, and the question has remained pending until the present moment.

Our Government remains within the stipulations of the Treaty of Ancón, thus following its long and uninterrupted tradition of respect for the pledged word and the faithful and exact fulfilment of international obligations. With the same thought it has respected the Award of President Coolidge and believes that the best solution of the problem is the application of the method indicated in Article 3 of the Treaty of Ancón and confirmed by the decision of the Arbitrator. The definitive possession of the territory as between Chile and Peru, once determined in conformity with these provisions, the Chilean Government would honour its declarations in regard to the consideration of Bolivian aspirations.

The proposal of the Department of State goes much farther than the concessions which the Chilean Government has generously been able to make. It involves the definitive cession, to the Republic of Bolivia, of the territory in dispute and although, as the Secretary of State says, this solution does not wound the dignity of the contending countries and is in harmony with the desire, repeatedly shown by the Chilean Government to help satisfy Bolivian aspirations, it is no less true that it signifies a sacrifice of our rights and the cession of a territory incorporated for forty years in the Republic by virtue of a solemn Treaty, a situation which cannot be juridically altered, except by a plebiscite, whose results are not at all doubtful in the opinion of the Chilean people.

At no time did the Government of Chile abandon this solid juridical position given it by the Treaty of Ancón and the Arbitral Award and will not abandon it now. Nevertheless, in deference to the great cause of American confraternity and being anxious to foster reconciliation among the countries involved in the War of the Pacific, Chile has always been disposed to listen to all propositions for settlement which might contribute toward such lofty aims and at the same time

might offer compensation proportionate to the sacrifice of that part of its legitimate rights which such proposals import.

She now desires to attest, once more, that in discussing such propositions she does not abandon those rights, but solely has considered the possibility of sacrificing them freely and voluntarily on the altar of a superior national or American interest.

In this sense the Chilean Government agrees to consider, in principle, the proposal, thereby giving a new and eloquent demonstration of its aims of peace and cordiality.

The Secretary of State justly assigns special importance to the commercial ties between the interested countries. We understand and share this high aim, not only in the sense of solving the pending question, but also to re-establish friendship between the countries separated by the conflict of 1879.

Being of this opinion, we attach primary importance to the previous conclusion, among the three countries, of Treaties of Commerce, of Agreement on Customs, Ports and other matters of this character, which may serve as a solid tie in the present, which will insure harmony in the future and which will cement the economic union of Bolivia, Peru and Chile, as a basis for a more ample understanding among all the peoples of Latin-America, facilitating their trade and furthering the progress of the continent to the service of mankind.

Consequently, we deem it advisable that the Treaty of Commerce and Customs Agreements which the Secretary of State suggests be concluded with Peru must also be extended to the Bolivian Government in accordance with our constant desire to draw nearer to that nation. This would be for Chile nothing but the consecration, upon a solid basis, of the intense commercial current which exists

today between Chile and Bolivia and which it is to the interests of both countries to intensify.

The Chilean Government attributes capital importance to the thoughts which the Secretary of State set forth in his "Memorandum" with regard for the character of perpetual neutrality in which these territories must be maintained. We, therefore, agree with him that the term demilitarization of that region must be understood in its widest sense, eliminating absolutely all possibilities that in it or in its territorial waters there may be maintained bases of forces of land, air or sea. We must, in this respect, express to the Secretary of State our opinion with frankness and precision. If we grant a means of communication to the Pacific intended to develop the economic life of Bolivia, we have the right to make sure that the sacrifice we are making in deference to a lofty ideal, will not constitute a future danger to our external security. As a natural corollary to this idea, it would be indispensable to stipulate that the territory whose cession is proposed could not be transferred, in whole or in part, to any of the contracting nations or to any other power. The acceptance of any other view would be tantamount to a distortion of the noble motives which inspired the Secretary of State in formulating his proposal.

In the course of the negotiations to which this proposal may give rise we shall present in definitive form the observations hereinbefore formulated, we shall submit all those which may involve our interests and we shall listen with attention to those which the other interested parties may in their turn suggest.

The proposals of the Secretary of State and the suggestions which the parties may formulate we shall consider as an indivisible whole, which corresponds to the lofty aim of the Government of the United States, fully shared by the Government

of Chile, to solve definitively the question and to insure peace and confraternity among all nations of America.

SANTIAGO, DECEMBER 4, 1926

(Illegible signature)

Jorge Matte

Minister of Foreign Affairs of Chile

ANNEX 23: BOLIVIA'S FOREIGN AFFAIRS MINISTER MEMORANDUM

N° 327 OF 1 AUGUST 1929

(In, United States Department of State / *Papers relating to the Foreign Relations of the United States, 1929*)

Memorandum No. 327. La Paz, 1 August, 1929.

Mr. Minister: Confirming the rumours which have been circulating that a secret protocol had been agreed upon between Chile and Peru which would fundamentally affect Bolivia in her policy of maritime restoration, the said agreement has just been officially published, the secrecy of which was frustrated by the knowledge thereof which American public opinion succeeded in gaining.

The recently published protocol re-establishes one of the clauses of the Treaty regarding the division of the provinces of Tacna and Arica, a clause the text of which is given below and which was withdrawn from the Preliminary Agreement on account of timely suggestions from the Government of the United States of North America which, having mediated in the solution of the dispute, believed its maintenance inexpedient for the future of the negotiations which Bolivia might open.

According to the additional agreement, the Governments of Chile and Peru shall not be able, without a previous accord, to transfer to A Third Power the whole or a part of the territories which, in conformity with the Treaty of the same date, remain under their respective sovereignties, nor shall they be able, without this prerequisite, to construct new international rail routes across them.

This provision was covenanted directly against Bolivia, for which reason the additional agreement arouses our formal reservations, which we wish to make known to the chancelleries of sovereign States, and to international organizations, confident that they must find them rightful and legitimate.

Bolivia, who was forced into the war of 1879 by the military occupation of its port of Antofagasta by Chile, shared the vicissitudes of the campaign with her ally Peru, and Chile being victorious, our country, as a result of an unjust war which it did not provoke, suffered the dismemberment of all its coast along the Pacific Ocean, which amounted to an extent of two hundred miles.

Since that time she has never, on any occasion, renounced its right to have its maritime sovereignty restored, always appreciating that, the free communication of nations by the sea—which is common to all the people of the earth—is an inalienable and imprescriptible attribute of the sovereignty of every independent State. This principle, applicable today in International Law, even to nations which do not have seaports of their own, is applicable with greater reason to a State such as ours which had had an extensive and rich littoral withdrawn from its dominion as the result of a war of conquest.

The fact that, as a consequence of the same war, the territories of Tacna and Arica had remained in the possession of Chile, without defined sovereignty, caused Bolivia, who always considered herself a principal party in the settlement of the dispute which had occasioned her so much injury, to open various diplomatic negotiations to recover her maritime sovereignty through Arica.

The Republic always took into consideration the fact that, through the Treaty of Peace signed at Ancón between Chile and Peru, in 1883, Chile, who acquired

sovereignty over Tarapaca, would not be likely to consent easily to the restoration of our maritime sovereignty, through a zone which was not north of the conquered territory.

These negotiations, more than once met with a favourable reception with the Governments of Lima and Santiago, the aspirations and rights of Bolivia culminating in the suggestion which the Secretary of State of the United States of North America, Mr. Kellogg, made on 30 November, 1926, proposing that the territories of Tacna and Arica should be transferred as a whole to Bolivia by the two countries which were contesting their jurisdiction.

Chile accepted this suggestion in principle, declaring that the proposal of the Department of State “involves the definitive cession of the disputed territory to the Republic of Bolivia” “and harmonizes with the often repeated desire expressed by the Government of Chile, to assist in the satisfaction of Bolivian aspirations.”

Peru did not accept the Kellogg suggestion, but, in referring thereto, expressed the following ideas: “This rejection, however, does not mean an intention to obstruct any other solutions. Far from that, Peru has accepted the partial or complete internationalization of the provinces and has accepted the division of them, freely giving a narrow passage to the shore to Bolivia and an inlet on it, on conditions which permit of its being converted into a large, convenient and safe port.”

President Leguia, in his Message to Congress in 1926, stated further: “The problem of the Pacific cannot be solved without invoking the right of Peru and, in any case, our fraternal willingness to aid Bolivia in securing an exit to the sea which she claims with such great need.”

Such eloquent and solemn declarations, coming from the Governments which participated in the struggle of 1879, did not seem destined to be cast into oblivion. It may, however, be observed that these acknowledgments of our right encountered a serious obstacle in the undetermined as to the sovereignty of Tacna and Arica. For that reason, when Chile and Peru concluded the Treaty recently ratified, which provides for the division of those territories, we Bolivians thought that the obstacle of indivision and the lack of a definite sovereignty was finally disappearing, it being always easier and more possible to come to an understanding with the State possessing the port of Arica, which should expedite the solution of the problem of our maritime restoration, because therein lie the historical and economic antecedents which have their root in the war of 79, and which have created the landlocked situation of Bolivia which keeps, and will always keep alive the fire which feeds her ideals for the recovery [of her maritime sovereignty].

If the negotiators of the recent factum had been seeking the reign of peace, harmony and justice on the continent, they should not have closed their eyes to the case of Bolivia, forgetting their former solemn declarations, and a high American duty imposed on them the obligation freely to open the way to the satisfaction of our rights and needs. If they were endeavouring to settle the consequences of the war of 1879, as Bolivia participated in it, losing extensive and rich territories, and her maritime sovereignty, there was nothing more essential than to have taken care of that reparation.

Far from acting thus, they have given new life to the obstacle which was formerly invoked as insurmountable for any just solution. They have agreed upon an imperfect condominium of the territories in question, meant to have efficacy only when Bolivia is concerned.

Peru has chosen to limit her sovereignty over the province of Tacna, renouncing in perpetuity the right to construct an international railroad towards Bolivia, in order to have the right of veto in any negotiation which we may attempt regarding Arica; and, reciprocally, Chile has given this right to Peru in order to maintain her influence over the two contiguous regions, as well as the advantages which the key to the Arica-La Paz railroad secures to her.

This policy is not one of real international cooperation, and is capable of producing profound resentment in Bolivian consciousness in the present and in the future.

The unfriendliness of the agreement is made patent by the very secrecy with which it was wished to surround it, in spite of the fact that both contracting States, as members of the League of Nations, have promised not to make secret treaties.

Withal, and in spite of the new difficulties created for Bolivia by the additional Chilean-Peruvian pact, we want world opinion to know that we are persisting and shall persist in the policy of restoration of our maritime sovereignty. We are not renouncing the repossession of our free communication with the world, by way of the Pacific Ocean. We proclaim before the juridical consciousness of the world, today already quite strong, where yesterday it was imperfect and weak, that we do not consider the situation created by an unjust war, not provoked by us, to be juridically irrevocable or intangible, and that, either through direct negotiations, if there is occasion for them, or through the means which International Law and new organizations recognize, we shall maintain our right in all its entirety and, with the assistance of just spirits, we shall resort to the channels for reparation which international justice may point out to us. The postulates of that justice, in condemning wars of conquest, open up the revision of indefensible pacts and the rule of removing, through pacific means, every notorious injustice, the basic

principle of private law, and which, if it does not govern between nations, will make peace impossible of realization, which, in order to be unalterable, must be founded on justice, and justice will not be justice as long as all States may not co-exist as persons in their own right and with the fullness of their attributes —that rule will not be long in taking root on the field of International Law, so plentifully nourished by the thousands of victims of the last great war.

Please forward these considerations for the information and examination of the friendly Government near which you are accredited, and of the organizations which may be interested in the reign of peace and justice in the world. (Signed) Tomas Manuel Elio— Minister of Foreign Affairs.

ANNEX 24: MEMORANDUM OF THE EMBASSY OF CHILE IN BOLIVIA
ADDRESSED TO THE MINISTRY OF FOREIGN AFFAIRS,
10 JULY 1961

1. Chile has always been willing, along with preserving the legal situation established by the Treaty of Peace of 1904, to examine directly with Bolivia the possibility of satisfying the aspirations of the latter and the interests of Chile.

Chile will always reject resorting, on Bolivia's end, to organs which are not competent to solve an issue settled by the Treaty, and which could only be modified by direct negotiation between the parties.

2. Our Ministry Note N° 9, dated Santiago 20 June 1950, is clear evidence of the said purposes. Through it, Chile expresses having, "full consent to initiate as soon as possible, direct negotiations aimed at satisfying the fundamental national need of own sovereign access to the Pacific Ocean, in return for compensation that, without being territorial in character takes into account the reciprocal benefits and effective interests of both countries."

3. President Paz Estenssoro, having expressed his willingness to visit President Alessandri, in response to the invitation that the President of Chile extended to him, it would seem especially untimely and inconvenient to agitate public opinion in both countries by appealing to international organs to deal with a problem that the Government of Bolivia has not resolved in direct negotiations with the Government of Chile.

La Paz, 10 July 1961

ANNEX 25: BOLIVIA'S MEMORANDUM N° G.M. 9-62/127, 9 FEBRUARY 1962

N° G.M. 9-62/127

Memorandum

1.- The Ministry of Foreign Affairs and Worship of Bolivia has given careful attention to the Memorandum issued by the Honourable Embassy of Chile dated 10 July 1961, which refers to the willingness of the Chilean Government to solve the Bolivian port problem.

2.- Moreover, it was imposed, from the reiteration made of the communication number 9, dated Santiago, 20 June 1950, through which Chile stated that it is ready "formally enter into a direct negotiation to satisfy the essential need of Bolivia to obtain its own sovereign access to the Pacific Ocean, thus resolving the problem of Bolivia's landlocked status on the basis of conditions that meet the mutual benefit and genuine interests of both countries."

3.- Lastly, I took note of Chile's point of view with regard to the inconvenience of going, in this issue, to international organisms which are not competent, in case there is concurrence of criteria to overcome the current situation through a direct agreement of the parties.

4.- For the purpose of reaching an agreement that strengthens the friendship between Chile and Bolivia, putting aside all motives for distancing, the Bolivian Government expresses its full consent to initiate, as soon as possible, direct negotiations aimed at satisfying the fundamental national need of its own sovereign access to the Pacific Ocean, in return for compensation that, without being territorial in character, takes into account the reciprocal benefits and effective interests of both countries.

La Paz, 9 February 1962.

ANNEX 26: THE CHILEAN MEMORANDUM OF 26 NOVEMBER 1976

MEMORANDUM

On 18 November 1976, the Government of Peru, through its Secretary General for Foreign Affairs, Ambassador Luis Marchand Stens, formulated an approach related to the negotiations to which the Government of Chile and that of Bolivia find themselves committed.

According to the Chilean Government, the proposal enters into matters falling under its exclusive national sovereignty, and which have no relationship to the general terms of the negotiation between Chile and Bolivia which were adopted by both countries.

The proposal in addition involves a clear and manifest modification of the Articles of the 1929 Treaty, which definitely established sovereignty of Chile over Arica.

For these fundamental reasons, the government, faithful to the Chilean tradition of respect for treaties and in defence of national sovereignty, declines to consider the proposal.

With the aim of arriving at the successful conclusion of the negotiation underway with Bolivia, which would satisfy the aspiration of that country to have a maritime coast that will be sovereign and united to Bolivian territory by a territorial strip equally sovereign, the Chilean government awaits the response to the representation made, under Article 1 of the Additional Protocol to the 1929 Treaty, in its Note N 685 of 19 December 1975.

Santiago, 26 November 1976

ANNEX 27: BOLIVIAN MEMORANDUM N° 1 OF 18 APRIL 1987

(In, Bolivia, Ministerio de Relaciones Exteriores de Bolivia, *Tricolor: Historia y Proyecciones de Paz, Desarrollo e Integración del Diferendo Marítimo Boliviano–Chileno*. Ed. Los Amigos del Libro)

Memorandum 1

The Government of the Republic of Bolivia, pursuant to what agreed upon oral and informally before their Excellences, the Ministers of Foreign Affairs of Bolivia and Chile, in the preparatory conversations held in Bogota, New York, Lima and Guatemala, last year, 1986, which also determined the creation of the Bi-national Commission of Approach, have the honour to fix the basic guidelines for the negotiation which will be engaged into in Montevideo, Capital city of the Oriental Republic of Uruguay, between both countries, on aspects mutually convenient to find a settlement formula to the issue concerning Bolivia's access to the Pacific Ocean.

Consequently, it deems as timely to submit to consideration of the illustrious Government of the Republic of Chile, the following general framework and basic criteria which may serve to start the said negotiation.

1. The Government of the Republic of Chile shall transfer to the Republic of Bolivia a sovereign and useful maritime coast of its own linked to the territory of Bolivia through a strip of land equally appropriate, sovereign and useful, which shall be comprised between the following limits:

- Northern limit.- La Línea de la Concordia, Chile and Peru's current border, up to the intersection with the Bolivian-Peruvian border, at landmark N° V.

- Southern Limit.- From the northern urban area of the city of Arica, including area, infrastructure, services and port installations up until the first bridge located on Lluta River, crossing Arica-Tacna and Arica-La Paz railways and Pan-American Arica-Tacna highway. Then, the arcifinious border will be the course of Lluta River, up until the point to the east of Colonel Alcérreca and, finally a geodesic line up to the landmark N° XI, at the current border between Bolivia and Chile, so that for lengths or sectors of the Arica-La Paz railway and the Sica Sica – Arica oil pipeline, running or found in Chilean territory, the right of servitude in favour of Bolivia be agreed upon, as well as in A-15 highway from Arica to Tambo Quemado, according to the annex of the Map sheet “Arica” 1700-6800, edited by the Military Geographic Institute of Chile.

2. For area calculation and definite demarcation of limits, the Mixed Bolivian-Chilean Commission of Limits will meet, in accordance to the references established for the new territorial delimitation in numeral 1 of this Memorandum.

3. Consequently, the Republic of Chile shall transfer the maritime territory comprehended between the baselines or the parallels of the end points of the maritime coast aforementioned in numeral 1 of this memorandum.

Bolivia, in its maritime area, will apply the principles and regulations that the Convention of the United Nations on the Law of the Sea acknowledges to coastal states.

Likewise, the Republics of Bolivia and Chile will agree, through bilateral covenants, on reciprocal cooperation necessary for the exploitation and use of natural resources of the sea, within the framework of the same convention.

4. The Government of Bolivia undertakes to respect private rights, legally acquired, in the territory which will be ceded by the Republic of Chile.

5. The Republic of Bolivia will ensure that its territorial strip, maritime coast and territorial sea complement and contribute to integral development of the regions of Arica and Tacna. Likewise, it will respect international servitudes in force on the strip of territory.

6. On its side, the Government of the Republic of Bolivia is willing to seek for a real and fruitful physical, economic and cultural integration with the Republics of Chile and Peru, with the purpose of satisfactorily solving the issue concerning the Pacific which, in its final derivations, has become an obstacle for the development and integration of these nations, generating tensions contrary to the peaceful means of the three countries.

For the achievement of such a high objective and with a view towards the great challenge which the proximity of the 20 century implies, when it is essential to promote the establishment of living borders, Bolivia proposes to the Government of Chile the creation of a Mixed Commission to study the rational use, in favour of the Bolivian-Chilean border zone, of water resources existing in the basin of the Bolivian high plains, primarily preserving ecologic balance, the weather and the vital needs of the Bolivian towns, as well as international covenants in force.

Those water resources may contribute to the increase and bettering of irrigation and for a better generation of hydroelectric energy for the region of Arica and for the territorial strip to be ceded to Bolivia, as well as, to increase the flow of Lluta River.

7. With a view towards the creation of an integrated pole of development in the area comprised between Arica, the territorial strip to be ceded to Bolivia and Tacna, Bolivia proposes the creation of a second Mixed Commission to study energy, mineral and agricultural resources which Bolivia may contribute with, as well as Chile and Peru. When timely, Peru will be invited to integrate the Commission.

With financial aims, Bolivia will seek for the support of United Nations and specially that of the American States Organization, so that, through its respective specialized organisms, the Inter-American Bank of Development and other international financial organisms, credits may be conceded for the implementation of projects and engineering works for the pole of development and the use of water resources.

La Paz, 18 April 1987

ANNEX 28: BOLIVIAN MEMORANDUM N° 2 OF 18 APRIL 1987

(In, Bolivia, Ministerio de Relaciones Exteriores de Bolivia, *Tricolor: Historia y Proyecciones de Paz, Desarrollo e Integración del Diferendo Marítimo Boliviano–Chileno*. Ed. Los Amigos del Libro)

MEMORANDUM 2

The Government of the Republic of Bolivia submits the proposal of ceding a territorial and maritime enclave in the north of Chile to the distinguished Government of the Republic of Chile, which does not affect the territorial continuity of Chile, on the understanding that that enclave will be linked with the territory of Bolivia by railways, roads, and pipelines, whose use will be in favour of Bolivia, determining also the feasibility of the construction of an airport on the area of the enclave.

The Government of the Republic of Bolivia will receive, in perpetuity, this enclave under a treaty which will fix its definitive limits. The Bolivian sovereignty over this territory would guarantee a spirit of cooperation and solidarity in the Pacific Coast between both nations, within the framework of a joint development of the region. To do this, it is essential that the port ceded to Bolivia were effectively useful for the purposes of shipping, with the possibility of installation of berthing docks, if they were not already installed, and all other means that facilitate the services of trade and navigation.

Bolivia submits three alternatives of enclave into consideration of the Government of Chile, as follows:

1. **From CALETA CAMARONES**, to 19 degrees 12 minutes to PISAGUA, which is at 19 degrees 35 minutes to a distance east up to 70 degrees of west longitude, an area of 1,068 square km, corresponding to a front of coastline of 42 km and average width of 25 km.

2. **From TOCOPILLA**, 22 degrees 06 minutes south to PUNTA COBIJA, 22 degrees 33 minutes with a distance east up to 70 degrees of western longitude, and an area of 1,238 square km, with a front of coastline of 47 km and an average width of 25 km.

3. **From CALETA MICHILLA**, 22 degrees 43 minutes to MEJILLONES, 23 degrees 06 minutes running to the east up to 70 degrees west longitude, with an area of 1,500 square km, corresponding to a front coast 50 km with an average width of 30 km.

La Paz, 18 April 1987

ANNEX 29: LEGATION OF CHILE'S NOTE OF 2 JULY 1878

(In, *Documentos oficiales Bolivia relativos a la cuestión del Pacífico*, Buenos Aires, Pueblo Defensa 78, 2nd. Patio, 1879, pp. 73-77)

CHILEAN MINISTERS COMPLAIN LEGATION OF CHILE IN BOLIVIA

La Paz, 2 July 1878

Sir,

In the early days of April 1878, I had the opportunity to be in a meeting with honourable Mr. Salvatierra, former Minister of Finance, due to a claim of the Chilean Nitrate Company of Antofagasta which I was informed by my Government with the request of supporting it.

On 14 February 1878, the National Constituent Assembly decreed as minimum, a tax of 10 cents per quintal of nitrate exported by the Company of Nitrate and Railway of Antofagasta and the Supreme Government instructed, on 23 February, the execution of this decree, which was published in Antofagasta.

The Nitrate Company was in order its property and with its rights acquired after difficulties and disturbances suffered since 1868 until the Decree of 31 December 1872, which motivated the transaction of 27 November 1873 recorded in the Official Journal of Laws of Bolivia of that year, page 185, and incorporated in a public protocol.

This transaction, reduced to a public writing in Sucre, 29 November 1873 before the Notary of the Government Mr. Jose Felix Oña, does not leave anything pending due to the Government's acceptance in virtue of the authorization conferred to the Executive Power under Law of 22 November 1872, page 220 of the Official Journal of Laws and supreme provisions Yearbook of that year and whose Article 2 strictly states that "the Executive Power is authorized to compromise on indemnifications and other pending claims at present against the State, either by national or foreign people, and to agree on -with the parties involved- the most convenient way in which their respective obligations had to be fulfilled, deferring to these issues *only in case of no agreement*, to the decision of the Supreme Court, in charge of informing it to the next Assembly."

The Law was explicit; it granted the Executive absolute powers without the need of new revisions or approvals, but to simply be informed about what has been done in the cases in which the decision of the Supreme Court would intervene. Therefore, in the act, the transaction was contracted in a public writing and was published in the Journal, then executed without being first submitted to the Assembly's approval. The Minister of Finance limited himself to informing the Assembly about the signature of this contract, via the 1874 official report. In the aforementioned report of the Minister of Finance, referring to the Company of Nitrate, stated to have finished with the transaction "*a terrible issue that has jeopardized the Government's integrity for a long time*, pending its decision the fate of the bulk capitals that the owners paid to establish the nitrate industry at a high scale in the desert of Atacama.

I also recall another antecedent, the Municipality of Antofagasta having addressed to the President of the Council of State, by note of 4 May 1875, requesting to impose a three cent municipal contribution per quintal of nitrate exported to the Nitrate Company, and basing itself on, among other considerations,

the fact that Supreme Government had declared that the Company was not exempt from the municipal rights, that request was submitted in a report to the Departmental Council of Cobija under Decree of 9 June of the same year, signed in Sucre by Mr. Reyes Ortiz, nowadays Minister of Justice and former President of the Council of State. The Departmental Council informed the request had to be rejected due to “its contradiction with Article 4 of the transaction concluded between the Supreme Government and the Company on 27 November 1873, in which it is stipulated that the exported nitrate be exempt from every right of export and from any other fiscal or municipal tax” and also because of “the treaty of limits with Chile, still in force; new contributions cannot be charged in Littoral.” With regard to this report and the reason which it supports, the Decree of 27 Augusts was adopted in Sucre which declares the contribution that was attempted to be established illegal.

To these brief considerations, I have to add another of more serious and unavoidable nature. The Company of Nitrate and Antofagasta Railway is Chilean, it has its legal residence in Valparaiso and almost all its members are Chilean citizen investors. According to the transaction of the Supreme Government of 27 November 1873, contracted in a public writing and registered in the Official Laws Yearbook of Bolivia, the Chilean company is subject to the protection and warranty of the treaty signed in Sucre on 6 August 1874, because on the date of the conclusion of that treaty, the Company exploited calmly and peacefully the nitrate deposits granted by that transaction, being exempt of the rights of export of nitrate, as well as import of articles introduced through the port of Antofagasta for the preservation and service of the railroads and their nitrated elaboration offices.

As a result, the contribution of ten cents per quintal of nitrate exported, which is now attempted to be taxed to the Company would imply a violation of the treaty in force with Chile to the import company, and my Government would

not find antecedents that could justify its imposition. If the Nitrate Company is owner of a property guaranteed by law and a solemn contract and also protected by an international treaty, how can a subsequent law of the Republic void this contract duly concluded by a sovereign authority, and breach that international agreement, without the agreement and consent of the other high contracting party?

I trust, Minister, that these brief considerations for which I consider unnecessary to give them too much importance for being so obvious and clear, will be enough so that Your Excellency be aware of the unavoidable need in which the Government of Your Excellency was to approve a measure that kept the rights and properties of the Nitrate Company of Antofagasta, infringed by Law of 14 February 1878. Not considering a claim of such an evident justice and legality, putting into question the 1874 Treaty, would be to take the issue to a delicate and sensitive arena that one or another Government has to avoid. It was understood by the Minister of Finance of the former Government, Dr. Salvatierra, with whom I verbally initiated this claim, when agreeing with me and to avoid consequences of great significance, instructed the indefinite suspension of the mentioned Law of 14 February 1878, while the Government of Your Excellency found an careful solution that protects the interests of the Nitrate Company.

The Company of Nitrate and Railway of Antofagasta, with great capitals invested in the industry of exploitation and elaboration of nitrate, which raise up to four million of pesos, gives life and work to Antofagasta and Salina's peoples, and if, due to a non-consulted measure, the rights of property are attacked, it could be forced to partially discontinue or stop partially its works leaving millions of people and workers in the idleness, and it would fear an uprising that neither the Government of Chile, nor that of Bolivia could look at with indifference.

With feelings of high consideration and esteem, I have the honour to offer myself Your Excellency careful and Secure Server,-

P.N. Videla.

His Excellency
Foreign Minister of Bolivia.

**ANNEX 30: MINISTER OF FOREIGN AFFAIRS OF BOLIVIA'S NOTE,
26 DECEMBER 1878**

MINISTRY OF FOREIGN AFFAIRS

La Paz, 26 December 1878

Mister,

When acknowledging to Your Excellency receipt of my Note of 18 December, in which, fulfilling the desire that Your Excellency expressed in a former note, of knowing whether the order of making effective the 10 cent tax on nitrate exported by the Company of Antofagasta had been already adopted by my Government or whether this latter, so as to be adopted, would wait for Chile to take cognizance of that law, to which I had the honour to reply that the mentioned order had already been given by the Ministry of Finance, Your Excellency expresses to me the surprise with which you took cognizance of that resolution which, in his view, abruptly ends the pending discussion which was originated by the claim formulated by that Legation, whose arguments Your Excellency considers should be evaluated with enough time and effort; that as my Government had been expecting the reports of the Minister of Finance, Doctor Medina, on the claim Your Excellency makes with regard to the municipal taxes in Antofagasta, it was also to take a similar process for the taxes on nitrates; that my last reply destroys all expectations for a calm and reconciling solution and closes the path to all discussion, and that, consequently, Your Excellency complies with his duty of declaring, on behalf of his Government, that the enforcement of the law which applies a tax to the Nitrates and Railway Company of Antofagasta, implies a breach of the Treaty of Territorial Limits of 6 August 1874, currently in force between Chile and Bolivia, and that the consequences of this declaration would be of exclusive responsibility of the Government of Bolivia.

On account of the reply that I have had the honour to address to Your Excellency in Note of 18 December, attached with the respective report of the Minister of Finance on the nature of the tax created by Law of 14 February 1878, Your Excellency had certainly examined the particular motives that have caused my Government to impose the enforcement of the above mentioned law, motives among which it is noted that the tax object of the claim of Your Excellency derives from a private contract between the Nitrate and Railway Company of Antofagasta and my Government, thus, and on account of being a clause of private transaction, this tax cannot affect the Treaty between Chile and Bolivia, which must be foreign to all private contract.

Such motives being expressed, fulfilling the claim of Your Excellency and since the enforcement of the mentioned law cannot be suspended for too long, for its enforcement was only temporarily suspended on account of the claims of Your Excellency and as courtesy with the Government of Chile, Your Excellency shall understand that my Government has not done anything but to comply with a constitutional duty when decreeing the enforcement of the mentioned law, without this implying, as Your Excellency infers, the end of all discussion and far less the breach of the Treaty of 6 August 1874, Your Excellency forgets that, even if matters on the understanding and enforcement of the law emerge, Article 2° of the Additional Treaty opens, to the benefit of both nations, the door to an arbitral resource.

With regard to the latest claim of Your Excellency on the municipal taxes of Antofagasta, my Government desires that the issues that have been given place to by those taxes be settled in a friendly and reconciling manner and it has found no impediment to defer to the insinuation of Your Excellency expecting, in order to take the right decision, the reports of the Minister of Finance, Doctor Medina,

hence, I must express to Your Excellency the surprise with which I have received the declaration of Your Excellency with regard to the breach of the Treaty of 1874, on behalf of the Government of Chile in the note I have the honour to reply to.

Begging Your Excellency to inform his Government of the antecedents of the matter which concerns us enclosed also this Note, I have the honour to renew to Your Excellency the assurances of my most sincere consideration.

MARTIN LANZA

H. E. The Chargé d'Affaires of Chile
La Paz, 26 December 1878.

ANNEX 31: CHILEAN LEGATION'S NOTE N°42, 20 JANUARY 1879

[Extracts]

Chilean legation in Bolivia- La Paz, 20 January 1879

Note N° 42

Mister,

My Government is already aware of the two notes that His Excellency has addressed, on 13 and 18 December, aimed at, the first one, replying to the claim of this Legation of 2 July 1878 and the second one, announcing that on that day the enforcement of the Law of 14 February was instructed for the Littoral territory, which is indeed the purpose of that claim.

[...]

But my Government acts in that manner persuaded that the Government of His Excellency will immediately instruct so that the enforcement of the law be suspended and that things are restored back to the state in which they were before the Decree of 18 December, for this is a logical consequence of the proposal to go to arbitration made by Your Excellency.

Bolivia has breached the stipulations of the Treaty of 1874 innovating, in 1878, the tax system existing in the Littoral when that pact was concluded: consequently, the suspension of the decree through which you instructed to put in force a new tax is an essential and previous requirement to resume the discussion or to start the negotiations leading to the creation of a tribunal.

This is so natural and obvious that I do not dare thinking that the Government of Bolivia, when recalling Article II of the Additional Treaty, had no intention of restoring things back to the only state able to settle a peaceful agreement, that is to say, the *statu quo* established until before the law was adopted.

[...]

Reiterating to His Excellency my feelings of consideration and high esteem, I have the honour to subscribe myself as your faithful and obedient servant.- (signed) *Pedro N. Videla*.

To His Excellence,

The Minister of Foreign Affairs of Bolivia

ANNEX 32: CHILEAN NOTE OF 9 MAY 1879

(In, Querejazu Calvo, *Guano, Salitre, Sangre: Historia de la Guerra del Pacífico (La Participación de Bolivia)*, Ed. G.U.M., La Paz, 2009, p. 291)

Settlement bases

[Extract]

[...]

3. Since the Republic of Bolivia it is need of a piece of Peruvian territory in order to regularize its own and provide it with an easy link to the Pacific which it currently lacks without subjecting it to the constrains that the Peruvian Government has always imposed, Chile shall not interfere with the acquisition of that territory or object to the final occupation thereof by Bolivia, but rather on the contrary shall provide effective assistance.

ANNEX 33: CHILEAN NOTE OF 29 MAY 1879

**MR. GABRIEL RENE MORENO'S CREDENTIAL LETTER,
29 MAY 1879**

(In, G. René Moreno, *Daza y las bases chilenas*, 1879. Library. Presencia, notebook N° 84, 1979, p. 8)

[Extract]

[...]

“Republic of Chile – Ministry of Foreign Affairs – Santiago, 29 May 1879- the Government of Chile, desiring to put an end to the war with Bolivia, is pleased to see your readiness to contribute with the fulfilment of that desire. Consequently, the Government of Chile would be pleased if you approach His Excellence, the President of Bolivia, and expressed to him our feelings on that regard. My government hopes that the Government of Bolivia will listen benevolently when you talk to it this end and complying with what you have expressed in our verbal conferences. Your word will be supported by your personal antecedents and this note. Thanking you for the noble spirit that encourages you, I offer myself as your most caring servant. (Signed) **Domingo Santa María**

**ANNEX 34: CHILEAN MINISTER OF FOREIGN AFFAIRS NOTE OF
26 NOVEMBER 1879**

[Extracts]

MINISTER OF FOREIGN AFFAIRS' NOTE, 26 NOVEMBER 1879

(In, J. M. Concha, *Iniciativas chilenas para una alianza estratégica con Bolivia (1879-1899)*, Plural Editors, 2008, p. 55)

[Extract]

Perhaps the letters that best describe the views of Santa María on that regard are those addressed by late 1879, by the Ministry of War in Campaign, Rafael Sotomayor. Here are some of the paragraphs of the cited letters:

“[...] the only means to avoid this serious issue, the prolonged fighting in Tarapacá, would be to position Bolivia between Peru and us, by transferring Moquegua and Tacna to Bolivia. Thus, there would be a wall defending us against Peru and leaving us peacefully in Tarapacá. [...] Let us not forget, even for a moment, that we cannot suffocate Bolivia. Deprived of Antofagasta and all its coastal territory which it previously held up to the Loa [river], we must somehow provide it with its own port, a front door so it can enter inland with security, without asking for permission. We cannot and should not kill Bolivia. On the contrary we shall support its personality as the safest arbiter to keep Peru's weakness.

And Peru will not be unarmed but until we have decentralized and defeated its army in the south and until we have put Bolivia between them and us, for without this circumstance Bolivia will ask us, and along with Bolivia some others more: “what is the situation of this nation that has been deprived from the Whole of its coastal territory and with Chile as owner of Tarapacá? We would do wrong if we believed that only through our will and without consulting any other interest but ours, we could alter the American map... If Bolivia losses its autonomy, its territory must be part of some other Republic which shall never be the Chilean Republic”.

[...]

**ANNEX 35: CHILEAN PRESIDENT, ANIBAL PINTO ALTAMIRANO'S NOTE
OF 24 JULY 1880**

(In, G. Bulnes, *Guerra del Pacífico. De Tarapacá a Lima*, Valparaiso, Sociedad
Imprenta y Litografía Universo, 1914, p. 15)

[Extract]

NOTE FROM ANIBAL PINTO, 24 JULY 1880

[...]

“24 July. The war is like this. Everyone knows when it starts and when it finishes. We went to Ilo and then to Tacna for the purpose of facilitating an amend with Bolivia.

Tarapaca's possession will be safer for us if we put Bolivia between Peru and Chile.

Furthermore, by taking ownership of the Bolivian Littoral, it became necessary to grant Bolivia an access to the Pacific. That was the reason for us going to Ilo and Tacna.”

**ANNEX 36: CHILEAN PRESIDENT, DOMINGO SANTA MARIA'S NOTE
OF 7 JANUARY 1884**

(In, J.M. Concha, *Iniciativas chilenas para una alianza estratégica con Bolivia (1879-1899)*, Plural Editors, 2011, p. 80)

[Extract]

[Page 80]

In January 1884, the President of the Republic of Chile, Domingo Santa Maria, wrote a very significant letter to Marcial Martinez, saying:

“We have not arrived at anything definitive with Bolivia, but we will reach to the truce with honours of the peace. Bolivia would certainly want Tacna and Arica, but being the Treaty in the middle, there are considerations that force us to be cautious in these moments. Bolivia cannot remain as it is, as it cannot either hand over its trading only to our customs. No people can live and develop in such conditions. We, as to support Bolivia, on one hand, so we cannot share it among the neighbours, and so we can take over its wealth and unite our interests, on the other hand, we must grant it an access of its own to the Pacific, where our influence would be always efficient, and take the territory to the south, where borates and mines among others can be found, which remunerate our work and would give the occasion to the consumption of our products. There is a problem that needs a solution here...I repeat, we cannot and we must not kill Bolivia, that is not our interest.”

[...]

**ANNEX 37: NOTE OF THE MINISTERS PLENIPOTENTIARIES OF BOLIVIA
IN CHILE, 27 FEBRUARY 1884**

[Extracts]

LEGATION OF BOLIVIA

Valparaiso, 27 February 1884

Mister Minister,

In our dispatch of 23 February, we inform His Excellency about the current situation of the negotiations with this Government, stating that, therefore, to put our Government into the position of taking a convenient resolution, we have agreed that Mr. B. Boeto moved to La Paz by ship from this port.

[...]

We are placed, Mister Minister, in a position either to sign the conditions imposed upon us or to be forced to declare at once that the negotiations have broken down, and return to Bolivia without any success and as precursors of an invasion that may well begin presently.

[...]

If the President of this Republic rejects the last position we referred to, and also denies the term required to expect for the response of His Excellency, our immediate return to Bolivia without getting any result, against our will, will be unavoidable, and we will be careful to report it timely.

For any event, we consider important the reply to this dispatch which has to be addressed to Tacna where we will receive in the event of our departure.

(Illegible signature)

Belisario Salinas

(Illegible signature)

Belisario Boeto

H. E. Pedro Vargas

Minister of Foreign Relations

La Paz

**ANNEX 38: PLENIPOTENTIARY MINISTERS OF BOLIVIA'S NOTE ON THE
2 APRIL 1884**

[Extracts]

Valparaiso, 2 April 1884

Mister Minister,

Through the cablegrams addressed to Your Excellency on 26 and 29 last month, as well as through the official communications addressed on those same dates, the Government has been informed about the grave situation which we have had to endure recently.

[...]

After the said notifications, we were invited to a new meeting with the President of the Republic and his Minister of Foreign Affairs, for the purpose of examining the draft final protocol which had to be concluded. Before trusting him, we insisted on the need of a term, noting the serious consequences that his refusal would cause for the two counties.

Definitely, the said term was accorded and it would be effective as of tomorrow; with regard to the protocol, we have submitted our observations in writing, exposing, besides, that it would be beneficial to conclude it before, upon the expiration of the term we had given our last words on the subject matter.

[...]

In fact, there is no doubt that the invasion of Bolivia is imminent, it is known that the Chilean Government has put measures in place to ensure its army is ready to move on our borders at first order.

[...]

The calamities of war, the ravages of a violent occupation of our cities and villages, and the shame of a defeat, overwhelming press on our consciousness and being in a position to avert these dangers, and on the basis of having conclusive response from our Government; we have decided to conclude the truce ad referendum.

[...]

We conclude this Note informing His Excellency that we have addressed this coded cablegram today, synthesized as: “deadline until 3 – imminent mission – if there is no reply – we will sign the truce”.

We reiterate our feelings of care and distinction for His Excellency,

(Illegible signature)

(Signed) Belisario Salinas (Signed) Belisario Boeto

**ANNEX 39: NOTE FROM ABRAHAM KÖNIG MINISTER
PLENIPOTENTIARY OF CHILE IN BOLIVIA, DATED 13 AUGUST 1900**

[Extracts]

(In, Velasco, F., *Memorias íntimas, políticas y diplomáticas de Don Abraham Köning, Ministro de Chile en la Paz*, Cervantes, Santiago, 1927, p. 82)

[...]

La Paz, 13 August 1900

Mister Minister,

From Your Excellency I have learned the determination of the Government of Bolivia to leave to the National Congress the consideration and resolution of our proposals for a settlement, and in order to facilitate both, I have the honor to place in Your Excellency's hands the present communication, which contains a minute explanation of the final bases for peace accepted by my Government.

Since these bases are to be submitted to the judgment of the Bolivian Congress, I have deemed it expedient that the representatives of the people should have a full knowledge of its text and the reasons which justify it.

In compliance with the instructions from my Government, and starting from the antecedent accepted by both countries, that the old Bolivian littoral is and shall always remain Chilean, I had the honor to submit to Your Excellency the following bases for a Treaty of Peace and Amity:

The Government of Chile will be disposed, in order to conclude the Treaty of Peace with Bolivia, to grant, in exchange for the definite cession of the Bolivian littoral we now occupy by virtue of the Pact of Truce, the following compensations:

(a) To take upon themselves, and to bind themselves to the payment of the obligations contracted by the Bolivian Government with the mining enterprises of Huanchaca, Corocoro, and Oruro, and the balance of the Bolivian loan contracted in Chile in 1867, after deducting such amounts which have been credited said account, according to Art. 6 of the Treaty of Truce.

Chile could also, in the same manner, pay the following liabilities affecting the Bolivian littoral: The one corresponding to the bonds issued for the construction of the railway from Mejillones to Caracoles; the liability in favor of Mr. Pedro Lopez Gama, at the present time represented by the house of Alsop & Co., of Valparaiso; that of Mr. Enrique Meiggs, represented by Eduardo Squire, resulting from the contract the former made with the Government of Bolivia on May 20, 1876, for the lease of the fiscal nitrate beds of Toco, and the one recognized in favor of the family of Mr. Juan Garday. These liabilities will be the object of a particular liquidation and of a detailed specification in a supplementary protocol.

(b) An amount of money to be fixed by mutual agreement between both governments, to be invested in the construction of a railway which shall either connect any port in our coast with the interior of Bolivia, or be the prolongation of the present Oruro Railway. In the judgment of the undersigned, this amount must not exceed six million pesos, and the determination of the starting and terminal points as well as the plans and other conditions of the railway to be resolved by mutual agreement between both governments.

(c) The port selected as starting point of this railway shall be declared free for the products and merchandise shipped through it in transit to Bolivia, and for the Bolivian products and merchandise exported through the same.

[...]

It is true that by the Treaty of Territorial Transfer, signed May 18, 1895, it was conditionally established that "if in consequence of the plebiscite which is to be held in conformity with the Treaty of Ancón, or by virtue of direct negotiations, the Republic of Chile should acquire permanent dominion and sovereignty over the territories of Tacna and Arica, it (the Republic of Chile) binds itself to transfer the same to the Republic of Bolivia, in the same form and with the same extension as acquired, without detriment to the provisions of Art. II." But Your Excellency knows that this condition has not been fulfilled, and that this lack of compliance can not be attributed to the Government of Chile.

[...]

It is true that by the Treaty of Territorial Transfer, signed May 18, 1895, it was conditionally established that "if in consequence of the plebiscite which is to be held in conformity with the Treaty of Ancon, or by virtue of direct negotiations, the Republic of Chile should acquire permanent dominion and sovereignty over the territories of Tacna and Arica, it binds itself to transfer the same to the Republic of Bolivia, in the same form and with the same extension as acquired, without detriment to the provisions of Art. II." But Your Excellency knows that this condition has not been fulfilled, and that this lack of compliance can not be attributed to the Government of Chile.

[...]

Unfortunately, said pacts have not been concluded; the stipulated conditions have not been fulfilled. These were premature, still-born acts.

[...]

The Government and people of Chile are earnestly interested that the plebiscite should take place as soon as possible; and the Government and the people desire that this act should take place under such conditions as would satisfy the legitimate aspirations of the Nation. When the time comes when it will take place, we confidently expect that the plebiscite will be favorable to Chile.

Your Excellency knows that public opinion in my country has been notably modified since the last days of 1895. We do not think today as we did in years past.

A matter worthy of meditation on the part of the statesmen of Bolivia is why a judicious and justice-loving people such as Chile has in regard to Tacna and Arica uniform ideas very different from those publicly expressed in May, 1895.

To be as plain as international affairs demand it at times, it must be stated that Bolivia can not count upon the transfer of Tacna and Arica, even if the plebiscite be favorable to Chile. The Chilean people, with a uniformity which is seldom seen in other nations, has made manifest their will to preserve those territories as a just compensation for the sacrifices of all kinds imposed to the country.

[...]

In such delicate matters it is necessary to judge with a sober, not a passionate, mind; to forget the preconceived ideas and to see things as they are and not as they could have been.

A statesman must never look ahead beyond to-morrow.

It becomes ordinary politicians to cling to an idea in harmony with the prevailing public sentiment, because by doing thus there is no need of observing, studying, and much less combating; to let themselves be carried along is more than enough.

I would wish, Mr. Minister, that a person as learned, intelligent, and keen as Your Excellency is should abandon the easy and beaten path and undertake to investigate whether to obtain the good and everlasting friendship of Chile is more important to Bolivia than a narrow strip of arid territory containing a port.

One moment's thought will lead to this conclusion: That the friendship of Chile may in a large measure be profitable to Bolivia, while the strained relations between the two countries will not give the same result to her. Any thinking mind would be inclined to think that the statesmen of this country would not hesitate in the choice.

For many years my country has wished to exchange the Pact of Truce for a Treaty of Peace and settle in a final manner all her differences with Bolivia. Chile wishes to devote herself to work quietly and without misgivings, and aspires, as it is natural, to an honorable and permanent peace advantageous to both countries. A series of events, some of them very disagreeable, have demonstrated it besides,

that there is an absolute necessity to end as soon as possible these difficulties between neighbors.

We can not wait any longer; the Government and people of Chile believe that they have patiently waited.

To our mind the bases proposed by Chile are equitable, the only compatible with the present situation. It would be a real misfortune that the Bolivian Congress should deem it otherwise.

It is a widespread error, daily reasserted both by the press and in the street, to affirm that Bolivia has the right to demand a port as compensation for her littoral.

It is not so. Chile has occupied the littoral and taken possession of it by the same right Germany annexed to the Empire Alsace and Lorraine, by the same right the United States of America have taken Porto Rico. Our rights are the outcome of victory, the supreme law of nations.

That the littoral is rich and worth many millions, that we already know. We keep it because it is valuable; should it not be valuable, then there would be no interest in keeping it.

At the termination of a war the victorious nation imposes her conditions and demands the payment of the expenses incurred. Bolivia was vanquished, had no means to pay, and surrendered her littoral.

[...]

And, therefore, the bases for peace proposed and accepted by my Government, amounting to large concessions to Bolivia, must not only be considered as equitable but as generous as well.

It is to be hoped that the members of Congress, deputies and senators, knowing their country and wishing its welfare, should act in that elevated and justice-dealing spirit necessary to bring to a close all pending difficulties.

Being confident that upon taking a final resolution on this grave matter, such will be inspired both in the well-understood interests of Bolivia and the kind disposition of Chile, it is particularly gratifying to me, Mr. Minister, to state here the cordiality which has inspired the negotiations I have had the honor to conduct with Your Excellency, and the elevated spirit shown in the discussions to which they have given occasion.

I avail myself of this opportunity to renew to Your Excellency the sentiments of my highest consideration and particular esteem.

ABRAHAM KÖNIG.

To His Excellency Foreign Minister of Bolivia, Mr. Eliodoro Villazon.

**ANNEX 40: BOLIVIAN MINISTER OF FOREIGN AFFAIRS AND WORSHIP'S
NOTE, 15 OCTOBER 1900**

(In, PRESCOT, *El problema Continental*, Arno Hermanos, La Paz, Bolivia, 1921)

[Extracts]

[Page 341]

Ministry of Foreign Affairs and Worship, La Paz, 15 October 1900

Dear Minister,

I have had the honor to receive your very important communication of the 13 August last, wherein Your Excellency is pleased to explain the bases of peace between Bolivia and Chile accepted by your Government. Having informed Congress of those bases and negotiations, Your Excellency has deemed it expedient to submit to me a memorandum of the reasons in their justification, so that the representatives of the people may have a perfect knowledge of their meaning and advantages.

Complying with the greatest pleasure with the suggestion of Your Excellency, I have submitted said communication to the consideration of Congress.

My reply could have ended here; but as Your Excellency has invariably impugned the motives in which my Government found support to insist that a port .and a belt of territory on the Pacific be granted to Bolivia, I also believe that my indeclinable duty is to explain in this occasion the reasons in justification of this legitimate demand.

We agree in that this basis is the only difficulty which prevents a settlement between both republics. Your Excellency finds strange that I should not have taken into consideration the offer of six million pesos, in exchange, destined to the construction of a railway, amount that your Government is disposed to increase, if their propositions were accepted. It is also found strange that no mention was made of the concession of a free port entirely favorable to Bolivia.

These conditions have been taken into consideration, with the only circumstance that it has been mentioned instead a belt of territory and a port from those known at present, the value of which would be about equivalent. It was thus that my Government instead of money and a free port chose a port of their own on the Pacific, because they felt that a port would offer Bolivia invaluable advantages, superior to any pecuniary indemnification, no matter how large this were.

As regards the substance of the communication, allow me to express my opinion as to the bases proposed by Your Excellency and qualified as "great concessions." We differ in opinion. These great concessions are, to my mind, restitution and an acknowledgment of the rights of which Bolivia was forcibly deprived.

In effect, in the Pact of Truce the obligation was imposed upon Bolivia to accept the importation of natural and manufactured products from Chile free of duty, in exchange for a nominal reciprocity, because Bolivia has scarcely any products to send to the Chilean markets. This clause was accepted in 1884 under the stress of circumstances, and to prevent greater ills, as a consequence of the war. There is no instance of a victorious country making such absolute imposition. All peace treaties if not leaving the customs duties to the vanquished, they at least

fix a term for the enjoyment of franchises. An imposition of this kind does not establish a perfect right, because the authority inherent to a sovereign to settle the commercial relations is a *jus merae facultatis* which does not prescribe because no use is made of it. Therefore, the clause of cancellation of the commercial franchises is the restitution of a right of which Bolivia was deprived and not a great concession. And if there was any reciprocity, with the cancellation of the franchises each State would have resumed its rights and its liberty under identical advantages.

Neither is it a concession to Bolivia what Your Excellency calls a free port, if this is to be understood as my Government understands it, the right of transit through a territory and port belonging to another. According to international law, it is an easement which does not admit of controversy, and the Mediterranean States have the right of transit over the territory, ports, and navigable rivers of their neighbors, as such easement is indispensable and of mutual advantage.

[...]

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Why did the Government of Chile abandon the former Pacts without sending officially a single word to Bolivia in regard to such grave and sudden determination?

Your Excellency seems to believe that it was on account of the Protocol of December 9, 1895, which contained Bolivian exigencies made at the last hour.

I am deeply sorry not to agree with this opinion. The Government of Chile approved this protocol by a later one of April 30, 1896, and after a year of mature deliberation. This shows that such could not have been the cause.

Nor could it be the demand for a port that satisfies the commercial need of Bolivia. This condition was explained in precise terms in the protocol I have just mentioned, and Bolivia accepted the explanation. There was a perfect agreement on this point between both Foreign Ministries.

Finally, the conduct of the Chilean negotiator was approved, and this is sufficient to affirm that the protocol so frequently mentioned has had nothing to do with the determination of the new departure of the Chilean diplomacy.

Neither do I agree with Your Excellency's argument that the Treaty of territorial transfer of May 18, 1895, was conditional, depending from the meeting of the plebiscite, stipulated by the Treaty of Ancón, and that the failure to comply with this condition not being on the part of Chile, said Treaty must be ineffective, as it was a premature pact—"still-bom"—the juridical situation of today being, consequently, the same as in the year 1884.

In the hypothesis that all this were evident, the caducity of the Treaty ought not to depend on the exclusive will of one of the two parties; it was necessary that a convention should have preceded, to establish that the failure to comply with that condition was not to be charged to the Government of Chile.

We do substantially and radically differ in the essential facts, Mr. Minister. Those pacts were concluded in an earnest spirit, Chile, as Your Excellency states, "by granting the richest portions of the provinces of Tacna and Arica, acted with extreme generosity.

They were binding treaties, concluded according to the rules of international law, and not premature pacts, still-born. Otherwise that extreme generosity of Chile could not be understood.

Conditional treaties are permissible by law, and in this particular case, stipulations having been made that from the holding of the plebiscite the transfer of Tacna and Arica or another cove, with an anchorage for merchant ships, would be dependent, the proper step to take was to wait until such condition was fulfilled. Bolivia was then, as she is now, ready to wait for the realization of the plebiscite and its consequences.

That the plebiscite will take place there is not the slightest doubt, as it was thus stipulated in the Pact of Ancón, and Peru demands it; and if, as Your Excellency asserts in your communication, the outcome has to be necessarily favorable to Chile, then the more the reason for those protocols to have been preserved in force, since their main provision is to be fulfilled to the satisfaction of Chile.

And I would furthermore affirm that the failure to hold the plebiscite could be attributed to the Chilean Ministry of Foreign Affairs as this refuses to accede to the demands of Peru, which does not ask but that the plebiscite be held without loss of time, in compliance with the Billinghurst-La Torre protocol.

Consequently, Mr. Minister, and this can not be disputed, the failure to comply with that condition, far from being a motive for caducity of the treaty, is a reason for its enforcement and fulfillment.

But why discuss this matter any further? The truth is, as Your Excellency states, that "the offensive power (of Chile) has increased a hundredfold, and to be as plain as international affairs demand it at times, Bolivia must not count upon the transfer of the territories of Tacna and Arica, even if the plebiscite be favorable to Chile, because the Chilean people with a uniformity that is seldom seen has made manifest their will to preserve those territories."

It is Your Excellency's opinion that Bolivia has no imperative need of a port, 'and having at present means of communication through the ports possessed by Chile, a narrow strip of territory is neither necessary nor indispensable, or plainer still, it would be better to preserve the actual geographical conditions.

The lack of imperative need, Mr. Minister, is not a reason to deny a right or disown a legitimate request. If this were so it would be an argument against Chile. Said Republic has an immense coast and many ports, and it is not imperious that she keep them all; many of them, besides, are unhabited and deserted. Therefore, one of them could be granted to Bolivia without impairing her (Chile's) interests in the least.

My Government never thought that the advantages and usefulness of possessing a port could ever be disowned. This fact was acknowledged not long ago by the Chilean Government and people. On this account Bolivia thought it superabundant to enter in the discussion of a point which does not admit of contradiction.

That an ocean port is useful to any nation is a self-evident truth. In America all the States are endowed with a more or less extended coast, except Paraguay, which in exchange possesses a navigable river, permitting free communication with the civilized world.

Another exception may be cited in Europe: Switzerland, and this has submitted her to a peculiar political situation guaranteed by the surrounding States.

Above all conventions there is a natural right which assigns all nations at least a small coast for its political and commercial relations.

Against this right Chile pretends to adjudicate to itself the coast belonging to Bolivia, thus excluding her from the ocean and condemning her to an isolation, exceptional in America. This consideration in itself would be enough to render Your Excellency's proposals inequitable.

Since Your Excellency doubts the advantages of a port—perhaps because possessing a number of them there is no idea in Chile of their necessity—I will state hereunder, although briefly, a few of these advantages.

- (1) For its free and independent political and commercial intercourse with the civilized world.
- (2) For the better service of its customs facilities without the hindrance of customs permits and return bills of lading, and other regulations imposed by neighboring nations when only the right of transit is enjoyed.
- (3) To modify its commercial customs relations with neighboring countries, based on the independence that a port would, give it.
- (4) To establish and increase its credit, making its imports and exports known, and offering to creditors a secure guarantee, that of its own customs houses.
- (5) To be both directly and indirectly independent from the will of any other State.

I shall not mention the greater power and international importance which Bolivia would acquire by possessing a port. These are truths that a person as learned as Your Excellency can not but recognize.

[...]

[p. 358]

According to Your Excellency, "the bases proposed by Chile are equitable. The only compatible with the present situation, it being an error to affirm that Bolivia has a right to demand a port in exchange for her littoral, it being of no importance whether this littoral is rich and worth many millions."

"Upon the termination of war the victorious nation imposed her conditions; Bolivia being vanquished had to surrender her littoral."

"Chile therefore owes nothing, because she is bound to nothing. The surrender of the littoral was absolute, unconditional, and perfect."

"In consequence, therefore, the bases proposed and accepted by his country amounting to large concessions to Bolivia must not be considered as equitable, but as generous as well."

"Chile has appropriated the littoral by the same right Germany had over Alsace and Lorraine, and the United States of North America in Porto Rico: by the right of victory, the supreme law of nations."

I sincerely lament not to agree with Your Excellency in these conclusions.

The surrender of the littoral has not been absolute, unconditional and perfect. Had it been so, Your Excellency would not be engaged now in these negotiations, to which the character of pressing and not to be deferred has been given. Said surrender was indefinite, in usufruct, so that Chile might profit of the revenues as a war indemnification. Art. 2 of the Pact of Truce provides that only while it is in force Chile was to possess and control the littoral. There has been, therefore, no absolute cession of ownership, and this being the case the cession requested by Chile ought to be the subject of new negotiations and stipulations, and that is what is being done at present. It is, therefore, legitimate to compare the bases and weigh their equity.

To this end I have brought to the discussion the value of the littoral, to show that in exchange for that value, only a strip of territory was asked representing at the most the twentieth part of said value.

The littoral of Bolivia, Mr. Minister, is very rich both on account of its intrinsic value and its revenues, and it is proper to state this, so that the representatives of Chile may act in an equitable manner in the concessions they call generous.

The Bolivian littoral embraces an area of 158,000 square kilometers, with a population of 32,000 inhabitants. It contains four ports, Tocopilla, Antofagasta, Cobija, and Mejillones, and seven coves, Gatico, Guanillos, Michilla, Tames, Gualaguala, Cobre, and Paquico.

Its fiscal and municipal revenues amounted last year to \$7,500,000. It contains an abundant wealth of silver, copper, gold, borax, sulphur, nitrate, and salt deposits.

The Toco nitrate fields are very extensive, and they alone produce to the Treasury a yearly income of \$5,545,000.

There are other nitrate fields with a standard of from 70 to 40 per cent in the Joya region, on the borders of the river Loa, and in other localities; and it has been recently ascertained by investigations and surveys that they embrace an area of 190 square kilometers.

All these nitrate fields will be worked in time, and in a few years the revenue derived from the Bolivian littoral will be over \$10,000,000 per annum.

The industrial and urban properties lying within this territory are estimated at present at forty millions.

It is not venturesome, therefore, to state that the Bolivian littoral with this wealth represents at least a value of one hundred millions.

There is also to be mentioned that during the twenty years Chile has been in possession of said littoral, since the Pact of Truce, she has received at least one hundred millions. During this same period she has imported her natural and manufactured products free of customs duties to Bolivia, thus profiting by the advantages resulting from said franchises.

In exchange for these concessions and these amounts, what have been the demands of Bolivia? A belt of territory containing a port which is equivalent at most to one-twentieth of what has been surrendered; the obligation of Chile to pay the liabilities affecting said littoral, and those recognized in favor of Chilean mining enterprises which suffered during the war seizure of 1879; payments

which will indirectly benefit Chile, as all the creditors are Chileans, domiciled in Chile.

Thus Bolivia's generosity is most evidently shown, since Your Excellency uses such words, also the sacrifices she makes to obtain peace. Your Excellency can not, and has no well-founded reasons to qualify Bolivia's conduct as refractory to pacific solutions by reason of her exaggerated pretensions.

I shall not dwell upon the declarations Your Excellency has deemed expedient to make in the communication to which this is a reply, and according to which victory would be the supreme law of nations. By so stating Your Excellency has in the name of his Government compromised principles of public law heretofore universally admitted; and it is not amiss to remember that said principles have been newly sanctioned by the greatest powers in the last International Congress held at The Hague, which, notwithstanding the military forces at their disposal, have sought in their memorable conferences to attain highly humanitarian ends, endeavoring to prevent the great ills of war, and to insure the empire of right and justice.

Neither is it out of place to remember here the declarations of the American Congress of April 18, 1890, against conquest and territorial cessions under threat of war or pressure of armed forces and the remarkable conduct of European powers when upon meditating in the last war between Turkey and Greece they caused the idea to prevail that indemnification ought not to be unlimited, but in proportion to the financial means of the vanquished.

Before these precedents, authorized by the agreement of the first military nations. Your Excellency will allow me to state with great sorrow that only an

exaggerated patriotic zeal could have influenced you to deny these principles to the country I have the honor to represent.

[...]

Eliodoro Villazón

Abraham König,

Extraordinary Envoy and Plenipotentiary Minister of the Republic of Chile

**ANNEX 41: LEGATION OF BOLIVIA'S NOTE N° 136
OF 25 APRIL 1913**

LEGATION OF BOLIVIA

NOTE N° 136

Santiago, 25 April 1913

Object: Mr. Montes' Statements

Mister Minister,

The clippings enclosed, taken from all newspapers of this capital, will inform that Ministry about the terms of the speech by Mr. Ismael Montes made to a group of Chilean politicians on the last day of his stay, with regard to the narrow political, commercial and economic approach which, in interest of international peace and in service of the great South American ideals, must be established between the three southern Republics of the Pacific, Bolivia, Peru and Chile, founded in the incorporation of the territories of Tacna and Arica, disputed between Peru and Chile, into the Bolivian sovereignty.

The views of Mr. Montes, unexpectedly uttered and with a frankness that honours the Bolivian statesman, has been welcomed, naturally, with a feeling of awkwardness which, at first, has caused political leaders and the general opinion to think about the need of asking for a territorial compensation which some newspapers note as determinant in the transfer of the department of Oruro made in favour of Chile. The commentaries that are made on this regard shall be repeated for a while, and inflame, perhaps, the opinion of concerned countries as they see their interests are affected and in accordance with the concept they form with regard to their destinies in the future. The declarations of Mr. Montes will give place to, also, conjectures and assumptions which inspire the degree of trust o

jealousy that encourage their mutual relations; but there is no doubt that they have placed on the table a broad subject of study which, on account of its newness and transcendence seduces the spirits of scholars and consequently imposes the need of embodying in a Memorandum, as Mr. Montes has through of doing, the fundamental ideas exposed in the meeting alluded to, which shall serve as the foundation for the outreach work necessary to take conviction to the popular spirit.

The new guideline that is attempted to be given to South American international policy, as Mr. Montes has been careful enough to evidence in the conference held with the Minister of Foreign Affairs, Mr. Enrique Villegas, in presence of the undersigned, is strange from all current diplomatic negotiation and it shall not affect the course of the negotiations undertaken by Chile and Peru to settle the Tacna-Arica problem, or those planned on grounds more or less accorded, with regard to the Arica-La Paz railway or the agitated question emerging from the acknowledgement of rights of the holders of Bolivian titles over the nitrates deposits of Toco.

This feature has been evidenced by the fact that the undersigned, Representative of Bolivia, has avoided all interference in the matter as well as by the fact that among the individuals invited by Mr. Montes, none of them is a member of the Government of this country.

Offering to inform that Ministry about any emergency that may emerge with regard to this matter, I am pleased to reiterate to the Minister the assurances of my highest consideration.

(Illegible Signature) Sanjines

To Dr. Alfredo Ascaramuz
Minister of Foreign Affairs

**ANNEX 42: BOLIVIAN MINISTER OF FOREIGN AFFAIRS AND
WORKSHIP'S NOTE N° 126 OF 24 MAY 1919**

Ministry of Foreign Affairs and Worship

Diplomatic Section

Note N° 126

La Paz, 24 May 1919

Sir,

I have had the honour to receive your kind note N° 197 of 5 May which contains important reports with regard to the Mission that has brought been Bolivia by Mister Emilio Bello Codesido and the disagreement between Mr. Eliodoro Yáñez and Mr. Augustin Edwards, on account of their differentiated views of their role in the Missions that Chile has accredited before the United States of America.

With regard to the Minister of Chile before our Government, in a last visit he paid to our Foreign Ministry he confirmed the personal impressions of the undersigned with regard to the activities of the Chilean representatives before the Government of the White House.

Insisting on withdrawing this matter from the knowledge of the League of Nations and certain of the impossibility of reaching an agreement with Peru, the Chilean Foreign Ministry prefers to ask the President of the United States for a suggestion or advice on the way to settle the question of the Pacific.

It seems, on the other hand, according to what understood from what exposed by Mr. Bello Codesido that the Government of Chile deems the Bolivian longing of owning a port on the Pacific as legitimate and just, and that it will try to fulfil it

through equitable compensations. It fears, meanwhile, as I have been able to understand, that if a powerful International Tribunal or an entity of high prestige and influence are called to settle the problem, all rights to compensations and indemnifications may be unacknowledged for Chile. Chile presages that the territory will be left out of its hands and it shall make efforts to reach, in exchange, the highest possible amount of moral and material benefits.

If, as it seems, the three countries, Bolivia, Chile and Peru, are pending of the views of the American President and if that righteous entity comes up with a solution of agreement, whose sense can be no other but one supported by itself with regard to the need of all nations of having access to the sea, then we shall not disregard our tasks of investigation and our persisting and solicitous negotiations before the White House. On our end, we would be willing to submit the matter to the judgment of President Wilson, so that he acts as arbitrator or mediator or so that he simply gives the three countries friendly advice whose influence right now, would give that act the feature of an irrefutable judgment.

The great effort that the Minister of Chile has invested to show that the Bolivian policy has supported the Chilean possession of Arica for years, so as to fulfil, through this means, its just aspiration. Has not the continuation of Arica's railway been an act aimed at straying Peru's intentions to regain that territory? This question along with many other considerations had as their purpose that of stressing that Tacna and Arica had to be transferred to Chile's sovereignty so that this country could transfer them to Bolivia.

For my part, I have told the Minister of Chile that any arrangement or negotiation on the territories of Tacna and Arica must be made with Peru's knowledge or if possible with its agreement. He has deemed this way of proceeding as correct and

faithful, although it finds that Peru may impose all sorts of obstacles to a solution that does not imply the reincorporation of those provinces to Peruvian sovereignty.

This Foreign Minister believes to perceive the solution to be given by Washington and it is encouraged by the belief that if President Wilson has supported with ardour a principle in Europe, he shall not cease to promote its application in the American country. As you know, this principle consists of attributing the sovereignty of a part to the country whose trade is called to develop.

For this reason I reiterate to you the assurances of my highest consideration.

Alberto Gutierrez

Minister of Foreign Affairs of Chile

Addressed to Dr. Claudio Pinilla

Envoy Extraordinary and Plenipotentiary Minister of Bolivia to Chile
Santiago

**ANNEX 43: BOLIVIAN MINISTRY OF FOREIGN AFFAIRS AND WORSHIP'S
NOTE N° 31 OF 21 NOVEMBER 1919**

MINISTRY OF FOREIGN AFFAIRS AND WORSHIP

La Paz, 21 November 1919

NOTE N° 31

Mister Minister,

On 11 November last I addressed to you an encrypted cablegram whose translations says:

“Andes.- Santiago.- With regard to the Chilean proposal explained in note of 13 September this Foreign Ministry believes a counter proposal must be formulated in the sense that Bolivia, Chile Peru start a tripartite negotiations requesting the mediation of the United States for the solution of the Tacna – Arica problem. In the event that this proposal is accepted, Chile will certainly ask Bolivia to concur with it to the United States to negotiate the success in the plebiscite and to transfer the strip to the north of Arica. Since neither the nation nor the Government will accept the exclusion of Arica, we will insist on the fact that the Chilean proposal comprehends the said port. If that is the idea, the path shall be opened. Please inform that Foreign Ministry that it would be difficult for the Bolivian public opinion to accept a solution which excludes Arica from its expected sovereignty and that in any case, the Government of Bolivia considers the Chilean proposal as an act of friendliness towards us. (Signed) Carlos Gutierrez”.

To H. E. Mr. Claudio Pinilla,
Envoy Extraordinary and Plenipotentiary Minister of Bolivia
Republic of Chile

This Legation knows that the Chilean proposal consists in the transfer, by that country, to Bolivia, of an area of the territory located to the north of the port of Arica, so long as Chile wins in the plebiscite against Peru, for which our country shall unite its diplomatic action to that of Chile in order to consolidate its sovereignty over the provinces of Tacna and Arica.

In view of this initiative and the insisting efforts of Minister Mr. Bello Codesido so that the Foreign Ministry provides a categorical reply, the undersigned has held many meetings with that diplomat.

One of those was at the Government Palace, with the presence of the President of the Republic, at request of the Minister of Chile, Mr. Bello Codesido, and this latter broadened his country's proposal, in the sense that, in the event that Bolivia accepted it, the port of Arica would be neutralized, hence, there would not be Chilean customs transactions, nor shall fortifications be built and no army forces shall be kept there.

The Representative of La Moneda expressed that for the purpose of avoiding that the Chilean- Bolivian agreement be seen as a manoeuvre aiming at discrediting Bolivia vis-à-vis Peru, Chile proposed Bolivia to concur together and in strict accordance with the Treaty of Ancón concluded between his country and Peru.

Both the President and the undersigned Minister for Foreign Affairs, told him that Bolivia considered the Chilean proposal as a friendly act towards our country, for it acknowledged our country's right to an access to the sea. But the Government

needed to inspire in the viewpoints of the country and for that he thought of convoking all notable men to a meeting to address the matter with them, for the Bolivian attitude, accepting the Chilean proposal as it was formulated, could seed a future war with Peru.

In a meeting held by the undersigned and the Members of the honourable Commission of Diplomatic Affairs of the Honourable Chamber of Deputies, the idea that the Government of Santiago's proposal sought to separate us from Peru – which would be inconvenient- was generalized.

It was after that meeting and conferences held with the President of the Republic and the members of the Cabinet, that the undersigned Foreign Minister reached the conclusion that the proposal of Bello Codesido, in the terms it was formulated, should not be accepted, but rather, a counter proposal should be submitted in the sense of concurring with Chile and Peru to request for the mediation of the United States for the solution to the Tacna- Arica question.

The advantages that this solution would bring to us will not be hidden from his illustrious and expert criteria, able to reach the same result proposed by Chile; of attending together and in agreement, when timely, for Peru is pigeonholed in the most absolute intransigence; and also because the Arica-la Paz railway has bound our interests with those of Chile, along with the fact that our representation, arguable up until now, would be established with the consent of the two Parties to the controversy.

On 14 November, Mr. Bello Codesido was at the Foreign Ministry, where he informed the undersigned about the susceptibility that the spirit of the response of the Bolivian Government to the cablegram had caused; in Peru, people wondered

if it was true that Bolivia had “concluded or was about to conclude” a pact with Chile on the future fortune of the Provinces of Tacna and Arica.

The undersigned expressed that the affirmative reply of Bolivia did not affect the negotiations with Chile, for at that time it was nothing but the enunciation of a fact.

The Minister then expressed that since the Representative of the Government of La Moneda was there, he believed that it was convenient to inform him that there have been favourable views with regard to seeking for a tripartite agreement between Bolivia, Chile and Peru in the reserved sessions of the National Congress when they addressed the Chilean position.

The impression that this declaration aiming at exploring the spirit of Chile caused a negative impression in Minister Bello, because, as he stated it, this new attitude implied an unexpected reaction in the sense of a tripartite negotiation proposed against the aforementioned.

As there was not such reaction, it was mentioned in his terms to the Foreign Minister and that concept was confirmed by the President of the Republic in a meeting held subsequently along with the undersigned, and, as the latter, at request of the Minister of Chile.

Mr. Bello Codesido conceptualized that Chile’s promise to transfer Arica to Bolivia would imply the same as transferring to Peru the territories subject to the plebiscite, for there would be not motivation for the Chilean voters.

Chile’s susceptibility with regard to the declaration made before Peru stating that Bolivia had not concluded, nor is it about to conclude, any agreement with Chile

on the provinces of Tacna and Arica, has been confirmed in the note whose copy is attached here to, along with the reply of the Foreign Ministry under my charge.

You are now informed of the recent events.

On this occasion I renew to you the assurances of my distinguished consideration.

Carlos Gutiérrez
Ministry of Foreign Affairs of the Republic of Bolivia

COPY

CHILEAN LEGATION

La Paz, 19 November 1919

Mister Minister,

On occasion of the press publications of the cablegrams recently exchanged between the Foreign Ministries of La Paz and Lima, Your Excellency accepted my request, verbally expressed on 14 November, of informing me about the text of the telegraphic reply which Your Excellency addressed to the Minister of Foreign Affairs of Peru last 8 November.

Aware of the declaration embodied in the telegraphic note addressed by Your Excellency in which Your Excellency evidences that the "Government of Bolivia has not concluded, nor is it about to conclude, an agreement with the Government of Chile on the future fortune of the provinces of Tacna and Arica", my Government has instructed me to express to Your Excellency the awkwardness

that such a declaration has caused, conceived in such absolute terms, which seems to exclude, indeed and unusually, the continuation of the friendly negotiations entered into by this Legation last September and aimed at producing an agreement between our countries which would signify a new bound in their future relations, as well as a manifestation of Chile's sincere longing to cooperate with the fulfilment of Bolivia's aspiration to secure a sovereign access to the Pacific.

This unexpected attitude of the Government of Your Excellency, when the undersigned was awaiting to know the views of this Government on the concrete grounds for an agreement which synthesize the ideas exposed by the honourable former colleague of Your Excellency within the cordial and friendly spirit to which the mission of the representative of Chile obeys cause my Government to inquire on the scope of the certainty assigned to Peru in the sense that the Government of Bolivia is not about to conclude an agreement with Chile on the future fortune of the provinces of Tacna and Arica.

When requesting Your Excellency for a necessary clarification on this regard I believe it is my duty to anticipate that my Government cannot suppose that it was the intention of Your Excellency to abruptly end the friendly negotiations pending through a declaration made before an alien country, whose policy is characterized by permanent hostility towards Chile, and which, on the contrary, is certain to find the highest motives that inspire the Foreign Ministry of Bolivia's actions in its relations with friendly countries, the explanation of this diplomatic incident, which notwithstanding the ungrateful comments and views it received, shall not have disturbing effects for the harmony and cordiality in which the mutual efforts if our Governments have been developed favouring a closed and lasting approach between the two countries.

On this occasion I reiterate to Your Excellency the assurances of my highest and distinguished consideration.

(Signed) Emilio Bello Codesido

To H.E. Mr. Carlos Gutierrez
Minister of Foreign Affairs of Bolivia

COPY

DIPLOMATIC SECTION

NOTE N° 30

La Paz, 21 November 1919

Mister Minister,

I have the honour to receive the kind note addressed by Your Excellency on 19 November last, in which under express instruction of your Government, Your Excellency expresses the awkwardness caused by the content of the telegraphic note of this Foreign Ministry I reply to the one addressed by that of Peru, because Your Excellency considers that the terms in which it is conceived are too absolute and seem to exclude the continuation of the negotiations entered into by Your Excellency last September.

Your Excellency adds that the attitude of my Government, in the precise moment in which the Legation under your charge believed that the views of the Bolivian Foreign Ministry on the friendly agreement between both entities, causes Your Excellency you inquire on the scope that the certainty given to Peru could have in the sense that the Government of Bolivia is not about to conclude an agreement with that of Chile on the future fortune of the provinces of Tacna and Arica.

Fulfilling the desire of Your Excellency of clarifying the criteria with which the Bolivian Foreign Ministry replied to that of Peru, I must express that this reply, far from obeying the purpose of ending the friendly negotiations entered into by Your Excellency has no other scopes but that of the enunciation of the current truth, for, indeed, my country has not concluded an agreement with Chile on the future fortune of the provinces of Tacna and Arica and it is not about to conclude one either because, currently, whereas a Chilean proposal is pending in this Foreign Ministry, there still are not grounds for a mutual agreement which authorize the imminence of an agreement aimed at defining the fortune of those districts, in dispute nowadays between Chile and Peru, signatories of the Treaty of Ancón, and Bolivia believes to be part to that controversy because it longs to fulfil its fundamental aspiration of accessing the Pacific by means of the incorporation of Arica or another port into its sovereignty.

Hence, the Government is free to conclude, with the illustrious representative of La Moneda and with whichever powers want to cooperate in the realization of its legitimate longing to access the sea, agreements that are aimed at facilitating that aspiration and the no-less accentuated of strengthening, if possible, the relations of cordial friendship that my country and that of Your Excellency inalterably maintain.

On this occasion I renew to you the assurances of my highest and distinguished consideration.

(Signed) Carlos Gutierrez

Minister of Foreign Affairs of Bolivia

To Mr. Emilio Bello Codesido,

Envoy Extraordinary and Plenipotentiary Minister of Chile in Bolivia

**ANNEX 44: BOLIVIAN MINISTRY OF FOREIGN AFFAIRS' NOTE OF 16
MARCH 1920**

(In, MINISTERIO DE RELACIONES EXTERIORES DE BOLIVIA, *LIBRO
ROJO*, Bolivia, 1920, pp. 46-47)

[Extract]

**CABLE REPLY OF THE FOREIGN MINISTRY OF BOLIVIA TO THE
PREVIOUS NOTE**

MINISTRY OF FOREIGN AFFAIRS AND WORSHIP

La Paz, 16 March 1920

His Excellency Meliton F. Porrás, Foreign Minister of Peru

Lima

With regard to the considerable communiqué that, in response of mine of 1 March, His Excellency sent me, I consider the important point of it:

Of course, for the purpose of avoiding wrong interpretations of the Bolivian thesis regarding its aspirations to complete the geographical structure of the Republic through the acquisition of a port on the sea, I have to state that such desire is based on the following concepts.

My country which continues following the acquisition of the port of Arica since its birth to its independency, it has considered, under special circumstances,

deprived of direct communication with the sea, giving, therefore, greater intensity to its desire to obtain that port to satisfy its political and trading needs.

[...]

That aspiration will not determine any Bolivia's act against the law.

However, considering the long-lasting controversy of the bother countries on the realization of the plebiscite, which has to decide the final fate of the territories of Tacna and Arica.

[...]

Bolivia will be persuaded that the incorporation of those territories to its sovereignty would be solved, within the most perfect equity and justice, the worst political problem of South America and it has thought, in this virtue, that it has to follow that solution, resuming such old negotiations as the time our autonomous nation has of life.

[...]

Therefore, Bolivia does not pretend Peruvian possessions but territories over the territories where the boundary nations of Chile and Peru do not have a definitive right, as assertively the formula states, adopted by Honourable Chamber of Deputies on the guidelines this Foreign Ministry should print to the international policy of the Republic.

[...]

Under the habitual frankness, we have reiterated in different opportunities that we attempt to enter into a friendly negotiation with Chile and Peru to deal

with the geographical vindication of Bolivia through the acquisition of a port, which could be Arica, and this, before resorting the League of Nations to inform them about our outstanding landlocked situation, because that high international corporation is available to fail, if necessary, the significant dispute of the Pacific.

[...]

Whereas, His Excellency, Mr. Solon Polo, Minister of Peru in La Paz in that period said to His Excellency, Foreign Minister of my country, Dr. Daniel Sanchez Bustamante, if Chile accepted the division of the two provinces, leaving Tacna for Peru, its Government would cooperate with Bolivia's purposes and would pleasantly see that the port of Arica would enter under the dominion of this country.

[...]

Naturally, if now Peru disagrees with those statements of His Excellency of ten years ago, it will be recorded as background that I will also submit to the judge of the universal diplomacy.

[...]

The Memorandum was submitted by Foreign Minister Mr. Bustamante to Minister of Peru Mr. Solon Polo, who surely submitted this to its Foreign Ministry.

Here it is the said diplomatic representative's report to the document he received from our Foreign Minister:

“Peruvian Legation.- Number eight.- La Paz, 4 May 1910.- Honourable Minister: In reply to the honourable note of His Excellency, yesterday, I have the honour to state that, due to the behaviour and nature of the Government of His Excellency requested my Government, in our conference of last Monday, 25 April, I have considered the memorandum on the same issue as confidential, I was pleasant to receive it from His Excellency two days later.- Pleased of anticipating to the desires of His Excellency, I reiterate Minister, the assurances of my highest and distinguished consideration.- (Signed)- SOLON POLO.- To His Excellency Dr. Daniel Sanchez Bustamante, Minister of Foreign Affairs and Worship of Bolivia.- City.”

In my last communiqué, I simply type some fragments of the memorandum that Minister of Peru Mr. Polo, received from Foreign Minister of Bolivia on Wednesday, 27 April 1910, in accordance with the aforementioned note. This document already considered "the definitive vindication of all or a part of Tacna and Arica to Alto Peru.”

That statement, farther from causing protests in Peru, was, instead, favourably accepted, when his Foreign Minister was the same distinguished person who today performs such high position.

[...]

As His Excellency showed, comparing weird ideas, that the affirmation of the Foreign Ministry related to the written acceptance of the neighbouring of Tacna and Arica is worthless for the negotiation tended to vindicate those territories to Alto Peru, it is important to assign, although in summary, that the text of the minutes signed by the neighbourhood that His Excellency cannot unknown and which state:

Minutes of Tacna 1826 submitted to the Liberator Bolivar: “His Excellency, the Municipality of this villa, using its right of representation, expresses to His Excellency the feeling of its people, addressed to only promote the happiness of this country. The relations of survival and trade existing between people from the Republic of Bolivar and from this Province: its location and other circumstances that interest us mutually with higher advantages from the ones they had achieved before, urgently demand the separation of this Province from the capital Lima and its union with the capital of Sucre; union that although it is perfect, it will also be indissoluble; our happiness comes from it to which we can aspire through fair means, relying on the protection of His Excellency. Deeply considering, this villa, such feelings and even all the Province, I send His Excellency this representation, therefore, according to this, His Excellency considers the votes of a patriotic peoples who definitely want to belong to the Republic of Bolivar.”.

Minutes of Arica, 1836.-

[...]

Third. The city of Arica, in the part it corresponds, is linked to the Bolivian nation and forms a part of its family.

[...]

For the purpose of having the remembrance of background completed, I also urge you to allow me to remember, aimed at the patriotic abnegation of those provinces, rightly exalted by His Excellency, who had already shown that patriotic abnegation in 1811, solemnly protesting under the guidance of the

distinguished patriot Mr. Francisco Antonio de Zela, Minister in charge of essay and weigh the coins of the real Cash Register of Tacna against the Government of Lima, declaring to subject to the Chiefs of the Provinces of Charcas and Rio de la Plata to fight as they fought during the bloody war of the independence.

[...]

It is undeniable, as the colonial history points, the fact that Arica, conquered in the XIII century by Aymaras, was organized in the XVI century as Alto Peruvian port, aimed at communicating the economical interests of the Audience of Charcas.

[...]

With regard to that background, the first Bolivian Congress, reunited in 1825, stated that that port had to be reincorporated to the just born republican entity, and with them the 1826 Treaty was signed first, not ratified, in which Peru recognizes Bolivia's sovereignty over the territories of Tacna, Arica, and Tarapaca, and later, in 1830, Marshal Santa Cruz claimed for Arica in the famous conferences of Desaguadero.

[...]

Nowadays, it is more legal that Bolivia assert, with reasons, without violence and at the light of justice and not at under the shadow of force, legitimate claims that belong to it and remind the countries interested and the world, that the question of the Pacific will only finish when the maritime vindication be done because the emotional feelings, as self-esteem which supports the interests of Peru and Chile, and I do not pretend to ignore its respectability which disappears or extinguishes more or less later to the influence of the generous ideas that are always part of all peoples.

[...]

Before this justice, claimed by weak and oppressed people in the first note of His Excellency, it is unfair that in name of political titles, either exist or not, a friend and sister nation, which has enough ports over a coast of two kilometres, denies to open the access to the sea to another, which, due to a common misfortune, does not have any, and that only requests, invoking unavoidable titles, written by the history and shown geographically, to allow it to enjoy from what the nature has linked to its land and that the colonial administration has created for it. It is even unfair to deny an access to its territory, because it is not possible to enter or go out from Peru through Arica as well as it is not possible to enter or go out from Chile. And it is also unfair that against the dictates of that justice, which forms the supreme ideal of the human rights and which has to be fair for everybody, since it does not see the force or politics, neither their smallness nor the greatness, it wants to be dependent on the demand of a foreign sovereignty, as it is now and as it was before the war of the Pacific, the economical development, the commercial extension, and the security itself of a peoples which has the right to live and grow as the other from the continent. When the examination of the case is submitted to calm judgment of impartial spirits, as it would be one day, it is for sure that they will find intolerable that over the sacred right of the existence, a political right wins, consisting to handle the valve of breathing of the neighbouring country at his will, because we have to say, with the testimony of three centuries of colonial existence and with nearly a century of republican life, Alto Peru would have been suffocated without Arica it would happen the same to Bolivia without that port, which does not have any contact with either security or trade, or the economic interests of Peru or Chile.

If the foregoing references are added to the justice of strict law His Excellency would also agreed on that, to discern, it is not possible to depart from the existing legal factors. So if no one at present can claim a perfect right over Arica, nobody can claim the correlative justice to such a right either. Everyone is required to be within the legal environment imposed by the situation created. In this sense, being the only one to be considered in the issue of that port, only Peru and Chile corresponds to tend that their current expectant right become in a perfect right, through the stipulated Ancón Agreement or for other on which they may mutually agree, as corresponds to Bolivia to make its - superior, in concept, that of its neighbours - that it is considered in direct management by them, or arbitrarily judged by an international entity. That aspiration, respectful of other rights and adjusted to the legal and political rights, it cannot be bad appreciated by the countries concerned. If they consider that their cause has better reasons, they have nothing to fear. The quiet discussion will put them in evidence, or the judge named to fail will discover them effortlessly. Bolivia does want another thing. It trusts international justice, as well as the feelings of fairness of Peru and Chile. Therefore, it friendly requests to listen to it, or, in homage to the American concord, they friendly subject to the decision of the sovereignty of Arica of the prestigious verdict of the League of Nations.

The Government of Bolivia does not despair that his Excellency, which will bind with sacred ties of close brotherhood whose consistency has been demonstrated in all greater than the force of political setbacks time, wants to think more calmly and listen to proposals that satisfy the dignity and the permanent interests of both peoples.

With such votes, I reiterate to His Excellency the assurances of my highest consideration.

Carlos Gutierrez
Foreign Minister of Bolivia

ANNEX 45: BOLIVIAN LEGATION'S NOTE N° 285 OF 2 JUNE 1922

Bolivian Legation

Santiago, 2 June 1922.

Note N° 285

Object: Congress' inaugural session

Mr. Minister,

Yesterday, 1 June, the solemn inaugural session of the ordinary meetings took place, upon which the work of the Chamber of representatives for this year is started.

I inform to Your Excellency that I attended this ceremony accompanied by the personnel of this Legation, not without certain restlessness, for –as it could be expected– the President, Mr. Alessandri, was to address our international relations.

The rationale for my restlessness was former facts which this Foreign Ministry is aware of, exclusively on account of the impetuous dispositions of Mr. Alessandri which, on this occasion, could be repeated, perhaps, in a much injurious manner against our country, a fact that would have caused me to take a strong and firm position in defence of the representation I am in charge of.

Discretion advised me to, on the other hand, to avoid my insistence, but then I thought that that would have caused unfavourable comments.

Happily the terms of the message, with regard to the relations with our country, took a querulous tone and although I was subject, back then, of observations by all

attending people, especially by legislators, I kept a calm and attentive attitude when the message was being read.

I must make reference, particularly, to the first burst of applause heard at the Congress Hall when President Alessandri finished reading the last paragraph which regarded Bolivia. It reads as follows:

“So that this purpose can have its natural advantages, it will be necessary that Bolivia secures the conviction that, within the framework of an atmosphere of brotherhood and harmony, it will find in our country but a friendly desire of seeking for formulas which consulting our legitimate rights, satisfy inasmuch as possible its aspirations, but outside this atmosphere, through unfriendly and violent actions, through resources that harm the national feeling, there will not be any Government in Chile that accepts to consider solutions that may be intended with such wrongful conducts.”

I enclose to this note, I am pleased to address Your Excellency, the message by Mr. Alessandri, which presents a very complete and clear picture of the situation this Republic is currently found in.

I take advantage of this occasion to renew to Your Excellency the assurances of my most distinguished consideration.

Signature Salinas Lozada

To H.E. Mr. Severo Fernandez Alonso-
Minister of Foreign Affairs and Worship
La Paz

**ANNEX 46: CHILE'S LETTER TO THE LEAGUE OF NATIONS ASSEMBLY,
19 SEPTEMBER 1922**

DELEGATION OF CHILE
TO THE
LEAGUE OF NATIONS.

GENEVA, September 19th, 1922.

Sir,

I learn with some surprise of the Note, dated September 8th, addressed to you by M. Alberto Gutierrez, Bolivian delegate to the League of Nations.

M. Gutierrez states in this Note that he does not propose to submit to the present Assembly a new request for the revision of the Treaty of 1904 between Bolivia and Chile. He ascribes to the President of the Republic of Chile statements which, in his opinion, caused the failure of the negotiations which Bolivia proposed to undertake directly with the Government of Santiago. He adds that the conclusion of any arrangement between Bolivia and Chile presents grave difficulties unless the mediation of a friendly Power or of a supreme arbiter like the League of Nations be secured, and he ends his letter by asking you to communicate its contents to all the Members of the League of Nations.

Without entering into a new discussion with the Bolivian Delegation on a question which is contrary to the very basis of the Covenant of the League of Nations, the fundamental principle of which is respect for treaties, I merely desire to remind the Members of the League of Nations: (a) that no question arising from the Treaty of Peace of 1904 can exist between the Government of Chile and the Government of Bolivia, and that the situation resulting from the war provoked by Bolivia in 1879 was, and remains, definitely settled by this Treaty of Peace, signed by M. Gutierrez himself; (b) that the second Assembly, in conformity with

the opinion of a committee of jurists, has stated that the request for the revision of the Treaty of 1904 presented by the Chilean Delegation to the League of Nations could not be entertained; (c) that, in conformity with the principles of international law, the Chilean Government does not admit that any authority has the right to revise a treaty such as the Treaty of 1904, signed twenty years after the cessation of hostilities, freely entered into by both the parties, and completely carried out; (d) that, in accordance with the declaration made by its delegation at the second Assembly, the Chilean [sic] Government has expressed the greatest willingness to enter into direct negotiations, which it would conduct in a spirit of frank conciliation, and in the ardent desire that the mutual interests of the two parties might be satisfied.

For purposes of information only, and out of deference to the other Members of the League, I desire to state that the declaration of M. Gutierrez, concerning the mission of the Bolivian Minister at Santiago, is not in accordance with the true facts of the case.

The President of the Republic of Chile, referring to recent official Bolivian documents, informed the Bolivian representative, with that frankness which should characterize all friendly negotiations, that he did not recognize the right of the Bolivian Government to claim a port on the Pacific Ocean, since Bolivia abandoned that aspiration when it signed the Treaty of Peace of 1904, and obtained in exchange the assumption by Chile of heavy engagements which have been entirely carried out. The President of the Republic added that the aspirations of Bolivia might be satisfied by other means, and that his Government was quite ready to enter into negotiations on this subject in a sincere spirit of peace and conciliation.

Subsequent to this declaration made by the President of the Republic, His Excellency M. Macario Pinilla, Envoy Extraordinary and Minister Plenipotentiary for Bolivia, forwarded to the Chilean Government the following note dated Santiago, November 16th, 1921:

“Sir,

In conformity with the offer which I ventured to make to His Excellency the President of the Republic to forward to my Government the statements which he had been good enough to make, on the presentation of my credentials, concerning the aspirations which my country still retains for the acquisition of a port on the Pacific Ocean, I have been instructed to state to Your Excellency’s Government that my mission does not at the moment allow me to take any initiative or to make any proposal on this subject, and that I must confine myself to maintaining the good relations which fortunately exist between our respective countries.

In asking Your Excellency to forward this declaration to His Excellency M. Alessandri,

I have the honour, etc.,

(Signed) Macario PINILLA.”

On November 19th, 1921, the Chilean Minister for Foreign Affairs replied in the following terms:

“Sir,

I have the honour to acknowledge your letter of the 16th of this month, by which Your Excellency informs me that, after you had communicated to your Government certain statements made by His Excellency the President of the Republic on the occasion of your official reception, Your Excellency received instructions to inform my Government that Your Excellency’s mission did not allow you for the moment to take any initiative, or to make any proposal concerning the desire of Bolivia to obtain a port on the Pacific, and that Your Excellency must confine yourself to maintaining the good relations which fortunately exist between Bolivia and Chile.

I have noted Your Excellency’s communication and, in accordance with the wish therein expressed, I have brought the declaration which it contains to the notice of

His Excellency the President of the Republic. As far as I am concerned, I should be very happy to co-operate with Your Excellency in this matter in every way.

I have the honour, etc.,

(Signed)

Ernesto BARROS-JARPA.”

I should be grateful, Sir, if you would circulate this letter informally and purely for the information of the Delegations.

I have the honour to be, Sir, Your obedient Servant,

(Signed)

MANUEL RIVAS-VICUNA.

**ANNEX 47: BOLIVIAN MINISTRY OF FOREIGN AFFAIRS' NOTE
OF 27 JANUARY 1923**

**MINISTRY
OF FOREIGN AFFAIRS AND WORSHIP**

27 January 1923

CONFIDENTIAL

Mister Minister,

When the Delegates of the great part of the civilized nations met in Geneva, for the first time, to examine worldwide issues, Bolivia considered it was an act of good international policy, within the framework of the spirit of stipulation of the Versailles Treaty, to inform the friendly countries about the dangerous and difficult situation that the Treaty of 20 October 1904 has caused, requesting, therefore, the revision of that treaty which was being complied with the greatest loyalty by my country, which has provided and provides unavoidable compliance with its international commitments.

The purpose of the Bolivian Government was reduced to obtain the moral support of the nations there represented for the realization of a latent and unavoidable aspiration of my country, after the following day of the signing of that Treaty of Peace: its maritime reintegration through the revision of the treaty which deprived of this important condition to the free development of its nationality, to the legal growth of its material progress, and to the necessary use of the richness of its privileged land.

Opposing the Government of Your Excellency to the Bolivian claim - which did not go further, I reiterate, from obtaining the recommendation to revise that Treaty, and, therefore, to provide more prestige to the friendly negotiations which follow it, - I stated, through the Chief of his Delegation, that Chile was willing to enter into direct negotiations aimed at satisfying Bolivia's aspirations. In the same way, but in different opportunities, some representatives of this Nation has stated, and recently, His Excellency President of Republic has recorded the following words in his Message issued to the Congress, "it would be necessary that the conviction be guaranteed in Bolivia so that this proposal could have its natural use, within an atmosphere of brotherhood and harmony, will find, in our country, a cordial desire of seeking for formulas which, consulting our legal rights, satisfy its aspirations as far as possible".

Based on the reiterated statements and not considering the least doubt on his sincerity, His Excellency President of the Republic of Bolivia has gave me instruction on proposing His Excellency the revision of the Treaty of 20 October 1904, aiming at opening the doors to a new international situation that allows Bolivia to live in full possession of its sovereignty, with access to the sea, and where it has, at the same time a free commerce with all peoples of the globe, the attributes through which the responsibilities of its worldwide commitment make effective in the growing development of its moral and economical activities.

I have the honour to address Your Excellency the trust I have that this invitation will be received with the consideration it deserves, not being as it is not, aimed at guaranteeing the relations of good friendship that my country wants to keep with the Republic of Chile all the time, and to provide, on the other hand, a happy occasion to the Government of Your Excellency so that it shows its noble spirit that encourages to harmonize the highest interest of our respective nations.

I offer Your Excellency the assurances of my highest and distinguished consideration.

Minister of Foreign Affairs and Worship
Republic of Bolivia

To the Minister of Foreign Affairs
Republic of Chile

**ANNEX 48: CHILEAN MINISTER OF FOREIGN AFFAIRS' NOTE
OF 6 FEBRUARY 1923**

Sec. Da. N° 20

Santiago, 6 February 1923

Mister Minister,

I have the honour to acknowledge the receipt of your kind note of last 27 January, in which Your Excellency express that His Excellency the President of Bolivia has instructed to you to propose to Chile's Government the revision of the 20 October 1904 Treaty, for the purpose of opening a new international situation that allows Bolivia for living in a full possession of its sovereignty with an own access to the sea.

Your Excellency recall that your Government thought of an act of good international policy, within the spirit of stipulations of the Treaty of Versailles, to submit to the Assembly of Geneva the dangerous and difficult situation caused by that Treaty, which was being complied with the greatest loyalty of Bolivia's side and has provided and provides inarguable acceptance to its international commitments. Your Excellency also adds that the Government of Bolivia's purpose was limited to obtain moral support to the realization of a latent and indeclinable aspiration of your country, since next day of the signature of the Treaty of Peace, and that Bolivia's claim did not go further from obtaining the recommendation to revise that Treaty and, therefore, to give greater prestige to the friendly proceedings to follow.

The Government of Chile is pleased to take notes of the statements of Your Excellency, and consistent with the attitude kept in all the occasions in which the Government of Your Excellency has considered convenient to request or propose the revision of the Treaty of Peace, now, insists that does not have to accept, even in principle, the revision of a Pact which was freely agreed by both countries, twenty years after the Truce Pact, and when both could measure the sacrifices made and the compensations received in exchange. The Treaty of Peace is not revisable: it is definitive by its nature and has been complied by my Government with the same loyalty and acceptance to international commitments that Your Excellency invokes in favour of Bolivia.

However, and in accordance with the declarations issued by our delegates before the League of Nations and with the speech of H.E. the President of the Republic, who Your Excellency is right to quote, my Government maintains the purpose of listening, with the most elevated spirit of conciliation and equity, to the proposals that the Government of Your Excellency wishes to present to it in order to conclude a new Pact which responds to the situation of Bolivia, without modifying the Treaty of Peace and without interrupting the territorial continuity of the Chilean territory.

In the determined and sincere desire to strengthen friendship with the country Your Excellency represents, and by direct instruction of H.E., the President of the Republic, I am honoured to tell Your Excellency that the Government of Chile will make the greatest effort to arrange with the Government of Your Excellency, on the basis of the specific and timely proposals that Bolivia submits, the grounds for a direct negotiation that lead to the realization of that desire by means of mutual compensation and with no detriment to inalienable rights.

With a feeling of my highest and distinguished consideration, I have the honour to subscribe to Your Excellency, Mr. Minister, a caring and obeying vassal.

(Illegible signature) Luis Izquierdo
Minister of Foreign Affairs of Chile

TO HIS EXCELLENCY MR. RICARDO JAIMES FREYRE,
EXTRAORDINARY ENVOY, MINISTER PLENIPOTENTIARY OF BOLIVIA

**ANNEX 49: MINISTER PLENIPOTENTIARY OF BOLIVIA'S NOTE
OF 9 FEBRUARY 1923**

[Extract]

BOLIVIAN LEGATION

SANTIAGO, 9 February 1923

Note N° 49

Object: confirmation of cablegrams

Mister Minister,

I hereby confirm various cablegrams exchanged with this Foreign Ministry since 4 February:

[...]

Addressed from the "legation" to the "Foreign Ministry", 07/II/1923: "The Minister invited me to a meeting today. He said it was useless for Bolivia to insist on the revision. When the situation of Tacna-Arica situation is resolved, we will be able to give Bolivia a port in return through compensations. I replied that I would request for instructions and told him that Bolivia hopes that its current negotiations reach a define result. The Minister told me that the note contained the strong determination of Chile. I replied that I would soon submit Bolivia Chile's strong determination. He then told me about other affairs which I shall inform about separately. It seems that Chile wants to entertain us waiting for the moment to eliminate obstacles of the Pan-American Congress for the arbitration in Washington. That causes diplomatic promises, cordial willing and readiness to be

vague. I believe we must avoid the shame that would emerge if we accepted this situation. The press and political circles hold that definite treaties are nor revisable, arguing that the Bolivia's aspiration opposes to law. I submitted the following note so as to avoid the opinion from generalizing:

Santiago, 6 February 1923.- Mister Minister, I have the honour to receive Your Excellency Note addressed today, in reply to my note of 27 January last, to which I proposed the Government of Your Excellency the revision of the Treaty of 20 October 1904. Reserving a precise reply for later, once I had agreed it with my government, to which I have addressed the text of the aforementioned note, I shall limit myself, in this note, to tell Your Excellency that the Treaty of 1904 could me modify as all other treaties, through agreement of the countries that have concluded it. There are not any contracts that cannot be amended or declared void in international law, so long as there is concurrence between the countries to do it. That is this concurrence that the Government of Bolivia was trying to achieve, as it can clearly be followed from my Note of 27 January. His Excellency, allow me to express my disagreement with the thesis held in the Note I am replying to and which reads as follows: "the Treaty of peace is not subject to revision". With deep feelings of consideration, etc. etc. (signature)." The Chilean Note has been published. I request for authorization to publish mine here [Chile] and in Bolivia.- (signature) Jaimes Freyre, Minister of Bolivia."

[...]

JAIMES FREYRE,

Extraordinary Envoy and Minister Plenipotentiary of Bolivia

To H. E. Mr. Eduardo Diez de Medina
Minister of Foreign Affairs and Worship
La Paz, Bolivia

**ANNEX 50: CHILEAN MINISTER OF FOREIGN AFFAIRS' NOTE OF
22 FEBRUARY 1923**

Chilean Republic
Ministry of Foreign Affairs

SEC. Da. N° 435
Santiago, 22 February 1923

Mister Minister:

I have the honour to reply, in accordance to the instructions of His Excellency the President of the Republic, to the notes that Your Excellency has addressed to me on 2 and 15 February.

Chile would never recognize the obligation to give a port to Bolivia inside that zone, because this zone was definitive and totally transferred in 1904 and also, because as I said in my Note dated 6 February, such recognition would interrupt the continuity of our territory. But, without modifying the Treaty, leaving the provisions intact and in force, there would be no reason to fear that the well-intentioned efforts of the two governments reached find a way to meet the Bolivian aspirations, if they restrict themselves to ask a free access to the sea and they do not assume the form of the maritime vindication that Your Excellency's note suggests. I take this opportunity to put on record once more, the good disposition of my government to discuss the proposals that the Bolivian Government would like to submit.

(Illegible signature)

Luis Izquierdo

To Don Ricardo Jaimes Freyre
Extraordinary Envoy and Minister Plenipotentiary of Bolivia

**ANNEX 51: MINISTER PLENIPOTENTIARY OF BOLIVIA'S NOTE N° 68
OF 2 MARCH 1923**

Bolivian Legation in Chile

Santiago, 2 March 1923

Note 68.-

Object: Farewell to the President of the Republic

Mr. Minister,

Last Tuesday 27 February, I said goodbye to the President of the Republic, who expressed his sadness for my departure and his wishes to inform the Government of Bolivia that it will always find Chile willing to start new negotiations with the aim of facilitating the access of Bolivia to the sea through its own port. He also sent his kind regards for President Saavedra.

On Saturday 3 March, I shall depart to Buenos Aires, according to the instructions that that Foreign Ministry has issued through cablegram dated 9 February 1923.

I reiterate to you, Mister Minister, the assurances of my highest and most distinguished consideration.

(Illegible signature)

Ricardo Jaimes Freyre

To H. E. Mr. Eduardo Diez de Medina,
Minister of Foreign Affairs and Worship.

La Paz

ANNEX 52: BOLIVIAN FOREIGN MINISTER NOTE N° 1489

2 DECEMBER 1926

(In, United States Department of State / *Papers Relating to the Foreign Relations of the United States*, 1927, 510-511)

N° 1489. ----

La Paz, 2 December 1926

Mr. Minister,

I have the honour to acknowledge the receipt of Your Excellency's the note N° 286 of yesterday together with which and in compliance with instructions of your Government, you have delivered to me the memorandum of the Secretary of the State of the United States relative to the problem of Tacna and Arica. You have informed me that other copies of the same memorandum were delivered yesterday likewise to the Governments of Chile in Santiago and of Peru in Lima. Other copies were delivered the day before to the Ambassadors of Chile and Peru in Washington.

Your Excellency is good enough to say that the memorandum has been sent to this Government in order that it may be informed of the proceedings adopted by the Department of the State in Washington with a view to arriving at a solution of the problem of Tacna and Arica that may be fully and definitely determined without injuring or offending the susceptibilities and pride of neither Chile nor Peru. The indicated solution of said problem, that of the transfer of Tacna-Arica to Bolivia by virtue of compensation which this country would

recognize for the improvements and public works made by the Governments of Peru and Chile during the time that they have had the said territories under their Government, embodies a formula which harmonizes all interests and all legitimate claims.

In accord with and being duly authorized by His Excellency the President of the Republic I have the honour to manifest to Your Excellency that Bolivia accepts fully the form of solution proposed by the Government of the United States and will pledge her every effort to arrive at an agreement, under the conditions of said transfer, with the Governments of Chile and Peru by means of the good offices of the Government of the United States.

The Government of Bolivia experiences a high feeling of satisfaction and Americanism in contributing in this manner to the solution of a problem that has had no other means of settlement and which in each instance has placed international peace in danger. The Government feels equally pleased to see that its repeated appeals to international justice and equity have been heard and have assumed a form of satisfaction without injuring the fundamental interests of Chile and Peru nor giving either country the advantage of a victory or the disappointment of a defeat in the settlement of a matter which had the point of exciting all the energies and all the pride of the two signatory nations of the Treaty of Ancón.

The Government of Bolivia, upon assuming the role of a participant in this international solution, wishes to communicate to the Government of the United States its most profound appreciation for having satisfied a national aspiration and for having contributed with such a lofty spirit in offering definite bases for peace and harmony of this continent.

I take advantage of this new opportunity to reiterate to Your Excellency the assurances of my high and distinguished consideration.

A. GUTIERREZ

To His Excellency, Mr. Jesse S. Cottrell, E. E. and Plenipotentiary Minister of the United States of North America.

**ANNEX 53: BOLIVIAN MINISTER OF FOREIGN AFFAIRS NOTE N° 1497
OF 7 DECEMBER 1926**

(In, MINISTERIO DE RELACIONES EXTERIORES DE BOLIVIA, *El Problema del Pacífico y la fórmula de solución del Secretario de Estado de los Estados Unidos*, Renacimiento, La Paz, Bolivia, 1927)

[Extracts]

[Page 21]

Note N° 1497

La Paz, 7 December 1926

Mister Minister,

I have the honour to acknowledge receipt of the note addressed by Your Excellency on 5 December, which was handed over to me that evening, along with which I have received the Memorandum that His Excellency the Minister of Foreign Affairs of Chile has drafted as a reply to the analogous document issued by the Secretary of State of the United States on 1 December.

My Government has been informed with the most vivid interest of the capitulation that the said memorandum embodies with regard to the long lasting dispute between the Governments of Chile and Peru over the rights and ownership of the territories of Tacna and Arica. This Ministry refrains from making any comment on that matter: but it believes it is essential to clarify the concept that the said document records that Bolivia spontaneously renounced to owning a maritime coast, in virtue of the 1904 Treaty. The Government of Your Excellency certainly

recalls that certain stipulations of the Truce Pact of 1884 caused this country to be unable to freely administrate its customs system, which was back then the main source of its fiscal income, hence being deprived of the greatest part of public incomes. In view of the pressure of these notorious facts and of the circumstances expressed, the Government of Bolivia resigned to abandon the rights it had over the maritime coast occupied by Chile. But it could not renounce to other legitimate instances to recover its maritime sovereignty elements, through pacts or conventional agreements or diplomatic covenants freely consented with neighbouring nations. In this connection, its policy has been frank and explicit enough and its sincerity has convinced other nations that the autonomous existence of the country was impossible if it is deprived of all communication with the worlds. The right to an existence and to a life is the foundation of every political and international organization. From the observance and knowledge of these circumstances, a friendly willingness has emerged from the Government of Chile to fulfil those needs and longings, which had been, on the other hand, acknowledged by eminent statesmen who had governed that Republic since 1884 and even before the historical event.

[...]

The Government of Bolivia acknowledges the high Americanist spirit with which the Government of Chile welcomes the proposal issued by the Secretary of State of the United States and accepts as grounds of the solution that, as the Government of the Union has noted, matters not only to the parties in dispute, but also to America as a whole. I can declare that the Government of Bolivia shall proceed, in the discussion and examination of the details of the transfer mentioned, with a broad and friendly spirit that corresponds to the attitude of the Government of Your Excellency.

[...]

When recording the positive impression that the conciliating attitude of the Government of Chile has left in the spirit of the Government of Bolivia – which contributes to re-establishing in America international friendship and harmony – has caused in the spirit of Bolivia, I have the honour to reiterate the friendly willingness of my country to welcome any suggestion of neighbour and friendly countries, so long as they are within the economical possibilities and the precepts of the national honour and dignity.

Begging Your Excellency to put these expressions before the knowledge of his Government, I have the honour to reiterate to Your Excellency the assurances of my high and distinguished consideration.

A. GUTIERREZ

To H. E. Mr. Manuel Barros Castañón,
Extraordinary Envoy and Plenipotentiary Minister of Chile

ANNEX 54: LEGATION OF BOLIVIA'S NOTE N° 395, 4 MAY 1929

[Extract]

LEGATION OF BOLIVIA

Lima, 4 May 1929

Note N° 395

Object: Confirmation of confidential cablegrams

Mister Minister,

I have the honour to acknowledge receipt of the reserved cablegrams received and transmitted by this Legation:

[...]

“Lima, 30 April 1929.- Foreign Affairs.- La Paz.-81.- I have just met with President Leguía. I exposed the Bolivian view noting the graveness of the clause proposed by Chile, which we consider an act of hostility and I expressed to him the hope that Peru would reject it. After listening to my words, he limited himself to tell me that it had been accorded between the parties to keep absolute reserve and that there was nothing he could tell me in advance with regard to the clause referred to. He added that this initiative did not come from the Government of Peru and that only the strength of circumstances could lead to its acceptance. I insisted on obtaining a concrete reply, but Leguía kept absolute reserve. In view of this attitude, I ended the meeting, expressing that I regretted not being able to know Peru's views, a fact that I would inform my Government about. I have the feeling that acceptance has been given and I believe that so as to avoid Peruvian-Chilean agreement on account of a contrary to Bolivia clause, we must make all

possible efforts in Washington so as to Hoover reject it. In the event that this negotiation was useless, perhaps it would be advantageous to publically denounce the clause and submit Bolivia's claim to friendly Foreign Ministries. I believe we must take a radical attitude, urgent, in view of the possibility that negotiations can end tomorrow or on another day on the week by means of an agreement that I shall firstly sign in Lima.- Ostria.”

La Paz,- 30 April 1929.- Bolivian Delegation.- Lima.- I met with the Foreign Minister of Chile on Saturday and I told him that Bolivia knew of the initiative of his Government through which Peru limited Bolivia's rights by the transfer of territory or the construct of international railways by Chile. I noted that that proposal was an unfriendly one because it limits the free future contract on the territory and on the international railway.

Bolivia's indifferent attitude with regard to agreements between Peru and Chile, will be abandoned to reclaim over the limiting covenant which implies agreement against Bolivia, whose right to a port of its own shall be fulfilled in the future by means of politic-economic solutions with one or another State. Both nations told Bolivia, on various occasions, that they would fulfil its right to a free maritime communication, so soon as sovereignty over Tacna and Arica is settled. If the Chilean initiative is accepted the future situation will be more difficult. We want both nations to be free to dialogue with Bolivia on international sovereignty and communication. The Chilean Minister said he ignored the fact, but that if that fact was true it would mean the dominion of Chile and Peru over Tacna and Arica; which Bolivia could not prevent. I replied to him the condominium against Bolivia would cause an unpleasant impression in the public opinion. You can inform about this conversation to the friendly Government. Elío.”

[...]

I take this opportunity to renew to you, Honourable Minister, the assurances of my highest and distinguished consideration.

(Illegible signature)

Alberto Gutiérrez

Exc. Mr. Tomans Manuel Elio

Minister of Foreign Affairs

La Paz

**ANNEX 55: EMBASSY OF BOLIVIA'S NOTE N° 242/44
OF 29 DECEMBER 1944**

EMBASSY OF BOLIVIA

NOTE N° 242/44

Reserved document

Object: Meeting with President Ríos

Santiago, 29 December 1944

Mister Minister,

Reiterating the content of my encrypted cablegram number 304, of 26 December, I am pleased to detail the scopes of the conversation I have had with the President of the Republic, Juan Antonio Ríos.

Beforehand, I believe it is timely to note the fact that this meeting seems not to respond to an audience requested by me. In fact, whereas it is certain that after submitting my credentials to the Vice-president, Mr. Quintana Burgos, I told the Foreign Minister the desire I had to personally greet His Excellency, such an opportunity was granted by late November, on occasion of the audience granted by the Head of the residing Diplomatic Corps, when resuming its functions. Hence, the meeting of 26 December, that is to say, a month later, would not obey to a negotiation made by me.

In this meeting, which prolonged for about forty five minutes, the President welcomed me with cordiality, expressing that he regretted not having received himself the credentials which authorized me as Bolivia's Ambassador, on account of the precarious conditions of his health.

He expressed his appreciation for the resumption of diplomatic relations, occasionally interrupted on account of non-recognition; the hope that my mission would bring positive and mutual benefits for both peoples, and, flaunting the language of sincerity and frankness with which he used to express himself, he referred to the poor atmosphere which according to the news existed in Bolivia with its relations with Chile; an atmosphere exteriorized by the press and other kind of expression.

I replied to the President's greeting with similar terms, highlighting the purpose that encouraged the Government and people of Bolivia of strengthening friendship and exchange ties that unite our countries, a purpose which I was certain to accomplish with the support of his Government. With regard to the supposed animosity existing in Bolivia against Chile, I detracted that presumption, expressing that, whereas Ambassador Cohen had not certainly gained the sympathy of the Bolivian public opinion, the expressions to which he referred reflected this atmosphere, circumscribed to the said diplomatic agent, without undermining, in his projections, the feeling of friendship towards Chile; consequently, he was not to get impressed by the interested information that Cohen must have submitted to him. I presented to him, also, my complain for the unfriendly publications of Chile's press, to which he replied that measures would be taken so as to avoid it in the future.

After addressing findings of this nature, and when I was about to greet goodbye concluding the meeting, I was stopped by Mr. Ríos to spontaneously address the port issue.

After commenting about the change of Government of Bolivia, he addressed this matter, more-or-less expressing the following: “I was the first to regret the wrongful proceeding which the Government of Peñaranda followed to fulfil the Bolivian aspiration of an own access to the sea, taking the matter to the consideration of alien Foreign Ministries, without attempting to directly address Chile. Hence, it could be said that Bolivia prepared an ambush against Chile to take place at any international conference or meeting. On that regard I would like to tell you”- he continued, “that my Government is willing to consider any direct proposal of your country, aiming at the solution to the issue. It is obvious”- he added- “to highlight the Chilean viewpoint, for it can be followed that if I want to acquire the house across the street, I must address the owner and not the neighbours, for if we come to an understanding, I will have accomplished my purpose by mutual agreement, and not by influence of third parties. I repeat the, Ambassador” concluded the President- “that my Government is willing to attempt any direct negotiation made by Bolivia, contemplating the reciprocal interests and mutual convenience of both countries”.

For my part, I limited myself to expressing president Rios the consent with which I received his declarations and the conciliating terms of the Government of Chile to consider the solution to such a transcendental American problem, based on the legitimate aspiration of Bolivia to achieve a sovereign access to the sea; that it would be pleasing to transmit to my Government his authorized and supportive opinion to my Government, because it supported a coincident criteria to face, when timely, the solution to this issue, through direct negotiations based on economic or commercial compensations.

Those were, summarizing, the scopes of the meeting held with President Rios. From their tenor it can be followed that Chile has a criteria already and it has studied the conditions that shall be demanded when necessary. The fact that the head of state has expressed, explicitly and spontaneously as he did, his willingness to face the study and consideration to our fundamental issue cannot be understood differently.

Deliberately, I did not want to forward more views and opinions on the matter, and far less to present a Bolivian position, because of the following considerations:

a) Because I understand that the way to solve this issue – with regard to the exact delimitation of the costal territory or the port area which Bolivia would like to incorporate into its sovereignty- has still not been formalized in my country through a rational study of possibilities, nor have the compensations or economic advantages that it would be able to offer Chile in exchange of that territory.

b) Because the instability of the current Government – on account of the precarious conditions of the health of President Rios, which whereas could oblige him to leave office-, make it impossible to engage into negotiations, which in the event of being interrupted, would detriment its success. On the other hand, there is no doubt that the elections of March could modify the form and composition of the current Government, perhaps offering more favourable perspectives.

c) Because there currently is not a proper atmosphere, on account of the action of the press, international political influence and other factors that conspire against the success of the negotiations. I believe that the preparation of a proper atmosphere, inside and outside the country, through a systematic and persevering

action, is urgent and essential for the best solution of a problem which, on account of its political and international concomitances and in view of the Chilean idiosyncrasy, is delicate and transcendental.

Offering to inform you about any influence related with the subject matter of this report, I am honoured to reiterate to you the assurances of my most distinguished consideration.

(Illegible signature)

To Don Gustavo Chacon
Minister of Foreign Affairs and Worship

**ANNEX 56: AMBASSADOR OF BOLIVIA'S NOTE N° 127 MRE/46
OF 16 NOVEMBER 1946**

Santiago, 16 November 1946

CONFIDENTIAL DOCUMENT

NOTE N° 127 MRE/46

Object: Meeting between the Foreign Minister of Bolivia and the President of Chile

Mister Minister,

So as to record the respective antecedent in the Foreign Affairs Ministry, I have the honour to inform you, in summary, about the meeting held between Foreign Minister, Doctor Aniceto Solares, accompanied by the undersigned Ambassador, and the President of Chile, Mr. Gabriel González Videla, on 8 November last.

After the usual words of courtesy and a brief display made by the Bolivian Foreign Minister with regard to the institutional restoration in our country, as well as the new period in the Bolivian-Chilean relations, which is a result of the establishment of two highly democratic Governments, the President of Chile expressed his most sincere sympathy towards the new Bolivian regime, expressing that, on account of its popular regard, the revolution of 21 July had had a continental magnitude and that it had even influenced the results of the Presidential elections in Chile.

Later, in a language of unique frankness and courtesy, which is a feature of the new President of Chile, he conclusively declared that one of the purposes of his Government was to reach a true and loyal understanding with Bolivia. “In this connection”- he said- “I must confidentially inform you that when Mr. Joaquin Fernandez asked me to continue being in charge of the Foreign Affairs Ministry, despite the friendship bonds that link me with him and the political service he had been giving from his office, I did not accept his request, mainly on account of being aware of his animosity with regard to Bolivia, which emerges from his family status, and which may have been an obstacle for the realization of the purposes I have referred to”.

Subsequently, when both Foreign Affairs Minister Solares and the undersigned Ambassador, encouraged by that attitude, noted that the details relating to the transit through Arica – the increase in fees, the lack of rolling materials, etc., - and finally, the need of settling the fundamental Bolivian port issue between both countries, President González Videla did not reject this idea, but rather on the contrary, he expressed his will to gradually give a solution to the problem, despite placing it outside the 1904 Treaty, whose inalterability he noted, stating that it meant “a historical reality that could not be unacknowledged”.

Within the framework of that gradual solution thesis, President González Videla admitted the possibility that the first step could be to the lease or cession to Bolivia of the Chilean section of the Arica- La Paz railway, a section which signified no benefit for Chile, and which actually caused it great losses.

On the other hand, the President of Chile, emphasizing that spirit of cordiality towards Bolivia, suggested that both countries unified their views against issues of a general nature and especially with regard to international conferences, previously exchanging their points of view on that regard.

In an Americanist order, he also showed his agreement with the idea that the continental citizenship be extended to all of our Republics, an idea which he promised to encourage with determination.

When referring to the understanding between Bolivia and Chile, he similarly expressed his desire to assign a new role to the Chilean army as well as to end the arms-race which burdened his people, seeking all pending solutions exclusively within the framework of peace processes.

President González Videla concluded reiterating his purpose of reaching the concretion of a true achievement between the Governments of both countries and noted the idea that such concretion was now possible, for both nations had been supported by the opinion of their respective peoples.

The declarations of the President of Chile, issued in a simple and spontaneous way, caused but an excellent impression both in the Foreign Minister, Dr. Solares and the undersigned Ambassador, and that is exactly how Dr. Solares expressed it to the press who had been waiting for him outside the Palace of La Moneda, explaining that he had found, “a new spirit” in President Gonzalez Videla and that he considered him a “great democrat”.

The attitude of the new President of Chile deserves to be regarded by that Foreign Ministry, especially given that he had expressed his favourable views with regard to a concrete matter as the possible cession or leasing of the Chilean section of the Arica-La Paz railway, an idea that when expressed to the Chilean Commission chaired by Engineer Heatley in 1941, was rejected right away, frustrating all negotiations of an economic nature that had been planned on that occasion.

I believe it is time for that Foreign Ministry to forward the studies related to the gradual solution mentioned by the president of Chile, translating it into a genuine plan of action, both political and technical, whose execution would be responsibility of the Constitutional Government to be elected on 5 January next year and on the basis of which negotiations with the current Government of Chile- whose favourable determination we are already aware of and which actually concurs with the view formed by decision taking sectors of this country, in the sense of giving a favourable solution to the Bolivian port issue- could be started. I reiterate to you the assurances of my highest and distinguished consideration.

(Signed)

Alberto Ostría Gutierrez

Ambassador of the Republic of Bolivia

Aniceto Solares

Minister of Foreign Affairs

Annexe

EL MERCURIO, 9 November 1946

FOREIGN MINISTER SOLARES IS WELCOMED BY H.E.

Accompanied by Ambassador Ostría Gutierrez.

The Minister of Foreign Affairs of Bolivia, Dr. Aniceto Solares, accompanied by Bolivian Ambassador to Santiago, Doctor Alberto Ostría Gutierrez was welcomed yesterday morning in a special meeting by the President of the Republic, Mr. Gabriel González Videla.

His Excellency, Mr. Solares, after the meeting was over, and when asked about the issues addressed, limited himself to saying that the conversation had been cordial and that he had had the best impression with regard to the determination with which H.E. President González Videla, whom he deemed as having “a new spirit and as being a great democrat”, faced the conduction of the relations between Chile and Bolivia.

ANNEX 57: EMBASSY OF BOLIVIA'S NOTE N° 211 OF MRE/47

4 APRIL 1947

[Extracts]

Note 211 MRE/47.

Object: Meeting with the President of the Republic.

Santiago, 4 April 1947

Mister Minister,

In conformation for my cablegram N° 117, I have the honour to inform to you that, in view of not being able to meet with the President of the Republic, Mr. Gabriel González Videla, because he was unwell, I was welcomed only the day before yesterday, in an special meeting, to submit the letter written by the President of the Republic, Doctor Enrique Hertzog.

With such a purpose, I held a very cordial meeting with the President of Chile.

Of course, Mr. Gonzalez Videla expressed his satisfaction for the terms of the letter addressed by H.E., President Hertzog, finding that this document, because it emerged from the customary protocol regulations, gave him a good impression and that it would, with no doubt have repercussions in the Chilean public opinion, to whose end, he would instruct for its publication, which he effectively did as you can see in the clipping attached.

[...]

Mr. Gonzalez Videla then referred to my mission in Chile, honouring me with complimentary personal concepts and he expressed his desire to make a true deed of approaching with Bolivia. On that regard, he reiterated what he had already expressed on other occasions, in the sense of studying a gradual solution to the Bolivian port issue, and he showed to be pleased with any direct negotiations taking place in Santiago. Finally, he referred to the question of the warehouses, railway and wharf in Arica, which could constitute the first stage of those negotiations and asked me to submit to him a special memorandum containing the Bolivian proposals.

[...]

On this occasion I reiterate to you the assurances of my highest and most distinguished consideration.

(Illegible signature) Alberto Ostría Gutiérrez

To Mister Mamerto Urriolagoitia
Minister of Foreign Affairs and Worship of Bolivia
La Paz, Bolivia

ANNEX 58: EMBASSY OF BOLIVIA'S NOTE N° 725/526 OF 18 JULY 1947

[Extract]

Confidential

Note 725/526

Object: Meeting with the President of the Republic

Santiago, 18 July 1947

Honourable Minister,

In view of the fact that next 6 August I will offer a reception for the Government, the Diplomatic Corps and the Chilean society- besides from another reception that I will hold on the same day for the Bolivian residents- I discretely inquired, in the Protocol, whether the President of the Republic would attend or not to that reception, for here it is not customary that the Head of State concurs to embassies and legations on national days, and I wanted to make sure of the results of my invitation before I made it official.

[...]

President González Videla then referred to his idea of gradually facilitating the outlet of our country through Arica and he declared, with more frankness than ever, his purpose of having Bolivia the control of the Arica – La Paz railway as well as of a an area of the wharf on that port, transferring also the respective warehouses.

[...]

I reiterate to you the assurances of my highest consideration.

(Signature illegible)

Alberto Ostría Gutiérrez

To Mr. Luis Fernando Guachalla,
Minister of Foreign Relations and Worship
La Paz, Bolivia.

**ANNEX 59: AMBASSADOR OF BOLIVIA'S NOTE N° 22/13
OF 6 JANUARY 1948**

BOLIVIAN EMBASSY

NOTE N° 22/13

Santiago, 6 January 1948

Object: meeting with the President of Chile

Mister Minister,

Before travelling to Bolivia- in accordance with the authorization you have given to me- I complied with my duty of paying a visit to the President of the Republic, Mr. Gabriel González Videla with the purpose of saying him goodbye.

The President of Chile, on that occasion, asked me to, primarily, send his most cordial regards to the President of Bolivia. Then he told me to reiterate to Doctor Hertzog his intention of visiting our country within the current year. Such a purpose in mind, he also stated that he would like his visit to be preceded by an understanding between both countries and he concretely referred to the matter concerning the transference of the Chilean section of the Arica – La Paz railway as well as of a section of the wharf of Arica.

-“A year ago I expressed to the Minister of Foreign Affairs of his country my desire of reaching an agreement that gradually pleased the Bolivian aspirations”- those were his words- “I maintain that position” – he added, “I believe that you can have your railway and your port (quotation) and I do not fear the criticism that may be made towards myself in the sense of compromising the Chilean sovereignty, because I am well aware that Bolivia is not an imperialist nation”. He concluded –“since a new general organization is being made to the

planning of the Chilean railways, I would like to know whether Bolivia has an interest in moving forward with that negotiation or not. I would urge, hence, that when you return, you give me a concrete reply”.

On the other hand, Mr. González Videla informed me that the new Ambassador of Chile, Mr. Saavedra Agüero, had been given instructions which regarded the same position expressed by him and when analysing the Americanist policy of Chile, he showed himself a determined supporter of connecting the countries of the Pacific south in this new stage of the history of America.

Once more, I had a grateful impression which emerged from the good intentions encouraging the President of Chile with regard to our country, which I duly evidence when recording this note.

I reiterate to you, the assurances of my highest consideration.

Alberto Ostría Gutierrez
Ambassador of the Republic of Bolivia

To Mr. Tomas Manuel Elío
Ministry of Foreign Affairs
La Paz.

**ANNEX 60: ENCRYPTED CABLEGRAM N° 116 FROM AMBASSADOR
OSTRIA GUTIERREZ TO THE FOREIGN MINISTRY OF BOLIVIA
OF 1 JUNE 1948**

AMERICAN CABLES AND RADIO

Santiago, 1 June 1948.

Affairs

La Paz

116. To be deciphered by the Under Secretary of Foreign Affairs.- Strictly confidential. Meeting with the President of the Republic held today, he requested over all to materialize the Bolivian view. I replied to him that Bolivia wants to secure a sovereign access to the sea. When expressing that that aspiration deserved his sympathy, he declared that his Government was willing: first, to transfer a strip of territory in the north of Arica, where according to his technical reports, a port can be built; second, to accept the deviation of the railway towards the Bolivian port (to be ceded); third, to negotiate the transfer of the respective section of the Arica-La Paz. On the other hand, he was willing to formalize this agreement in writing and he wants to know if the Bolivian Government agrees with the solution or if that is not the case, its counter position. He also recommends strict reserve during this preliminary stage of direct negotiations, which are hence officially started.

Ostria

ANNEX 61: EMBASSY OF BOLIVIA'S NOTE N° 455/325 OF 2 JUNE 1948

[Extract]

EMBASSY OF BOLIVIA

CONFIDENTIAL

N°455/325

Santiago, 2 June 1948

**Object: Port negotiations
with the Government of Chile**

CONFIDENTIAL

Mr. Minister,

I have received the Note N° G.S.6 of 19 April 1948 containing the instructions submitted by His Excellency President of the Republic and you to begin a direct negotiation with the Government of Chile aimed at solving the port problem of Bolivia.

[...]

With regard to the area located in the north of Arica, he told me that the Chilean navy did some studies, and based on the information he had, the possibility to construct a port there was deduced. He also stated that once the work is concluded, it would not be difficult to obtain a loan from the Government

of the United States as well the construction of the deviation of the railway, and that Chile would cooperate with Bolivian to obtain that loan.

[...]

Mr. Gonzales Videla replied to me that Arica was a sanctuary of the warlike glories of Chile, and in his point of view, the army would not accept its transfer to another country.

[...]

For my part, if the concluded foundations by President Gonzalez Videla are acceptable, in principle, I would suggest that in the counter-proposal of Bolivia, the strip that Chile would cede would be spread to an extension which comprehends the own line of the railway, until the region before Arica, in other words, until the deviation of the line to Bolivia port would depart, and that the solution itself, namely, Bolivian's own access, will be subject to the possibility to construct a real port in the ceded territory.

I reiterate to you the assurances of my highest consideration.

Illegible signature.

Alberto Gutiérrez

To Mister Adolfo Costa du Rels.
Minister of Foreign Relations and Worship.
La Paz, Bolivia.

**ANNEX 62: AMBASSADOR OF BOLIVIA'S NOTE N° 515/375
OF 28 JUNE 1948**

Confidential Document

Bolivian Embassy

Note N° 515/375

Affair: negotiations with Chile

Santiago, 28 June 1948

Mister Minister,

Subsequently to the dispatch of my note N° 455/325, dated 2 June last, in which I informed you about the conversations I held with the President of Chile, Mr. Gabriel Gonzalez Videla, and with the Minister of Foreign Affairs, Mr. German Vergara Donoso, I received new instructions enclosed in the letter dated 4 June, subscribed by His Excellency the President of the Republic, Dr. Enrique Hertzog, and by you, as a result of the information I transmitted in my encrypted cablegram N° 116, on the first this month.

I immediately met with the Minister of Foreign Affairs who had requested me to advance the issues which, in accordance with the instructions I was to receive, I was to express to the President of the Republic. Frankly, I informed Mr. Vergara Donoso about the Bolivia's counterproposal.

The Chilean Foreign Minister heard me silently and he then made an observation in the following terms:

-“Has not the President of the Republic told you about the impossibility of transferring Arica? “

-“Yes, he did”, I replied, but he also invited me to, after making the respective consultation to the Foreign Ministry of La Paz, I inform him, clearly and loyally, the views of the Government of Bolivia. And that is what I am determined to do.

Mr. Vergara Donoso said nothing in response to these arguments and, with the extreme caution that characterizes him, only agreed on the advantage of moving forward with negotiations, promising also to plan a meeting with the President of the Republic.

On 17 June, at 12:30 p.m. I met President Gonzalez Videla who received me with great cordiality as always. Then, responsible with his very invitation and just as I had expressed to the Foreign Minister, I faithfully informed him about the view of the Government of Bolivia, proposing “the cession of the port of Arica and the coastal strip to the north, up to the Peruvian border”, in accordance with the instructions issued by H.E. the President of the Republic and yours, dated 4 June (*letter a*). Also, I proposed the transference of the “Chilean section of the Arica- La Paz railway, with its dependencies, warehouse, etc” (*letter b*) and I explained that the respective compensations, for both transfereces would be subject to a subsequent agreement, within a term of fifteen days (*letter c*). Finally, I suggested that the Government of Chile informs the Government of Peru- as stipulated under the additional protocol concluded between both countries in 1929- about the agreements reached with Bolivia, because our country “did not want the solution to its port issue to cause disturbances in its friendship with the sister Republic of Peru”. (*letter d*).

When making that proposal, I also explained President Gonzalez Videla the geographic and economic regards of the transference of Arica to Bolivia, a port

which in reality was nothing but a “costly port”, according to the thorough expressions of an eminent and intellectual Chilean.

After hearing me with great attention, President Gonzalez Videla addressed the arguments that he had advanced in the meeting we held on 1 June and about which I informed you in my note N° 455/325, dated 2 June. After that, he added emphatically that the cession of Arica was impossible, whatever the conditions proposed, and he insisted that that city was a real sanctuary of the warlike glories of Chile and that, hence, the Army would not accept that transference.

- “You will tell me that I am not to request consent from the Army”- he added- “that is true. But as head of the State it is my duty to give an ear to their opinion and I know it opposed to the idea”.

I then proposed, in accordance with the instructions of 4 June, (*letter e*) that since what mattered to Bolivia was the port of Arica, Morro, should be excluded from the transference by means a *modus vivendi* where should actually be located the “sanctuary of the warlike glories of Chile.”

However, I could not make any progress with our purpose, because President Gonzalez Videla remained inflexible in his view opposing the transference of Arica.

- “Even if I accepted this transference”- he said- “the Congress would reject it unanimously. To be honest there would not be a single vote favouring it. Why head towards a forced failure then? If I did not act in good faith, it would be easy to accept the Bolivian proposal and limit myself to expect that the Congress rejects it. But that is not and it cannot be my intention. On the contrary, I want to take things to a realistic field so that Chile and Bolivia come to an understanding.

Furthermore; I understand the need that Bolivia has for an access to the Pacific Ocean. I was born in Serena, I am a sea man and I realize what not having an access to the ocean means for a country, even more when this country did have, as in the case of Bolivia. If I were Bolivian, I would keep the same ideal you do.

Then, insisting on his rejection to our counterproposal, he declared that he could accept the transference of a strip of territory, “but not of a town”. On the other hand, he noted that Peru’s resistance would be unavoidable in case Arica was transferred to Bolivia, which would not happen, according to him, if it were a mere transference of a semi deserted territory to the north of that city. “with no doubt”- he finally said, -“the first transference mentioned would cause enmity in Peru not only against Chile but also against Bolivia”.

He then continued insisting on taking the matter to a realistic ground and he noted, once more, the viability of transferring a territorial strip north of Arica.

Given that situation, and with the impossibility of securing his consent with regard to transferring Arica, proceeding in accordance to what expressed by H.E the President of the Republic, Doctor Enrique Hertzog, in a note addressed to you on 17 April 1948 (*letter a*) and with the express authorization contained in cablegram N° 77 addressed by you on 10 June, (“if this was not possible, you may move forward with the negotiations as expressed in the last paragraph of you note N° 325”), I proposed that the cession of a territorial strip to the north of Arica had the two fundamental grounds: 1st , the inclusion, in the zone transferred up to the Peruvian border, of the Arica-La Paz railway; 2nd the possibility of building a port in the said strip that satisfies the trade needs of Bolivia.

On the other hand, I reiterated what President Gonzalez Videla had already expressed during the meeting we held on 1 June; namely, that the compensations

that Bolivia was to give in exchange for that transference could never have a territorial nature, because the Bolivian Nation had reached the maximum of sacrifice when transferring to Chile, as a result of defeat, its large and wealthy coastal territory on the Pacific Ocean, thus having to exclusively consider economic or commercial compensations.

The President Gonzalez Videla accepted with no reluctance, the two fundamental grounds which I referred to and with regard to the compensations, he agreed with me on the fact that they would be only financial or commercial nature. “The railway could easily be subject to valuation”, he emphasized when expressing his view.

Thus, accepting that basic aspect, when referring to the Peruvian consent, the President of Chile told me that, when timely, he would call the Ambassador of Peru to formalize the negotiation on the restriction imposed under the Chilean-Peruvian Protocol of 1929.

With regard to the way to put into effect what verbally agreed upon, President Gonzalez Videla told me that, so as to exchange the respective notes, I was to address the Foreign Minister, to whom he was going to give new instructions to that end.

At the end of our meeting, President González Videla showed the legitimate longing of linking his name to a historical solution, not only as viewed by our two countries but also on account of its great American significance, which I praised on my side.

Subsequently, I met the Foreign Minister with the main purpose of agreeing on the wording of the notes we were to subscribe.

Mr. Vergara Donoso asked me to inform him about the latest conversation I held with the President of the Republic, so as to detail our ideas. I did so, although I noted that he was already aware of that conversation, for that very same day he had met with President Gonzalez Videla.

Foreign Minister Vergara Donoso agreed with me with regard to the advantage of specifying, by means of notes, the results of the negotiation taking place with the President of the Republic. Albeit, when analysing the possible content of the notes, he suggested that the transference of Arica as well as that of the strip of territory, as an alternative to the transference, be included as though being proposed by Bolivia, an idea to which I opposed, firstly, because it was not a historical reality and secondly because of the adverse meaning that a proposal alike that, presented as though being Bolivian, would receive from national public opinion.

Upon that request, Foreign Minister Vergara Donoso suggested that I prepared a note draft; which I suggested to divide in two stages; one to agree in principle the transference to Bolivia of an own access to the sea and another one to specify the territorial aspect.

On that same occasion, the Foreign Minister expressed his fear that the planned agreement with Bolivia would stumble with the extreme right wing in Chile and as to neutralize it he suggested that, when repatriating the remains of Marshal Santa Cruz, the grandson of the victor of Yungay, Mr. Manuel Bulnes Sanfuentes, who was a kin friend of President Gonzalez Videla, attended the respective ceremony as Chile's representative. To that end, he asked me to consult the

opinion of the Bolivian Government, which in effect I submit to your consideration.

Pursuant to what agreed upon with the Foreign Minister, I worded carefully, based on the antecedents of the instructions dated 19 April (Note N° G.S.6), the draft of a first note, which I submitted to Mr. Vergara Donoso, during a new meeting, and which reads as follows:

“Draft note”

“Mr. Minister.

“The Government of Chile, in different opportunities and specifically under the Treaty of 18 May 1895 and the Protocolized Minute of 10 January 1920, concluded with Bolivia, although not ratified by the respective Legislative Powers, accepted the transference to my country of an own access to the Pacific Ocean.

Subsequently, on occasion of the claim that Bolivia submitted, on 1 November 1920, during the first Assembly of the League of Nations, the Delegate of Chile, H.E. Mr. Augustin Edwards, expressed the following: “Bolivia can seek satisfaction through the medium of direct negotiations of our own arranging. Chile has never closed that door to Bolivia, and I am in a position to state that nothing would please us better than to sit down with her and discuss the best means of facilitating her development. It is her friendship we desire. Our earnest wish is that she may be happy and prosperous. Lest it be thought otherwise, I may add that it is to our interest that she should be so, since she is our neighbour, and her prosperity can but conduce to our own.”

Later, H.E. the President of Chile, Mr. Arturo Alessandri, in the message sent to the Chilean Congress in 1922, also expressed the following: “that Bolivia be certain that , within an atmosphere of brotherhood and harmony, it shall find in our country but a cordial desire to look for formulas, which consulting our legitimate rights, please, inasmuch as possible, her aspirations.”

Also, on 6 February 1923, H.E. the Foreign Minister of Chile, Mr. Luis Izquierdo, expressed in a note addressed to the Minister of Bolivia, Mr. Ricardo Jaimes Freyre that the Chilean “Government maintains the purpose of to listen with an elevated spirit of conciliation and equity to the proposals that the Bolivian Government wishes to present to it to celebrate a new Agreement that takes into account the situation of Bolivia without modifying the Treaty of Peace and without interrupting the continuity of the Chilean territory”.

On the other hand, upon the proposal issued by the Secretary of State of the United States, Frank B. Kellogg, for Chile and Peru to cede to Bolivia “all right, title and interest which either may have in the Provinces of Tacna and Arica”, H.E. Mr. Jorge Matte, Foreign Minister of Chile expressed that “the Government of Chile has not rejected the idea of granting a strip of territory and a port to the Bolivian nation” and that he agrees “to consider, in principle, the proposal”.

When the Government of H.E., President of the Republic, Gabriel Gonzalez Videla, started he expressed the same determination in his meetings held with the Bolivian Foreign Minister, Mr. Aniceto Solares, who attended the presidential investiture in November 1946, just as he did during different meetings held with the undersigned Ambassador of Bolivia in Chile.

With such important antecedents, which note a clear guideline of the international policy of the Republic of Chile, I have the honour to propose to Your Excellency that the Governments of Bolivia and Chile formally enter into a direct negotiation so as to fulfil the fundamental Bolivian need of securing an own and sovereign access to Pacific Ocean, thus putting an end to the landlocked condition that affects Bolivia on grounds that consult reciprocal advantages and the true interests of both peoples.

Upon the certainty of having the acceptance of the Government of Your Excellency starting a work of great future projections both for Bolivia and Chile, I reiterate to you the assurances of my highest and most distinguished consideration.

To H.E. Mr. Germán Vergara Donoso,
Minister of Foreign Affairs.

After reading this draft note with careful attention, the Minister of Foreign Affairs asked me if I would be willing to make some minute modifications, to which I agreed, but adding that those modifications were not to change the fundamental grounds contained in the Bolivian proposition.

Foreign Minister Vergara Donoso declared that he had agreed “in principle” with the terms of my note, but that in order to reply affirmatively he needed to consult that draft with the President of the Republic and with his advisers at the Foreign Ministry.

I deemed his reply as just and moved on to refer to the territorial aspect, I limited myself to express that, in accordance with our last conversation, I would prepare a draft protocol so as to submit it to his consideration.

That purpose in mind, Mr. Vergara Donoso observed that a Protocol required the approval of the Congress and he added that, in his view, it would be convenient to give the agreement the form of reversal notes.

Yet, the Chilean Minister did not stop insisting on his view that the proposal of the cession of a territorial strip be made by the Government of Bolivia and he even proposed the exchange of two other notes besides the project submitted, I agreed only with the idea that a second reversal note be exchanged, looking for the appropriate way so that neither Bolivia nor Chile appeared to have proposed that solution.

Another point that the Foreign Minister proposed was that in the project submitted to the Government of Bolivia, he specified his view, whether with regard to Arica or to the territorial strip located to the north, but I made Mr. Vergara note that, in strict logic, the Bolivian proposal and its Chilean acceptance with regard to which specifications as the ones I suggested and that could only be a result of the core agreement were to precede.

Definitely, it had been agreed, with regard to the draft note submitted, that Mr. Vergara Donoso would make the corresponding consultations and that he would reply the soonest possible, reiterating that his reply would be favourable “in principle” and that it would also signify a project to be subject to our consideration.

Subsequently, the political situation gave place to a ministerial crisis which is still in place and Mr. Vergara Donoso rushed to tell me that in such conditions and so long as his permanence in the Ministry was not defined, it would be impossible to take any responsibility, thus having to defer the replies he was to word.

I did note to the Foreign Minister the antecedent of the conversations I held with the President of the Republic, which gave a permanent nature to what agreed upon, despite a possible Ministerial change, and I asked him to consult him, in any event; but Mr. Gonzalez Videla's trip to La Serena made it impossible to forward anything until the present.

Nevertheless, the Ministry of Foreign Affairs has promised, during our latest meeting, to talk to President Gonzalez Videla so soon as he is back from La Serena and to call me immediately after so as to move on with the negotiation in course.

Meanwhile, in the event that my draft note were accepted, I also forwarded the wording of a draft protocol, to which on account of the form observation made by Minister Vergara Donoso, I was to give the wording of reversal note, but whose grounds are fundamentally found in these terms:

DRAFT PROTOCOL

“The direct negotiation to fulfil the fundamental Bolivian need of securing an own and sovereign access to the Pacific agreed between the Governments of Bolivia and Chile, through notes dated..., and the Government of Bolivia having proposed the cession of the port of Arica, a proposal that the Government of Chile denied to consider, both Governments have accorded the following:

1st The government of Chile shall cede to the Government of Bolivia a strip of territory to the north of Arica city and up to the Peruvian border, in an extent that includes the Arica-La Paz railway and on the basis of the fact that in this strip has a portion of coastline appropriate for the construction of a real port that may serve trade needs of Bolivia.

2nd The Government of Chile shall transfer to the Government of Bolivia the Chilean section of the Arica-La Paz railway, up to a distance close to the city of Arica, from which Bolivia shall extend a prolongation towards the port to be constructed.

3rd The Governments of Bolivia and Chile shall agree on commercial or financial compensations which Bolivia shall give Chile in exchange for the transferences to which the first and second points refer.

4th The Government of Chile undertakes to negotiate the consent of the Government of Peru for the transferences referred to in the first and second points, pursuant to the Additional Protocol to the Treaty of 1929, signed between both countries.

5th The new border to the south of that territory ceded to Bolivia shall be subject to a technical study made in such a way that it observes the interests of both countries.

6th This agreement does not include any secret, political or military clause. It shall be inspired in the spirit of continental solidarity and in the purposes that encourage both parties, that of intensifying their brotherly relations with all neighbouring countries. This shall be registered in the Organization of American States and in the United Nations.

This project, which lays under the instructions I have received and that I thought of presenting to the Foreign Ministry of Chile only after agreed the signature of the first Note, it shall be submitted to the consideration of H.E. the President of the Republic of Bolivia and to you, whether to keep as it is, or to give it the wording of a reversal note, and on that account I expect new instructions that you may impart.

In conclusion, the negotiation of the most important problem for Bolivia is open, within the scopes which would signify not only the securing of a sovereign access to the sea and the ownership of a railway in all its extent, but also the growth of the national territory, a purpose which has never been reached through our unfortunate history.

I reiterate to you, Mister Minister, the assurances of my highest and most distinguished consideration.

Alberto Ostria Gutiérrez
Ambassador of the Republic of Bolivia

To Mister Adolfo Costa de Rels,
Minister of Foreign Affairs.
La Paz.

ANNEX 63: EMBASSY OF BOLIVIA'S NOTE N° 648/460 OF 28 JULY 1948

[Extract]

Santiago, 28 July 1948.

Note N° 648/460

Strictly confidential

Object: port negotiations with Chile

Mister Minister,

I refer to, beforehand, to my notes N° 455/325, 515/375 and 598/424 of 2 and 28 June and 15 July, which contain complete information on the port negotiations conducted with the President of the Republic and the Foreign Minister of Chile.

After the dispatch of those notes, as I have informed you in various encrypted telegrams and specifically those numbered 162 and 165, of 21 and 23 July, I meet again with President Gonzalez Videla and Foreign Minister Riesco to address the matter.

[...]

President Gonzalez Videla emphatically declared, -“once more I must tell you that I keep my word with regard to what I have told you on former occasions. What has been verbally agreed is as if it were already written. After the elections, in March, we shall finish the negotiation. : What do you want? ...I could not foresee the internal complications that have emerged. It is important to consider that the Foreign Minister is a politician and that he has to act like one, looking after the position of his party”.

The President of Chile then referred to the invitation made to you so you visit this country when returning to Bolivia and expressed his special interest in talking to you to frankly explain the situation and to convince you of the sincerity of his purposes, as well as to exchange ideas on different matters which he considered useful for the international policy of both countries.

[...]

On the other hand, although our conversations have not been formalized (in a protocol), they have existed and in reality they signify an acknowledgement of the port need of Bolivia, without the possibility of invoking any prior antecedent opposite to the aspirations of our country, because the only thing that was submitted to the Chilean Foreign Ministry was the draft note aimed at engaging into direct negotiations “to solve the Bolivian landlocked condition on grounds that consult the interests of both peoples”, as well as the fact that in those conversations, the territorial concretion was conditioned upon the concession of a “convenient port that may serve the commercial needs of Bolivia”.

I reiterate to you the assurances of my highest and most distinguished consideration.

(Illegible signature)

Alberto Ostría Gutiérrez

To Mr. Adolfo Costa du Rels
Minister of Foreign Relations and Worship
La Paz, Bolivia

**ANNEX 64: AMBASSADORS OF BOLIVIA'S NOTE N° 1406/988
OF 24 DECEMBER 1949**

EMBASSY OF BOLIVIA

Confidential

Note N° 1406-988

Santiago, 24 December 1949

Object: meeting with the President of Chile

PRIVATE

URGENT

Mister Minister,

Without detailing the interview of the undersigned Ambassadors in Spain and in Chile held with President Gabriel Gonzalez Videla, and only emphasizing the very cordial form in which the former President of Bolivia was welcomed by the Government of this country, and especially by the Head of State, we consider of great importance to briefly referred to you what he stated, with particular sincerity and frankness, regarding Bolivia's port problem.

First of all, President Gonzalez Videla said to us his willingness to continue with the direct negotiations started before. To that end, he stated his certainty that an act of peace was essential for both countries. He qualified as a big error the last wars among American nations, and referring to the solution of the Pacific dispute, he criticized the mistake of the 1929 Treaty, which established a restriction to Chile's sovereignty over Arica.

To Mister Dr. Alberto Saavedra Nogales,
Minister of Foreign Affairs and Worship.
La Paz.- Bolivia.

President Gonzalez Videla Chile expressed later that Chile, by satisfying Bolivia's longing for a port, granting it a free and sovereign outlet to the Pacific Ocean, would make an historical reparation and would clarify one part of its borders, against a stronger Argentina and a forever doubtful Peru.

With regard to the solution itself of Bolivia's port problem, Mr. Gonzalez Videla, stated that Arica's cession had to be rejected, not only because Chilean people and army would not accept it, but also because Peru would oppose to this; but, on the other hand, Bolivia could have her port at the north of that city, appropriately building facilities with the economical concur of the United States.

Then he referred to the possibility that the current Government of Peru would oppose to the cession by the Government of Chile, and he added that the only way to facilitate its consent was obtaining the cooperation of the United States' Government. He also said that, within this understanding, he had talked to the Assistant Secretary of the State, Mr. Edward G. Miller, during his short staying in Santiago. On the other hand, he declared that one of the principal objectives of his next trip to the United States was to discuss with President Truman over that point.

Also President Gonzalez Videla expressed the determined aim to provide a solution for Bolivia's port issue during his administration. Besides, he had added some surveys among the principal public men of Chile, collecting, in general, very favourable impressions. He did not hesitate to state that, achieving the understanding with Bolivia, Chile could even reduce its military expenses and employ the correspondent resources in favour of the peoples and national progress.

On the other hand, he noted that Chile will not demand any territory from Bolivia in exchange for the zone it will cede Bolivia and that the compensation

considered will be of a different nature, namely, economical, and which, in any case, would mean sacrifice for Bolivian nation, being, instead, aimed at giving to the solution a character of equity and mutual benefit.

These concepts of President Gonzalez Videla, stated clearly and with singular frankness, must determine in our point of view, from the Government of Bolivia, two important things that we permit to submit to H.E. President of the Republic and to your consideration:

1st. The sending of instructions to the Embassy in Chile to continue with the direct negotiations and reach a formula of understanding between Bolivia and Chile before President Gonzalez Videla travels to the United States.

2nd. To reiterate to President Gonzalez Videla the invitation, already done, when he was in Brazil, to visit Bolivia.

To that end, we offered to you the assurances of our highest and distinguished consideration.

Alberto Ostría Gutiérrez

Enrique Hertzog

Ambassadors of the Republic of Bolivia

ANNEX 65: EMBASSY OF BOLIVIA'S NOTE N° 212/151 OF 14 MARCH 1950

[Extract]

EMBASSY OF BOLIVIA

Note 212/151

CONFIDENTIAL

Object: port negotiations

Santiago, 14 March 1950

Mister Minister,

Today, I had an interview with President of the Republic of Chile, Mr. Gabriel Gonzalez Videla to whom I expressed, overall, the cordial salutes issued by His Excellency President of the Republic, Mr. Mamerto Urriolagoitia.

I then informed President Gonzalez Videla that I had informed President Uriolagoitia the details of the conversation he held, in my presence, with former President Hertzog, when he was in Santiago, and with that purpose in mind we addressed the Bolivian port issue and the negotiations conducted before.

According to the last instructions of His Excellency President of the Republic and you (Note N° G.S. 12 of last 27 February), I anticipated to propose the cession of Arica to Bolivia once more, finding the same closed Chilean President's opposition as in other occasions.

- Why will we talk about the impossible again? -- he said-- And he added, -it would rather not talk about this point and, instead, concentrate on possible and feasible things.

[...]

When mentioning, for my part, the possibility of forwarding the subscription, between Bolivia and Chile, of concrete grounds that could serve as a settlement formula to the Government of the United States, so that this latter supported them with his actions before the Government of Peru, President Gonzalez Videla told me that in his view, the subscription of any document would force him to consult the diplomatic commissions of the Congress, which would harm the reserve with which the conversations with President Truman were to be conducted.

-“I guess you will not doubt of my word”- he told me, interpreting an observation I made with a sense of distrust- “and that you will consider the grounds we have dialogued as if they had been signed”.

-“We have never doubted it”- I rushed to clarify- “furthermore, about three years ago we have addressed the matter and despite the time elapsed we have kept our trust.

I then discretely referred to the obstacles and doubts on which, on the other hand, I had stumbled in my conversations with the Foreign Minister and when he heard that he declared with special firmness, that the negotiation was being conducted by himself and that his determination of concluding it was unwavering.

[...]

From all the aforementioned we can follow: 1) that for the first time in history, not only the Government of Bolivia, but the very President of Chile, shall submit before the President of the United States the issue concerning the landlocked condition endured by Bolivia and the need to settle that question. 2) that, when timely, the Government of Bolivia should support that negotiation, informing, strictly confidentially, the Ambassador of Washington, 3) that the initial negotiation before the Government of Peru shall be made by the Government of the United States. 4) that the subscription of any Covenant between Bolivia and Chile is delayed until President Gonzalez Videla returns, by late April.

When begging you that the President be informed about this note, I reiterate to you the assurances of my highest consideration.

(Illegible signature)

Alberto Ostría Gutiérrez

Ambassador

To Mr. Doctor Pedro Zilveti Arce
Minister of Foreign Relations and Worship
La Paz, Bolivia

**ANNEX 66: NOTE N° 645/432 OF BOLIVIAN AMBASSADOR TO THE
MINISTER OF FOREIGN AFFAIRS OF BOLIVIA, DATED 11 JULY 1950**

Confidential

Santiago, 11 July 1950

Bolivian Embassy

Note N° 645/432

Affair: port negotiations

Annexes: two news clippings

Mister Minister,

“Estanquero” magazine, of a totalitarian and ultranationalist tendency, has published in its issue dated 8 July an article by Mario Montero Schmidt, a well-known lawyer known for his Nazi ideas and who also sponsored an exception resource before Chilean tribunals, submitted by Ambassador Juan Lechín some months ago.

This article, which is not only opposite to the port ideal of Bolivia but which also contains insulting statements against our country, reveals the moral and intellectual quality of its author, who as a member of a Delegation of the Lions Club was recently in La Paz, where he received the most effusive attention.

Despite that, I believe that this publication does not deserve a reply and that we would be valuing it if we were to engage into polemic with its author, whether we do that here, or in Bolivia. The best thing to do is obviously to leave it fall into the void.

On the other hand, “Ercilla” magazine has just made, in its issue dated today, a sensationalist publication with regard to port negotiations with Bolivia, heading it in terms as the following ones: “Chile accepts in principle to transfer Bolivia access to the sea.- in exchange for a 32 kilometre long corridor inn Arica, it would receive water from the waters of the Altiplano for irrigation and energy from northern prairies.- A historical and continental plan, etc“.

The author of this publication, which is not signed, is Chilean journalist Luis Hernández Parker, known for his courage in the field of internal policy and whose purpose was to make use, in favour of “Ercilla” magazine,- of which he is one of the main editors- of the indiscretions he has collected from some official spheres of Chile with regard to the Bolivian port issue.

Albeit, “Ercilla” magazine disclosure has many mistakes, it does not refer to the notes exchanged between the Foreign Minister of Chile and this Embassy- notes whose existence this journalist is clearly unaware of – and takes the matter to a state of “crisis” before Chilean public opinion, whose wording could be evidenced now, determining who supports the understanding with Bolivia as well as those who oppose to it. Besides, he has already caused an immediate declaration issued by Foreign Minister Walker Larraín- which was submitted to me by him before its publication in newspapers this afternoon- and which reads as follows:

“Chile has expressed in different occasions, and even during sessions at the League of Nations, its willingness to give an ear, in direct negotiations with Bolivia, to the propositions this latter may pose, aiming at fulfilling its aspiration of having a sovereign access to the Pacific Ocean. That customary policy of our Ministry does not diminish the right that the treaties in force bestow upon Chile.

The current Government is consequent with diplomatic antecedents recalled and, thus, it is willing to engage in conversations with Bolivia on the issue referred to.

But, the publication alluded to supposes and details ground for an agreement that have not been formulated and which, consequently, have not been discussed”.

It can be noted, from the text of this official statement, that the Foreign Minister has taken a frank and determined attitude – although avoiding to express detail- with regard to the readiness of the Foreign Ministry of La Moneda to come to an understanding with Bolivia, and also, when admitting that the Chilean Government is willing to engage into negotiations on the port issue affecting our country.

We cannot disregard the importance of this declaration, which would have impossible to obtain in other times and in which the Chilean Foreign Minister- in terms dictated by him to the press, as he told me- refers to Bolivia’s own access to the Pacific Ocean, and which also established the existence of an issue, which is something that, until the present, Bolivia has been the only one to note , opposite to the customary Chilean tradition of denying, in Congresses and conferences, the existence of a Bolivian port issue and of considering that this problem had been terminated through the 1904 Treaty.

Upon the advertising that this issue has acquired, I allow myself to suggest, confirming the confidential cablegrams you sent me today, that it would be advantageous to guide the Bolivian public opinion and overall the press so that this latter deals with the issue with serenity and height, discarding adverse comments that may be published here and keeping the atmosphere of cordiality which currently exists between Bolivia and Chile.

On the other hand, I believe it is urgent to inform the Government of the United States, as it has been requested by the Chilean Ministry, about the negotiations that have been engaged into and the readiness of our country to reach the understanding which President González Videla has also informed about to President Truman.

Finally, it is essential that this Ministry sent me the authorization to which my cablegram number 152 referred of 28 June, it means, twenty years ago, in order to enter into the second stage of negotiations, which is frozen for the moment on account of the reply contained in cablegram number 91 dated 24 June.

I beg you that this note and the corresponding annexes be made known to H.E. the President of the Republic and I take this occasion to renew to you the assurances of my highest consideration.

(Illegible Signature)

Alberto Ostría Gutiérrez

To Dr. Don Pedro Zilveti Arce

**ANNEX 67: AMBASSADOR OF BOLIVIA'S NOTE N° 668/444
OF 19 JULY 1950**

[Extract]

N° 668/444

Embassy of Bolivia

CONFIDENTIAL

Object: port negotiations

Santiago, 19 July 1950

H. E. Doctor Pedro Zilveti Arce.
Minister of Foreign Affairs and Worship.
La Paz.

Mister Minister,

Public opinion has continued being disturbed on account of the Bolivian port issue and the attitude taken by the Government of this country [Chile] to negotiate with ours the solution to the said problem.

The Foreign Affairs Commission of the Senate met yesterday in a private session and the following official press release was issued at the end of that session:

[...]

The President of the Republic granted an interview to “Vea” magazine (7-19-50) in which he expressed:

“We have to make things clear. The Government has not determined anything on the issue. The only actual factual thing is that, consistent with the custom of the Ministry of Foreign Affairs of Chile, and ratifying my deep American spirit, I have never rejected discussing Bolivia’s aspiration for a port. That is how I expressed it in San Francisco on behalf of the Chilean Government when I was governmental delegate to that Conference. On assuming my mandate, in 1946, President Hertzog, from Bolivia, reminded me about the promise, and I, in accordance with a rule never denied by the Foreign Ministry of the Republic, replied to the Bolivian Head of State that I was in agreement with opening talks on the proposed issue. That is all there is so far”.

[...]

I reiterate, once more, that it would be advantageous that that Foreign Ministry gives the Bolivian press the publications that I am sending, pleading also to the patriotism of Bolivian journalists so that when they recreate them, they keep a high standard and not lower themselves to aggressive policies, which, ultimately, could not only make port negotiations fail but also could cause a great distancing between the Bolivian democracy and the Chilean democracy, which have kept, until the present, the most sincere moral cooperation in the face of the common danger of red or dun totalitarianism.

I reiterate to you, the assurances of my highest consideration.

Alberto Ostría Gutiérrez
Ambassador of the Republic of Bolivia

**ANNEX 68: AMBASSADOR OF BOLIVIA'S NOTE N° 737/472
OF 3 AUGUST 1950**

Embassy of Bolivia

CONFIDENTIAL

NOTE N° 737/472

Santiago, 3 August 1950

Object: Port Negotiations

Annexes: new clippings

(Via airmail)

Mister Minister,

Beforehand, I confirm the following cablegram you sent Your Excellency the day before yesterday:

“Relations- La Paz- Unfortunately, despite the fact that my repeated requests of guiding Bolivian public opinion with regard to the port issue, nothing has been done and it has been allowed that imagination and bad faith mislead the nation, making a political weapon out of high national aspiration. Once more I believe it is urgent and essential to establish truth, it has not even been thought of a transference of waters of Lake Titicaca, which barely constitutes a remote hypothesis nor has a single line of territory been advanced, we have just entered into a preliminary stage of direct negotiation, with Bolivia proposing a free and sovereign access to the Pacific Ocean and with Chile accepting to address this issue. Nothing has been advanced in this preliminary stage, for there have not been instructions on that regard.

I beg that you make this cablegram known to the President of the Republic – Ostria” (VIII -1° -50)

In effect, I have been able to confirm, when reading newspapers of La Paz, that the press has been totally misled with regard to port negotiations with Chile. Further: on account of the lack of information, eminent public men- as Mr. Luis Fernando Guachalla- have declared that the initiative of the said negotiations corresponds to the Chilean Foreign Ministry, - which would suggest that ours has done nothing, whereas, from the very day following the loss of its coastline, Bolivia has not stopped claiming for its maritime reintegration, - and others, as Mr. Franz Tamayo, have even believed waters of Lake Titicaca to be in danger.

On the other hand, the great ideal of the nation has begun to be used a political weapon and elements agitating not patriotism, which is the most noble of all feelings, but jingoism have suggested that international order is something alike social demagogy and that it can only lead to defying statements followed by painful humiliation.

In the view of these facts, I believe it is urgent to re-establish truth and to tell the country:

- 1) That the port ideal is sacred for the nation and that Bolivia shall keep it as long as it is alive and it does not fulfil it.
- 2) That in that connection, Bolivia has proposed the need of securing an own and sovereign access to the Pacific Ocean and that Chile has accepted to enter into a negotiation on that regard.
- 3) That the only thing that has been officially agreed upon with Chile is that the direct negotiation- a fact about which the Bolivian people expressed

themselves when the candidates to the Presidency of the Republic, Mr. Guachalla and Mr. Hertzog, in 1947, incorporated it to their electoral programs.

4) That with regard to the geographic aspect there still has not been a concrete proposal neither by Chile nor by Bolivia and that we have not moved from the stage of conversations and exchanges of preliminary ideas.

5) That the use of Lakes Titicaca and Poopó to irrigate the north of Chile, is an issue which lays in the field of hypothesis and that no official step has been taken in that direction and that thus, there has been no basic compromise made by Bolivia.

6) That any final agreement that may lead to settling the Bolivian port issue would be compulsorily tripartite, pursuant to the Additional Chilean – Peruvian protocol of 1929.

On his side, the Foreign Minister, Mr. Horacio Walker Larraín, has just made an official statement which reads as follows:

“Publications have been made in some newspapers of Bolivia and Chile in the sense that the conversations to enter into direct negotiations on the port issue would be an initiative of our country--- regarding that, I declare: it is not an initiative of the Government of Chile but of the Government of Bolivia—in effect, since long ago, H.E. Bolivian Ambassador to Chile, following a well-known and continuous purpose of his Government, has met with several of my predecessors to propose opening the negotiations alluded to and a similar attitude has been observed by the current Minister. I can add, as I expressed in the statement I issued on the 11th last month, that no proposal has been formulated with regard to the subject matter. Furthermore, I reiterate what Chile has expressed on different occasions: its willingness to give an ear, through direct negotiations, to the proposals that Bolivia may put forward”.

In his last meeting with me, the Chilean Foreign Minister also expressed:

- 1) That, despite the negative reactions in some sectors, especially on account of domestic policy, he is determined to carry on the negotiations with Bolivia.
- 2) That although his predecessor, Mr. Germán Riesco, expressed that before entering into any conversation with Bolivia was to consult Peru, he is of the idea and he argued the opposite: namely, that Chile, as owner of the Department of Arica, can and must talk firstly with Bolivia and consult Peru only in the event that, pursuant to Article 1 of the 1929 Additional Protocol, Chile decided to transfer to Bolivia the territory which was subject to that Protocol.

With regard to the Chilean press, it continues dealing with the matter, as you can see from the clippings I attached; but the main agitation has been caused at the parliament, because they had not been consulted by the President of the Republic and by the Minister with regard to the conversations held with Bolivia when timely. In diplomatic commissions both at the Senate and at the Chamber of Deputies this issue has been debated and there has been much criticism towards the Chilean Government, using also, press publications in Bolivia to present them as a hostile reaction in our country towards Chile.

With regard to the position of political parties, it is as follows:

- 1) Radical party.- It has agreed to politically support the President of the Republic, acknowledging also that, in accordance with the Constitution, it is responsibility of the head of State to conduct international relations.
- 2) Liberal Party.- It secretly debated the matter, there are some favourable views with regard to the negotiation with Bolivia, as that of former Minister Barros Jarpa, and there are opposite views as that of Senator José Maza and those of the Deputies Raúl Alduante and Luis Undurraga.

- 3) Agrarian – Labour party.- it is one of the most violent adversary of the policy of the Government with regard to the Bolivian port issue.
- 4) Conservative, Social – Christian party.—it supports the policy of the Government in all aspects.
- 5) Traditionalist-conservative party.- it has not taken an official position, because it is a party of the opposition it shows itself as opposing to the attitude taken by the Government.
- 6) Popular socialist.- Although it is also an opposition party, it favours the port agreement with Bolivia and its three senators and six deputies will support it.
- 7) Socialists of Chile.- It has still not defined their position.
- 8) Communist.- It is totally adverse to the Bolivian port ideal now, as it supported it during the past, and only guides itself by way of its opposition to the U.S.A., a country which according to communists will try to achieve a strategic ground with Bolivia's port access.
- 9) Nazi.- It is violently against any request in favour of Bolivia.

I take this opportunity to renew to you the assurances of my highest and most distinguished consideration.

Alberto Ostría Gutiérrez
Ambassador of the Republic of Bolivia

To H.E. Dr. Pedro Zilveti Arce
Minister of Foreign Affairs and Worship
La Paz, Bolivia

ANNEX 69: PRESIDENT OF BOLIVIA'S NOTE OF 19 SEPTEMBER 1975

PRESIDENT OF BOLIVIA'S NOTE, 19 SEPTEMBER 1975
PRESIDENCY OF THE REPUBLIC
“YEAR OF THE 150th ANNIVERSARY OF THE REPUBLIC”

19 September 1975

Excellency Mr. General of the Army
Mr. AUGUSTO PINOCHET UGARTE
President of the Republic of Chile
Santiago de Chile

Excellency, Mr. President and friend:

It is a great pleasure for me to address to Your Excellency, moved by the fraternal spirit of Charaña. I do it to renew the friendly ties of amity that unite our Governments and peoples, as to address with Your Excellency a common and unavoidable issue.

Since the Charaña meeting that made possible the reestablishment of the diplomatic relations of our two countries, the Bolivian Government and people have maintained a just trust on soon solving this long-lasting landlocked problem affecting Bolivia.

This trust has several motivations, on the one hand, the current will of integration and solidarity that encourages the Latin American people and in particular the countries of the sub-region Andean Community or “Andean Pact”. On the other hand, we have the justice of the Bolivian cause and the reiterated and

constructive declarations of Your Excellency and other high dignitaries of the distinguished Government of this sister Republic.

Despite such positive records, Your Excellency is aware of the publicity campaign realized in national and international levels, searching a new distance between our two peoples, on the basis of which, once more, the inalienable requests could be frustrated as the legitimate aspirations of my country to get back to the sea.

In that sense, I consider our Historic responsibility and duty, to find an immediate, satisfactory and just solution to the Bolivian proposal formulated by our Ambassador before the Governments of Your Excellency.

This reply is urgent for my Government and my people, if we take into account among other important factors, that next 8 October, the Bolivian Minister of Foreign Affairs Alberto Guzmán Soriano, shall speak before the General Assembly of the United Nations. My country is expectantly of what we should say in that high international forum. As you understand Your Excellency, it is impossible to ignore this vital problem for Bolivia. For this reason, my greatest desire is that on that relevant opportunity Bolivia could announce to the world the reply which Bolivian Government and people are expecting from the Chilean Government and people.

Ambassador Guillermo Gutierrez Vea Murguía is bearer of this letter. I have given all my trust to him, sure that he shall take to a happy ending such significant mission which I have entrusted; a solution that shall unite our two countries with unbreakable ties.

On this occasion I am pleased to renew Mr. President and friend my personal appreciation and the assurances of my distinguished consideration.

General HUGO BANZER SUÁREZ
President of the Republic

ANNEX 70: PRESIDENT OF CHILE'S NOTE N° 685 OF 30 SEPTEMBER 1975

(In, Ministerio de Relaciones Exteriores, *Historia de las negociaciones chileno-bolivianas*, 1975-1978, 1978, p. 52)

Santiago, 30 September 1975

Excellency

General Mr. Hugo Banzer Suárez
President of the Republic of Bolivia
La Paz

Excellency, Mr. President and friend:

I am pleased to respond to the thoughtful letter of Your Excellency dated 19 September, in which you mentioned the Charaña meeting which made it possible to resume the diplomatic relations between our countries, and the trust the Government and people of Bolivia have for the soonest solution to the long-lasting issue of Bolivia's landlocked condition.

Your Excellency states that an advertising campaign broadcast national and internationally, aims at a new distancing of our peoples pointing out that Bolivian aspirations would be frustrated. This situation makes me think of the need to find an immediate, satisfactory, and fair solution for the Bolivian proposal stated by the Ambassador of Bolivia in Santiago. Besides, such response requires, considering Your Excellency wish, that your Minister of Foreign Affairs could announce it to the world in his speech before the United Nations.

In this sense, I reiterate Your Excellency that I really appreciate and regard with sympathy the considerations you had in formulating your thoughtful letter. Your Excellency knows the satisfaction my Government and Chileans felt considering the cordial relations' resumption between both countries. Satisfaction which reflects our deep friendship that emerges from historical bounds and that projects into the future on the belief that both countries can achieve significant goals with mutual collaboration.

Moreover, Your Excellency knows of the repeated declarations I have made of the sincere and unchanging purpose of my Government to examine with yours a positive and lasting solution for the issue of Bolivia's landlocked condition.

With regard to this purpose, the Government of Chile has received the recent "basis proposal for a negotiation" that was gently sent to us through Ambassador Gutierrez. It deals with a quite complex and important proposal that, as Your Excellency understands, needs a careful and through study by Chilean governmental bodies. Otherwise, we would sin of lightness and risk the success of the future negotiation if we proceeded with excessive haste.

However, I trust, in short term, we will be in conditions for transmitting to Your Excellency our position regarding the aforementioned proposal.

Meanwhile, I consider that there will not be any difficulty for the Ministers of Foreign Affairs of both countries to include in their statements before the General Assembly of the United Nations some concepts that calm the sceptical people or silence the malicious ones who want to put obstacles in the friendship path of Bolivia and Chile.

I take advantage of this opportunity to express to Your Excellency my personal appreciation and the assurances of my distinguished consideration.

AUGUSTO PINOCHET UGARTE

General of the Army

President of the Republic of Chile

ANNEX 71: NOTE N° 681/108/75 OF 16 DECEMBER 1975

AMBASSADOR OF BOLIVIA'S NOTE, 16 DECEMBER 1975

EMBASSY OF BOLIVIA

681/108/75

Santiago, 16 December 1975

Mister Minister,

I have the honour to address to Your Excellency to let you know that my Government accepts the general terms of the Chilean Government's response to the proposal presented through the Aide Memoire of 26 August of the current year, with respect to the negotiation framework that allows for reaching an adequate solution to Bolivia's landlocked situation.

Likewise, under the instructions of H.E. Mr. President Gral. D. Hugo Banzer Suárez, and the Bolivian Foreign Affairs Ministry, I would like to restate the written response request, response in similar terms to the one expressed verbally by Your Excellency in the meeting of Friday, 12 of this month, and that constitutes the grounds of agreement that both our countries will negotiate.

I also thank your enlightened Government, on behalf of Government of Bolivia, for the decision stated by H.E. President of the Republic, Gral. D. Augusto Pinochet Ugarte through Minister of Foreign Affairs, to cede Bolivia a sovereign maritime littoral, linked to Bolivian territory through an equally sovereign land strip.

The Government of Bolivia understands that the other proposals put forward in the Aide Memoire of 26 August and those expressed by Your Excellency will be subject to negotiations that take into account the satisfaction of mutual interests.

I take advantage of this opportunity to express to Your Excellency the assurances of my highest and most distinguished consideration.

Guillermo Gutiérrez Veá Murguía
Extraordinary and Plenipotentiary Ambassador of Bolivia

To H.E. Vice Admiral
D. Patricio Carvajal
Minister of Foreign Affairs

**ANNEX 72: FOREIGN RELATIONS MINISTER OF CHILE'S NOTE
OF 19 DECEMBER 1975**

(In, Ministerio de Relaciones Exteriores del Perú, Boletín semestral enero-junio
1976, p. 363)

N° 685

Santiago, 19 December 1976 [sic]

His Excellency Mr.:

The government of Bolivia, for the purpose of detailing the deadlines for a negotiation that allows finding a solution to the landlocked condition of that country, has proposed to my Government the cession to Bolivia of a sovereign maritime coast between the *Linea de la Concordia* and the northern boundary of the city of Arica.

This coast should be stretch with a strip of territory from this coast up to the Chilean-Bolivian border, including the transfer of the Railway Arica – La Paz.

The Government of Chile shall be willing to negotiate with the Bolivian Government on regard to the referred proposition but previously, Chile wants to know if the Peruvian government agrees with the cession requested by Bolivia, because this request has an impact in the provisions of the Additional Protocol to the Treaty of Lima of June 1929, whose article 1st states:

“The Governments of Chile and Peru shouldn't, without prior agreement between them, cede to a third power the whole or part of the territories that in accordance with the Treaty, are under their respective sovereignties, neither can they build among them, without this prior requirement, new international railways”.

On the other hand, I inform His Excellency that my government has made it known to the Bolivian government that the solution to be reached has to respect what is established by the Treaty of Lima and, in particular the easements established in favour of Peru in its articles 2 and 7.

Similarly, my Government reiterates its will to faithfully comply with what is stipulated in the Additional Protocol of this treaty.

I reiterate to Your Excellency the assurances of my highest and distinguished consideration.

Patricio Carvajal Prado
Minister of Foreign Affairs

**ANNEX 73: FOREIGN RELATIONS MINISTER OF CHILE'S NOTE N° 686
OF 19 DECEMBER 1975**

N° 686

Santiago, 19 December 1975

Mr. Ambassador,

I am pleased to acknowledge receipt the Note N° 681/108/75 dated 16 December this year, through which Your Excellency lets me know that the enlightened Government of Bolivia accepts the general terms of Chilean Government's response regarding the proposal presented through the Aide Memoire of last 26 August with respect to the negotiation that would find an adequate, total, and definitive solution to Bolivian landlocked situation.

2. In addition, through your Government's instructions, it requests a written response in equal terms similar to the one formulated to Your Excellency in the meeting of 12 this month, and which would constitute the basis of agreement for a negotiation between both our countries.

3. Furthermore, Your Excellency would like to thank your Government's intention stated by the President of Chile to negotiate with Bolivia a sovereign maritime coast linked to the Bolivian territory through an equally sovereign land strip.

4. Regarding Your Excellency request, I reaffirm in the present note the terms with which my Government would like to respond considering the guidelines for a negotiation aimed at finding a reciprocal convenient solution, subject to:

a) This response expresses H.E. Mr. President Banzer statements in order to consider the current reality without erasing historical antecedents.

b) On this basis, the Chilean response is based on a mutually convenient agreement that would take into account the interests of both countries without containing any innovation to the stipulations of the Treaty of Peace, Friendship, and Commerce signed between Chile and Bolivia on 20 October 1904.

c) As His Excellency President Banzer stated, the cession to Bolivia of a sovereign maritime coast linked to Bolivian territory through a territorial strip with the same type of sovereignty would be considered.

d) Chile would be willing to negotiate with Bolivia the cession of a strip of territory north of Arica up to the *Linea de la Concordia* based on the following delimitations:

- North Boundary: the current Chilean boundary with Peru.
- South Boundary: Gallinazos ravine and the upper edge of the ravine north of the River Lluta, (so that the A-15 road from Arica to Tambo Quemado would totally be part of Chilean territory) up until a southern point of Puquios Station, and then a straight line passing through Cota 5370 of Mountain Nasahuento and continuing up until the current international boundary between Chile and Bolivia.
- Area: the cession would include a land territory described before and a maritime territory comprised between parallels of the end points of the coast that would be ceded (territorial sea, economical zone, and submarine shelf).

e) The Government of Chile rejects, for being unacceptable, the cession of territory to the south of the limit indicated, that could affect in any way the territorial continuity of the country.

f) The cession to Bolivia described in section d) would be subject to a simultaneous exchange of territories, namely Chile would at the same time receive in exchange a compensatory area at least equal to the area of land and sea ceded to Bolivia.

The territory that Chile would receive from Bolivia would be continuous or integrated by different portions of bordering territory.

In order to determine the new political-international limits between Chile and Bolivia, the Mixed Commission of Limits would be reestablished, granting it attributions to examine the bordering zone and making proposals regarding the limits fixing to both Governments, trying to avoid that the territories to be ceded comprise populated areas.

g) The installations or public constructions existing in the territories to be ceded, must be obtained by the State that receives the territory at compensation price determined by common agreement. (Chacalluta Airport, Railway from Arica to Visviri, etc.)

h) Both Governments of Bolivia and Chile will respect the private rights, legally acquired in the territories under their respective sovereignties as a consequence of the agreement to be reached.

i) The Government of Bolivia authorizes the use by Chile of the waters of the Lauca River.

j) The territory ceded by Chile would be declared a Demilitarized Zone and in accordance with previous conversations the Bolivian Government will be committed to obtain the expressed warranty of the OAS with respect to the inviolability of the ceded land strip.

k) Both Governments would commit not to cede the exchanged territories to a third power.

l) Arriving to the final agreement, a solemn testimony will be left mentioning that the territorial cession that permits the sovereign access to the sea represents the full and definite solution to the landlocked situation of Bolivia.

m) Bolivia will commit to respect the servitudes in favor of Peru established in the Chilean-Peruvian Treaty of 3 June 1929.

n) The force of this agreement will be conditioned upon Peru's prior agreement in accordance with Article 1° of the Additional Protocol to the aforementioned Treaty.

5. Noting that the Enlightened Government of Bolivia through Note N° 681/108/75 dated 16 December 1975, has accepted the general terms of Chilean Government's response, on this date my Government is proceeding to formulate to Peru's the representation referred to in letter n) of the aforementioned paragraph.

6. Finally, I refer to the last paragraph of the note I respond, in which Your Excellency states the following:

- "The Government of Bolivia understands that the other proposals formulated in the Aide Memoire of last 26 August, and the ones that were exposed by Your Excellency will be subject to negotiations that contemplate both interests' satisfaction".

As I stated in letter e) of fourth paragraph of this Note, the approaches comprised in sections 4, 5, and 6 of Aide Memoire presented by Bolivian Embassy on 26 August 1975, are discarded for not being acceptable by the Government of Chile.

With regard to the trade issues, as the ones offered by Your Excellency related to the laying of a pipeline to supply fuel to the mining industry and the petrochemical and refinery industries to be installed in Chilean ports. The Government of Chile would be willing to negotiate on the basis established by a mutual agreement.

Besides expressing to Your Excellency my highest and most distinguished consideration, I reiterate my hope of concluding an agreement that contributes decisively to the friendship and the development of our nations.

(Signature Illegible) PATRICIO CARVAJAL PRADO

Minister of Foreign Affairs.

To H.E. Mr. Guillermo Gutiérrez Vea Murguía
Extraordinary and Plenipotentiary Ambassador of Bolivia

ANNEX 74: PRESIDENT OF CHILE'S NOTE OF 8 FEBRUARY 1977

(In, Chile, Ministerio de Relaciones Exteriores, *Historia de las negociaciones chileno-bolivianas 1975-1978, 1978, pp. 56-57*)

8 February 1977

Mister President,

On 8 February, on occasion to celebrate the second anniversary of our meeting in Charaña, I wanted to send a sincere greeting to the akin Bolivian people, and specially, to Your Excellency.

The memory of such a significant event of the history of our relations must be a reason for meditation so that in the light of what happened, we could analyse the results gotten and seek to strengthen the achievements fulfilled in favour of the sacred duty of serving our peoples.

Undoubtedly frank dialogue, proper of soldiers, which prevailed in our meeting, has stood for concrete facts that let us foresee the future with confidence.

A long period without relations had kept us aside, in circumstances that different kind of reasons made the intensification of our bounds of friendship and cooperation necessary. God wanted that the circumstances allowed for taking a significant step, putting a responsibility of such transcendence on us, as it is the one to look for, through the path of dialogue, a real understanding between both Nations.

Consistent with what was established at the Joint Declaration submitted in Charaña's meeting, we have kept a permanent political, economic, cultural, social, scientific, and technological contact, from which we can expect to achieve major

goals, through the work of the Chilean-Bolivian Mixed Commission. The conditions are already given, the path has been opened, and the short-term results could be appreciated.

I believe that this Commission will be an excellent means to make our relations more fruitful every day, that is why I have given precise instructions in order to accelerate the studies, and we can, on behalf of our integration, recover the time, that such special circumstances made us lose.

Inspired in the most Americanist profound spirit, we entered into negotiations tending to satisfy Bolivia's aspiration to have a sovereign coast without continuity with the current Bolivian territory.

My Government, interpreting the majority feeling of the Chilean citizenship who love peace and the friendly cooperation, has kept and keeps a brotherly spirit since the beginning of this negotiation. The several demonstrations of good will and sincerity that the vast citizen's sectors of Chile have demonstrated publicly, are an irrefutable testimony, that as a Governor commits and motivates myself because it means that assuming the responsibility to take this step, I did not make a mistake, instead, I had interpreted their feeling faithfully.

A very delicate and sensitive issue, as the one we had dealt with, needed resolution and strength as we discussed in Charaña, we knew that it would not be easy the path we should go through.

Your Excellency knows the dedication I gave to this important issue, and the determination I put in order to advance as soon as possible in the solution of

problems that had been generated, after having reached an agreement in the general terms of the negotiation.

Many people interested in making this negotiation fail have put all their determination trying to demonstrate that this issue goes nowhere, and that it had been generated with mean purposes.

Given these difficulties, I believe it is advisable to redouble our efforts and our good will, in order to advance from the state in which the negotiation is currently and reach the goal we have set for ourselves.

Your Excellency can have the highest trust in that my Government will maintain its decision to obtain a good outcome.

An ample field of both interests are presented further and I have the conviction that with renewed faith in the destiny of our peoples, we will achieve to consolidate a safe future for our children, based on respect and profound and realist Americanist feeling that guided our acts.

Receive, Your Excellency, the testimony of my most sincere esteem.

AUGUSTO PINOCHET UGARTE

General of the Army

President of the Republic of Chile

TO HIS EXCELLENCY MISTER
GRAL. HUGO BANZER SUÁREZ
PRESIDENT OF THE REPUBLIC OF BOLIVIA
LA PAZ

ANNEX 75: PRESIDENT OF BOLIVIA'S NOTE OF 8 FEBRUARY 1977

La Paz, 8 February 1977

Excellency Minster
Gral Augusto Pinochet Ugarte
President of the Republic of Chile
Santiago

Mister President,

As President of the Bolivians, at whose loyal service I aim all of my efforts, I have received with great satisfaction the significant message which Your Excellency has sent me on the second anniversary of our meeting in Charaña.

On behalf of my people and of myself I thank such a cordial greeting, and repay it with identical keenness.

It is worth noting, Mr. President, that the historical interview we held was convened by the certainty that the sympathetic destiny shared by our people demanded for a resolved attitude of their Governors, which would make it possible to look to the future with the confidence granted by frank and direct dialogue, in pursuit of highly productive understandings which the harmonious coexistence of neighbouring nations headed towards the most fraternal collaboration demands for.

The meeting held in Charaña was the initial step to look for settlement formulas to the vital matters confronting Bolivia and Chile, especially with regard

to the landlocked condition which affects my country, and that is exactly how we stated it, solemnly and categorically, before international awareness.

The great responsibility we undertook in Charaña requires, as Your Excellency has noted, the clear and sincere language which promotes the greatest understanding.

As soldiers who have resolved serving, with great dedication, the sacred interests of their nations, we have been loyal to the practice it praises.

Thus, with that same language and without straying from the feeling of my people, I have always put before Your Excellency the aspirations and worries of the Bolivian people, in negotiations, particularly, after the ultimate instances, which introduced new factors to the general frame of the diplomatic relation referred to, which we are ready to conclude with success.

Your Excellency's comments, reaffirming your determination to move forward in these negotiations from their current position in this crucially important diplomatic process, aimed at overcoming Bolivia's landlocked situation through a fully sovereign access to the Pacific Ocean, without doubt, constitute a great encouragement to strengthen our efforts to reach the goal that so preoccupies all Bolivians.

I honour your word, Mr. President, that reflects your Government's firm decision to search for the fairest and most constructive understanding in the highest spirit of Americanism.

I am sure, also, that on the road we are to traverse, Bolivia's maritime claim will continue having the support and comprehension of brother peoples, compromised with the labour of making the great Latin American nation solidarity a reality.

The views of collaboration between our countries are of vast projections. We have created the appropriate instrument to make them true through the Bolivian-Chilean Mixed commission, within whose framework, studies will be conducted and the most effective actions will be displayed so as to establish an exchange from which equitably shared benefits can derive.

I appreciate in its fair dimension, Mr. President, your favourable personal contribution in this labour of approach between our nations.

Two years ago, when referring to the transcendence of our meeting in Charaña, I held that that had been a day that would last in history.

I uttered it interpreting the most rooted feelings of my people, which longs, as Your Excellency recognizes, to forge its progress in an atmosphere of peace, justice and full collaboration with the sister nations of America.

Receive, Mr. President and friend, the expressions of my personal affection.

(Signed) GRAL. DIV. HUGO BANZER SUÁREZ

President of the Republic

ANNEX 76: PRESIDENT OF CHILE'S NOTE OF 23 NOVEMBER 1977

Santiago, 23 November 1977

His Excellency Mister
Hugo Banzer Suárez
General of the Army
President of the Republic of Bolivia
LA PAZ

Excellency, Mister President:

In the several opportunities in which we have pointed out the priority that I dispense to our relations with your country as well as the decision to search cooperation formulas which promote the common interests of our two Nations.

The current state of relations between Chile and Bolivia makes it advisable to reiterate those proposals of cooperation and to compromise our responsibility in the search for specific formulas that make it effective.

My Government appreciates the special importance that the negotiations to grant Bolivia a sovereign access to the Pacific Ocean play in our relationship.

My Government remains steadfast in its policy that initiated these negotiations, and is willing to move them forward in accordance with the wishes and intensity Your Excellency considers prudent.

Our Ministers of Foreign Relations accorded, in New York, on occasion of the United Nations Assembly, the nomination of Special Representatives to activate the negotiation. On this matter, my Government also agrees with Your

Excellency on accelerating the actions of the Special Representatives of our two countries.

I consider that at this current stage of the negotiation it would be advisable to make an evaluation of the actions taken, specifying the problems that should be overcome and suggesting future actions. The Special Representatives might make useful contributions to that end.

I believe it is necessary to emphasize on the possibilities of cooperation that exist in other areas, recognizing the importance of this negotiation. Currently, relations between our two countries can substantially be enriched if we focus on finding formulas that intensify our economic relations, which shall encourage cultural, scientific and technological cooperation that helps overcome contingent issues, increasing and improving communication systems, in order to make the free regime of transit accorded by both of our nations to favour Bolivia more fluent and efficient.

I have the conviction that our Governments shall face with willingness the search for means and formulas that shall make this cooperation possible, and that they shall pursue a lasting work of common interest.

I take the opportunity to reiterate to Your Excellency the assurances of my highest and most distinguished consideration.

AUGUSTO PINOCHET UGARTE
General of the Army
President of the Republic of Chile

ANNEX 77: PRESIDENT OF BOLIVIA'S NOTE OF 21 DECEMBER 1977

PRESIDENCY OF
THE REPUBLIC OF BOLIVIA

La Paz, 21 December 1977

Your Excellency
Mr. Augusto Pinochet Ugarte
General of the Army
President of the Republic of Chile
SANTIAGO DE CHILE.-

Excellency Mister President,

I read carefully the thoughtful note of Your Excellency, dated from last 23 November.

Since our meeting in Charaña, where I went persuaded by the patriotic duty that each Bolivian has to do everything on their behalf, in order to assure the solution of the landlocked situation that affects my country, has been my invariable position to express to Your Excellency with the most absolute sincerity, my Government's concerns with respect to the negotiating process in its different stages.

The situation in which these negotiations are, aimed at ending the Bolivia's landlocked situation, forces us to serious reflections. For the purpose of placing us before real perspectives of what could be done in the future, I consider it is basic to make a brief review of what happened since August 1975. Just after such analysis, we could determine the practical achievements that the political will would have that Your Excellency restates in order to encourage the transcendental diplomatic negotiation in which Bolivia is focused on.

As part of a plan of harmonious coexistence, of integration, and shared development, my Government proposed, in August 1975, to enter into negotiations aimed at obtaining a sovereign land strip in the north of Arica with geographical continuity.

Moreover, as Your Excellency knows, another conditions would be required that make the access through the strip land, a minimum acceptable formula of solution to the Bolivia's landlocked situation, to look at the set, an instrument more that guarantees my country an adequate rhythm of economic and social development. In this conception, obviously, it represented, as main nature, the length of the maritime front and the capacity of the whole sovereignty that Bolivia should exercise over the territory which is the object of the diplomatic negotiations.

Regarding the Bolivian proposal, Your Excellency formally replied on 19 December 1975, conditioning the temporary arrangement, to factors that made difficult "ab initio" the negotiating process. Nonetheless, general terms were established with the Bolivian and Chilean documents, in the understanding that, considering the global basis, it would be possible to move forward in the search for coincidences that would promote an arrangement based on, it is certain, reciprocal conveniences, but also on high sense of international justice.

The following stage regarded the Chilean Government representation made to the Peruvian's, about the transference of a sovereign territory to Bolivia in the north of Arica, under the Article 1 of the Additional Protocol to the 1929 Treaty of Lima.

The Government of Peru delayed about eleven months to respond the aforementioned representation. In that period, what could be advanced, particularly, with Chile, that would not be delivered from what Peru would finally reply? Do not we know that any transference of territories in that area, has to, necessarily count on Peruvian consent?

Finally, in November 1976, the Government of Peru made known its points of view regarding the representation that the Government of Chile formulated it.

Your Government, Mr. President, refused to consider the Peruvian proposal arguing that it encroached on matters within Chilean sovereignty. Nevertheless, Bolivia expected Chile to make further efforts to clarify the situation, a fundamental clarification to help the Government of Chile complete the principal and legal goal of these negotiations – the transfer of territory.

We could enter an end-less abstract discussion of this issue, but we are before political decisions directly linked to the vital need that Bolivia has to re-integrate to the Pacific Ocean, and the expectations on which I have to attend urgent requirements of my peoples.

I am convinced that international law must be the solid foundation through which the future of a really harmonious coexistence in the area of the Pacific

South is constructed, on 24 December 1976, I proposed Your Excellency through Bolivian Ambassador in Santiago, criteria and principles that I consider pertinent to restate and recall, because they correspond to fundamental definitions adopted by my Government.

“1. We ratify our original proposal of peace, development, and integration that allow for solving the geographical Bolivia’s landlocked situation through a free and fully sovereign outlet since the national territory to the Pacific Ocean;

2. With a view of a solution that honours international law, brotherly collaboration, and the broadest solidarity, it is proposed to the Government of Chile to modify its approach, removing the condition related to the territorial exchange. Furthermore, it is proposed to the Government of Peru to modify its approach related to a territorial area under shared sovereignty;

3. The Government of Bolivia offers, instead, according to the original proposal of August 1975, the necessary contributions, in equal terms, for the establishment of a large centre of tripartite development in the coastal zone that would be transferred to the Bolivian sovereignty, from which reciprocal benefits are derived for Bolivia, Chile, and Peru.”

I appreciate your purpose of encouraging the negotiations since the condition it is, what can be reached through the appointment of the Special Representatives, agreed by our Ministers of Foreign Affairs, in New York.

Nonetheless, I wonder: in which framework of projections, truly significant, would such work make? Is not an evaluation of all what was performed will take us to recognize the same obstacles that we face today? I repeat again, that it is necessary to add to our dialogue new factors in order to

improve the current stage; factors that necessarily must include a broader spirit in the conditions demanded for this agreement; on which the unanimous decision of my Country could be added.

The establishment of new conditions required to follow periods that lead us to the objective's achievement that we fixed in the meeting of Charaña, it is not in the hands of Bolivia.

Just under these circumstances, the meeting of the Special Representatives could make sense, and they will determine the rhythm and intensification of the negotiations.

Otherwise, I am afraid that, despite of the good intentions, we enter another delayed stage to which I do not want to expose to my peoples that expect, since 99 years ago, the supportive contribution of nations that have to look for fair and stable understandings by imperative of its neighbourhood.

I expected for your sooner reply, Your Excellency, and I reiterate the expressions of my distinguished consideration.

(Signed) HUGO BANZER SUÁREZ
General of the Army
President of the Republic of Bolivia

ANNEX 78: PRESIDENT OF CHILE'S NOTE OF 18 JANUARY 1978

(In, Ministerio de Relaciones Exteriores, *Historia de las negociaciones chileno-bolivianas 1975-1978*, 1978, p. 64)

[Extract]

Santiago de Chile, 18 January 1978

His Excellency

Mr. Hugo Banzer Suárez

General of the Army

President of the Republic of Bolivia

La Paz

His Excellency President and dear friend:

In a personal note sent to Your Excellency last 23 November, alongside explaining the priority that I assign to the approach of the friendly relations with Bolivia, I reiterated my Government's intention to encourage the current negotiation to satisfy the longing of this country to obtain a sovereign access to the Pacific Ocean.

[...]

Under my Government's view, the grounds proposed by Chile and broadly accepted in general terms by Bolivia are the only viable and realistic ones that would permit the fulfilment of the desires of the brotherly country. Therefore, I wrongly could propose another variation, but I am certain - he added- that on those grounds, an agreement susceptible to obtain the acceptance of Peru would

be possible to achieve. I am based on the statements of the Foreign Minister of that brother and friend country, which in two opportunities has stated that the approaches of November 1975 “are not necessarily a formula of final solution, but an alternative one, element of the dialogue.”

[...]

The negotiation in which we are involved is not easy. It will demand patience and good reciprocal willingness. We all knew this when we started. The importance of the result will compensate the time we dedicate to clear unknown and difficulties up that are attached to diplomatic efforts of this magnitude.

I take this opportunity to reiterate Honourable President and dear friend, the assurances of my highest consideration.

Truly yours,

(Signed)

AUGUSTO PINOCHET UGARTE

General of the Army

President of the Republic of Chile

**ANNEX 79: MINISTRY OF FOREIGN AFFAIRS OF CHILE'S NOTE
VERBALE N°18561, 14 SEPTEMBER 1987**

[Extract]

**REPUBLIC OF CHILE
MINISTRY OF FOREIGN AFFAIRS**

N°18561

The Foreign Ministry present its compliments to the Honourable Consulate General of Bolivia and, with regard to the concepts issued by His Excellency President of the Republic in his message to the Nation, dated 11 September 1987, has the honour of formally invites to the Government of Bolivia to continue a series of meetings of the Bi-National Commission created under common agreement in September 1986. The Government of Chile will not assume the aggressive expressions formulated by the Forigner Minister of Bolivia, 12 September 1987, related to the aformencioneted Presidential message.

They will not make Chile's ongoing willingness to continue to refine methods of effective and reciprocal cooperation with Bolivia permanent willingness vary. The Government of Chile has the certainty that the work of that commission may constitute a practical way to conduct a sustained process of cooperation and complementation, which may contribute to the development of both countries. At the same time, the conditions for an effective Chilean-Bolivian approach would be given, based on constructive foundations of mutual respect

At the same time, the conditions for an effective Chilean-Bolivian approach would be given, based on constructive foundations of mutual respect.

The Foreign Ministry takes this opportunity to reiterate Honourable Consulate General of Bolivia the assurances of its highest and distinguished consideration.

Santiago, 14 September 1978

TO THE CONSULATE GENERAL OF BOLIVIA

ANNEX 80: PRESIDENT OF BOLIVIA'S NOTE, OF 14 DECEMBER 2005

La Paz, 14 December 2005

Mr.

Ricardo Lagos

President of the Republic of Chile

Santiago Chile

Mister President:

I am pleased to address to you on occasion of our leaving office as Presidents of our countries.

First, let me congratulate the Democratic fete held last Sunday in which the Chileans voted to elect a new President of the Republic as well as the Deputies and Senators. I have learned that with your leadership, the political forces that have been part of your Government managed to arouse sympathy and adhesion, which resulted in the popular recognition of your work as a ruler and your skills as a politician.

On this exceptional occasion I want to note our joint work, our shared vision and the mutual hope that we have been building to guard understanding between our peoples. The trust atmosphere between both countries for which we have made efforts to create, is an example of how much we can progress in understanding, reaching constructive solutions to problems to be solved with the best spirit of mutual cooperation.

I am glad to see that our meetings in New York, Salamanca, Mar del Plata, and lately in Montevideo opened the path for a new stage in our Bolivian-Chilean relations. The dialogue, without excluding any topic, including the most sensitive such as Bolivia's landlocked condition, showed clearly that we shared the

decision to lay the grounds -and I believe we have done well – for this new Bolivian-Chilean relation. Thus, I note your willingness to dialogue and your vision to make progress in integrated, long lasting solutions, and mainly for the benefit of our nations.

I am certain that we have made progress in the right direction and with the common desire that, in the future, Bolivia and Chile secure the trust, security and a mutual cooperation atmosphere which has started to prevail as of today, as a foundation for a supportive neighbourhood. In this connection, from any view, I shall attempt that this same spirit of understanding be followed by deep content of collaboration, as it can build a large integration project that corresponds to the complementarity of our countries.

I wish you, Mister President and friend the best of success. You leave the Presidency of Chile with the satisfaction of having done a lot for your people. I express my best wishes for your future activities, recognizing your efforts to create a constructive atmosphere between Bolivian and Chile, and your compromise to develop the relations of our countries through paths of peace and understanding.

Mister President, please receive the assurances of my highest consideration and the assurance of my sincere friendship and personal appreciation.

(Illegible signature)

Eduardo Rodríguez Veltzé

President of the Republic of Bolivia

ANNEX 81: PRESIDENT OF CHILE'S NOTE, DECEMBER 2005

Santiago de Chile, December 2005

His Excellency

Eduardo Rodríguez Veltzé

President of the Republic of Bolivia

La Paz

Excellency:

I am pleased to acknowledge receipt of your letter dating 14 December last which refers to the joint work developed with the hope to engage into fruitful dialogue with a view to addressing the issues that concern both countries.

I can but fully agree with the concepts expressed in your letter. Further, I appreciate that the exercise of analysis and reflection we undergo on each occasion that we meet, has established a kind of positive dialogue, based on trust and mutual respect. That fact certainly contributed to identify the objectives we agreed to approach in the bilateral Agenda, complex though they were. Also, it allowed us to contribute to bi-National integration with concrete actions when approving the use of the Identity Card to get in and out of one or the other country, and the most important, according the expansion of the Economic Complementation Agreement No. 22 to all tariffs in Bolivia, to respond to the requests of commercial balance and equality in your country.

We have also established a Working Group to address all bilateral issues; a fact that has contributed to strengthening the mutual trust required for addressing the Agenda with no exclusions in which our countries are engaged into. I

sincerely hope that the task we jointly started shall constitute the foundation for the respective administrations that shall soon be installed in Bolivia and Chile.

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 because it regards the relation with the process of organization, but also inasmuch as it evidences the willingness of the Bolivian nation.

I take this occasion to wish your personal success in the future activities you attempt to carry out and to transmit the assurances of my highest consideration and personal care.

It turned out to be very pleasant to work with Your Excellency in benefit of the integration of our peoples.

Your friend,

(Illegible signature)

Ricardo Lagos

**ANNEX 82: MINISTRY OF FOREIGN AFFAIRS OF CHILE'S NOTE
VERBALE N° 745/183 OF 8 NOVEMBER 2011**

**GOVERNMENT OF CHILE FOREIGN MINISTRY
CONSULATE GENERAL OF CHILE
LA PAZ-BOLIVIA**

N°745 / 183

Consulate General of Chile in La Paz present its compliments to the Honourable Foreign Ministry of the Plurinational State of Bolivia - has the honour 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 this Court by Republic of Peru, "Maritime Dispute" (Peru v. Chile).

The Government of Chile has noted that the Plurinational State of Bolivia expressly point out, in the aforementioned letter, that it does not request to intervene in the said case. Considering that, the State of Chile shall not refer to the inappropriateness of such communication or lack of legal basis to invoke, in this sense, the articles of the Statute of the Court related to the intervention of third States.

Nonetheless, the Government of Chile thinks it is necessary to represent the Plurinational State of Bolivia, that the proposals existing in the aforementioned letter are materials found outside the Court's jurisdiction and the treaties in force on the maritime limitation invoked in the case "Maritime Dispute (Peru V. Chile)"

Likewise, the State of Chile complies with the duty of transmitting its total reserve concerning the nature and scope of the facts reported in the document that is discussed, by omitting fundamental background, to represent a skewed version of historical events, and to lead to erroneous conclusions without legal support.

None of the background information mentioned in the letter of 8 July 2011 support the interference of any recognition of an obligation to negotiate sovereign access to the sea, or of an alleged right of sovereign access to the sea or, as the Plurinational State of Bolivia pretends to suggest.

The consultations and negotiations made almost forty years ago, within a framework of territorial exchange and mutual concessions were precisely concluded by decision of the Bolivian State which also adopted the determination to suspend the diplomatic relations with Chile. The same fate other diplomatic initiatives in specific historical contexts had, whose treatment, in the mentioned letter that is discussed, disregard the truth and justice.

As you are aware, the position of Chile before such claims is and has been clear and unequivocal: all border areas between Chile and the Plurinational State of Bolivia are fully and finally settled in the 1904 Treaty of Peace and Friendship, which was validly held, and it is in force and is applied on an ongoing basis by the Parties.

Finally, it is important to point that, as the Plurinational State of Bolivia know that, the broad dialogue agreed by the Governments of both countries for many years, to cover great bilateral matters to the support of the mutual trust an within the legal framework which regulates the reciprocal relations, that it did not understand any concept which refers to the right, by Chile's end, to negotiate a sovereign access to the Pacific Ocean of the Plurinational State of Bolivia.

The Consulate General of Chile takes this opportunity to reiterate to the Honourable Foreign Ministry- the assurances of my highest and distinguished consideration.

La Paz, 8 November 2011

To Honourable

Foreign Relations Ministry of the Plurinational State of Bolivia

**ANNEX 83: MINISTRY OF FOREIGN AFFAIRES OF BOLIVIA'S NOTE
VERBALE N° VRE-DGRB-UAM-002915/2012
OF 22 FEBRUARY 2012**

VRE.DGRB-UAM-002915/2012

MINISTRY OF FOREIGN AFFAIRS - General Direction of Consular Issues, presents its compliments to the Honourable General Consulate of the Republic of Chile and has the honour to refer to the tariff issue in the Port of Arica which was in the agenda of the IV Meeting of the Technical Group of the Port of Arica and in the XII Meeting of the Working Group of Free Transit, both held in August and September 2011, as well as in the meetings held between the representatives of the Authority of Port Services-Bolivia (ASP-B) and the Port Company of Arica (EPA) in January 2012.

To that effect, the Government of the Plurinational State of Bolivia, due to the fact that the process of technical analysis on the tariff regulation would have concluded, invites the Government of the Republic of Chile to an extraordinary meeting of the Mechanism of Political Consultation Bolivia-Chile, to specifically deal with this issue to be held in La Paz, 29 February 2012.

MINISTRY OF FOREIGN AFFAIRS - General Direction of Consular Issues, takes this opportunity to reiterate the Honourable General Consulate of the Republic of Chile the assurances of its highest and distinguished consideration.

La Paz, 22 February 2012

To the Honourable
CONSULATE GENERAL OF THE
REPUBLIC OF CHILE

**ANNEX 84: MINISTRY OF FOREIGN AFFAIRS OF BOLIVIA'S NOTE
VERBALE N° VRE-DGRB-UAM-019765/2012
OF 3 OCTOBER 2012**

VRE.DGRB-UAM-0019765/2012

MINISTRY OF FOREIGN AFFAIRS - General Direction of Consular Issues, presents its compliments to the Honourable General Consulate of the Republic of Chile and has the honour to refer to its Notes Verbales N°317/130 and 341/144, through which it proposes to carry out the “XIII Meeting of the Committee of Boundary and Integration Bolivia – Chile”, during November 2012 in the city of Antofagasta, Chile.

To that effect, the Ministry of Foreign Affairs emphasizes the importance to carry out the aforementioned meeting for the purpose of continuing the implementation of the Bilateral Agenda on boundary matters to promote the development of this region. However, due to the fact the Government of Chile postpones the holding of the Mechanism of Political Consultations' meeting, used to held twice a year, since 2010 until now, considering that this high level mechanism dictates the political directives to move forward on the Bilateral Agenda as a whole and the Ministry of Foreign Affairs considers it is necessary, to re-establish and held the meeting of the said mechanism in order to lately advance concluding agreements on different issues.

MINISTRY OF FOREIGN AFFAIRS - General Direction of Consular Issues,
takes the opportunity to reiterate the Honourable General Consulate of the
Republic of Chile the assurances of its highest and distinguished consideration.

La Paz, 3 October 2012

To the Honourable
CONSULATE GENERAL OF THE
REPUBLIC OF CHILE

**ANNEX 85: MINISTRY OF FOREIGN AFFAIRS OF BOLIVIA'S NOTE
VERBALE N° VRE-DGRB-UAM-019779/2012 OF 3 OCTOBER 2012**

VRE.DGRB-UAM-0019779/2012

MINISTRY OF FOREIGN AFFAIRS - General Direction of Consular Issues, presents its compliments to the Honourable General Consulate of the Republic of Chile and has the honour to refer to its Note Verbale N°322/132, through which it proposes the holding of “XIII Meeting of the Working Group on Free Transit” for the second week of October 2012 in Iquique, Chile.

To that effect, the Ministry of Foreign Affairs examines the proposal of the Government of Chile on considering enabling the Port of Iquique to the regime of free transit, among other topics that handle this working group. However, due to the fact the Government of Chile postpones the holding of the Mechanism of Political Consultations since 2010 until now, considering that this has the mandate to move forward on the Bilateral Agenda in an integral manner between both countries this Ministry considers it is necessary, as a priority, this high level mechanism in order to lately advance in other kind of forums.

Thereon, the Ministry of Foreign Affairs recalls that on 6 December 2011, through Note Verbale VRE-DGRB-UAM-028043/2011, reiterated the need to have conversations, within the Mechanism of Political Consultations, about the Port of Arica' tariffs issue regarding the free transit in force between both countries. Moreover, and to that effect, through the Note Verbale VRE-DGRB-UAM-002915/2012, 22 February 2012, the Government of the Republic of Chile was invited to an extraordinary meeting of the said Mechanism on 29 February 2012, in La Paz; invitation that was not accepted.

MINISTRY OF FOREIGN AFFAIRS - General Direction of Consular Issues,
takes the opportunity to reiterate, the Honourable General Consulate of the
Republic of Chile, the assurances of its highest and distinguished consideration.

La Paz, 3 October 2012

To the Honourable
CONSULATE GENERAL OF THE
REPUBLIC OF CHILE

**ANNEX 86: MINISTRY OF FOREIGN AFFAIRS OF BOLIVIA'S NOTE
VERBALE N° VRE-DGRB-UAM-000179/2013
OF 8 JANUARY 2013**

VRE-DGRB-UAM-000179/2013

MINISTRY OF FOREIGN AFFAIRS - General Direction of Consular Issues, present its compliments to the Honourable General Consulate of the Republic of Chile and has the honour to refer to its Note Verbale N° 591/208, through which it reiterates the invitation to the Government of Chile to carry out the “XIII Boundary and Integration Committee Bolivia-Chile meeting” to be held in Antofagasta city and “XIII Working Group on Free Transit meeting” in Iquique, in order to examine and consider the specific matters of both countries’ interest on date to be defined under common agreement.

To that effect, the Ministry of Foreign Affairs considers the proposal of the Government of Chile on continuing the bilateral dialogue on the boundary matter to promote the development of this region, as well as the implementation of issues on the agenda of the group of Free Transit. However, the Government of Bolivia esteems that this dialogue has to be resumed through the Mechanism of Political Consultations.

MINISTRY OF FOREIGN AFFAIRS - General Direction of Consular Issues,
takes this opportunity to reiterate, the Honourable General Consulate of the
Republic of Chile, the assurances of its highest and distinguished consideration.

La Paz, 8 January 2013

To the Honourable
CONSULATE GENERAL OF THE
REPUBLIC OF CHILE

**INTERNATIONAL INSTRUMENTS (TREATIES, PACTS,
COVENANT, PROTOCOLS, *ACTA PROTOLIZADA*,
DECLARATIONS, JOINT-DECLARATIONS, EXCHANGE OF
NOTES) AND INSTRUMENTS OF RATIFICATIONS**

**ANNEX 87: TREATY OF AMITY, COMMERCE AND NAVIGATION
BETWEEN THE REPUBLICS OF CHILE AND BOLIVIA,
18 OCTOBER 1833**

[Extract]

**TREATY OF AMITY, COMMERCE AND NAVIGATION BETWEEN
THE REPUBLICS OF CHILE AND BOLIVIA**

Concluded in Santiago de Chile, on 18 October 1833

In the name of God, author and legislator of the Universe:

The Republics of Chile and of Bolivia, desiring to make lasting and firm the amity and good understanding which happily prevail between both nations and to give their mutual relations the solidity and intimacy proper for the identity of the principles that they have professed since their glorious emancipation and their common interests, have resolved to fix in a clear manner, distinct and positive, their mutual duties through a Treaty of Amity, Commerce and Navigation. For this purpose, His Excellence the President of the Republic of Chile has conferred full powers to Mr. Manuel Rengifo, Minister of State of the Department of Finance and His Excellency, the President of the Republic of Bolivia has conferred full powers to Mr. Damaso Uriburu, Chargé d’Affaires in the Government of Chile.

Who, after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

[...]

Article 6°

Bolivian or Chilean vessels belonging to citizens of either of the two Republics, may safely and freely reach all those ports, rivers, and other places of the territory of the other where they are allowed to do so, the subjects of the most favoured Nation, paying the same rights of portage, tonnage, pilot, lantern and others as domestic vessels.

[...]

In witness whereof, the undersigned Plenipotentiaries have signed and have fixed thereto their respective seals. Done at Santiago de Chile, the eighteenth days of October in the year of our Lord 1833, twenty-four of the independence of Chile and twenty-three of the independence of Bolivia.

(Signed) *Manuel Renjifo* (L.S.) .- (Signed) *Dámasco Uriburu*

**ANNEX 88: TREATY OF AMITY, COMMERCE AND NAVIGATION
BETWEEN BOLIVIA AND HIS MAJESTY THE KING OF FRANCE,
9 DECEMBER 1834**

[Extract]

In the name of the Most Holy Trinity.

Extensive commercial intercourse having been established for some time between the States of His Majesty the King of France and the Republic of Bolivia since long ago, it seems good and useful to regulate its existence, as well as the encouragement of such commercial intercourse and to perpetuate its duration through a Treaty of Amity, Commerce and Navigation signed on the common interest of both countries and capable of having their respective citizens enjoy equal and reciprocal advantages.

Pursuant to this principle and to this end, have named their respective Plenipotentiaries:

His Excellency President of the Republic to the citizen José Marianao Serrano, Minister of the Supreme Court of Justice, decorated with the medal of the Libertator Simon.

His Majesty the King of the French, Monsieur Claudio Justo Henrique Buchet Martigny, Knight of the Legion of Honour, General Consul and Charge d'Affaires of France.

The President of the Republic of Bolivia the citizen Casimiro Olañeta, Minister of the Supreme Court of Justice, and Minister Plenipotentiary of this Republic before his Majesty the King of French.

Who, after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

[...]

Article 9. The natural or industrial products of one of the two countries shall pay the same tariff in the ports of the other, may it be done in French or Bolivian Vessels.

Article 10. Bolivian vessels, at their enter into, or departure from, the ports of France, and French vessels, at their entry into, or departure from, the ports of Bolivia, shall not be subjected to other or heavier duties of tonnage, light, anchorage, harbour, pilotage, quarantine, or other imposts upon the hull of the vessel, than national vessels are subjected at the present, or may be in the future.

Article 11. It is agreed that: 1) duties imposed in the ports of Bolivia upon the wines and spirits of France, cannot exceed during the present Treaty, 10 per cent upon the value assigned to those articles in the present Tariff of the Custom-house in Bolivia.

[...]

Article 33. And the last one. The present Treaty shall be ratified, and the ratifications shall be exchanged, within the space of 2 years or sooner if possible. In witness whereof, the respective Plenipotentiaries have signed and affixed thereto their respective seals.

Done at Chuquisaca, this 9th day of December, in the year 1834.

(Signed) Henrique Buchet Martigny (signed) José Mariano Serrano

**ANNEX 89: TREATY OF AMITY, COMMERCE AND NAVIGATION
BETWEEN THE REPUBLIC OF BOLIVIA AND HER BRITANNIC
MAJESTY THE QUEEN OF THE UNITED KINGDOM AND IRELAND,
29 SEPTEMBER 1840**

In the Name of the Most Holy Trinity.

EXTENSIVE commercial intercourse having been established for some time between the dominions of Her Britannic Majesty and the Republic of Bolivia, it seems good for the security, as well as the encouragement, of such commercial intercourse, and for the maintenance of good understanding between Her said Britannic Majesty and the said Republic, that the relations now subsisting between them should be regularly acknowledged and confirmed by the signature of a Treaty of Amity, Commerce, and Navigation.

[...]

ART. II. There shall be between all the territories of Her Britannic Majesty in Europe, and the territories of the Republic of Bolivia, a reciprocal freedom of commerce. The subjects and citizens of the 2 countries, respectively, shall have liberty freely and securely to come, with their ships and cargoes, to all places, ports, and rivers, in the territories aforesaid, to which other foreigners are or may be permitted to come, to enter into the same, and to remain and reside in any part of the said territories respectively; also to hire and occupy houses and warehouses for the purpose of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce; subject always to the laws and statutes of the 2 countries respectively.

In like manner, the respective ships of war and post-office packets of the 2 countries shall have liberty freely and securely to come to all harbours, rivers, and places, to which other foreign ships of war and packets are or may be permitted to come, to enter into the same, to anchor, and to remain there and refit; subject always to the laws and statutes of the 2 countries respectively.

By the right of entering the places, ports, and rivers, mentioned in this Article, the privilege of carrying on the coasting trade is not understood, in which national vessels only are permitted to engage.

[...]

ART. V. No higher or other duties or charges on account of tonnage, light or harbour dues, pilotage, salvage in case of damage or ship-wreck. or any other local charges, shall be imposed in any of the ports of the Republic of Bolivia or British vessels, than those payable in the same ports by Bolivian vessels; nor, in the ports of Her Britannic Majesty's territories, on Bolivian vessels, than shall be payable in the same ports on British vessels.

ART. VI. The same duties shall be paid on the importation into the territories of the Republic of Bolivia, of any article the growth, produce, or manufacture of Her Britannic Majesty's dominions, whether such importation shall be in Bolivian or in British vessels; and the same duties shall be paid on the importation into the dominions of Her Britannic Majesty, of any article the growth, produce, or manufacture of the Republic of Bolivia, whether such importation shall be in British or Bolivian vessels. The same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation to the ports of the Republic of Bolivia of any articles of the growth, produce, or manufacture of Her Britannic Majesty's dominions, whether such exportation shall be in Bolivian or in British vessels; and

the same duties shall be paid, and the same bounties and drawbacks allowed, on the exportation of any articles the growth, produce, or manufacture of the Republic of Bolivia to Her Britannic Majesty's dominions, whether such exportation shall be in British or in Bolivian vessels.

[...]

In witness whereof, the respective Plenipotentiaries have signed, in triplicate originals, English and Spanish, the present Treaty, and affixed thereto their respective seals.

Done at Sucre, this 29th day of September, in the year of our Lord 1840.

(L.S.) BELFORD HINTON WILSON.

(L.S.) JOSE MA. LINARES.

**ANNEX 90: TREATY OF PEACE AND FRIENDSHIP BETWEEN BOLIVIA
AND MAJESTIC THE QUEEN OF SPAIN,
21 JULY 1847**

[Ratifications exchanged at Paris, 12th February, 1861.] (Translation.)

Her Majesty the Queen of Spain, Doña Isabella II, on the one part, and the Republic of Bolivia on the other, animated by the same desire to efface the traces of the recent struggle, and to seal by a public and solemn act of reconciliation and peace the good understanding which naturally exists between the subjects of the two countries, have determined, for the attainment of this desirable object to conclude a Treaty of Peace and Friendship, founded on principles of justice and of mutual expediency. To this end, Her Catholic Majesty has named as Plenipotentiary, Don Joaquin Francisco Pacheco, President of the Council of Ministers, Minister of State, and Deputy to the Cortes, &c.; and the Republic of Bolivia, Don José Maria Linares; who, after having communicated to each other their full powers, and found them to be in good and due form, have agreed on the following Articles:

[...]

ART. II. In consequence thereof, Her Catholic Majesty recognizes the Republic of Bolivia as a free, sovereign, and independent nation, composed of the countries specified in its constitutional law, viz., the departments of Chuquisaca, Potosi, Paz de Ayacucho, Cochabamba, Santa Cruz, Oruro, Tarija, and Beni, the coast district of Cobija, and whatsoever other territories appertain, or may appertain, to Bolivia.

[...]

In faith whereof we, the undersigned Plenipotentiaries of Her Catholic Majesty and of the Republic of Bolivia, have signed it in duplicate, and sealed it with our private seals, in Madrid, on the 21st of July, 1847.

(L.S.)

JOAQUIN FRANCISCO PACHECO.

(L.S.)

JOSE MARIA LINARES.

**ANNEX 91: TREATY OF AMITY, NAVIGATION AND COMMERCE
BETWEEN BOLIVIA AND THE UNITED STATES OF AMERICA
13 MAY 1858**

The Republic of Bolivia and The United States of America, desiring to make lasting and firm the friendship and good understanding which happily prevail between both nations, have resolved to fix in a manner clear, distinct and positive, the rules which shall in future be religiously observed between the one and the other, by means of a treaty of friendship, commerce and navigation.

For this most desirable object the President of the Republic of Bolivia has conferred full powers on the citizen Lucas Mendoza de la Tapia, Secretary of State in the Department of Exterior Relations and Public Instruction and the President of the United States of America on John Winchester Dana, a citizen of the said States, and their Minister Resident to the said Republic;

Who, after having exchanged their said full powers in due and proper form, have agreed to the following articles:

[...]

ARTICLE III

The Republic of Bolivia and the United States of America mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens. The citizens of either republic may frequent with their vessels all the coasts, ports and places of the other where foreign commerce is permitted, and reside in all parts of the territory of either, and occupy dwellings and warehouses; and everything belonging thereto shall be respected, and shall not be subjected to any arbitrary visits or search. The said citizens shall

have full liberty to trade in all parts of the territory of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures and produce, not prohibited to all, and to open retail stores and shops, under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes or imposts than those which are or may be paid by native citizens. No examination or inspection of their books, papers, or accounts, shall be made without the legal order of a competent tribunal or judge.

The provisions of this treaty are not to be understood as applying to the navigation and coasting trade between one port and another, situated in the territory of either of the contracting parties -the regulation of such navigation and trade being reserved respectively by the parties according to their own separate laws. Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port, open to foreign commerce, in the territories of either of the high contracting parties, paying only the custom-house duties upon that portion of the cargo which may be discharged and to proceed with the remainder of their cargo to any other port or ports of the same territory, open to foreign commerce, without paying other or higher tonnage duties or port charges in such cases than would be paid by national vessels in like circumstances; and they shall be permitted to load in like manner at different ports in the same voyage outward.

The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country in which they reside, on condition of their submitting to the laws, decrees and ordinances there prevailing. They shall not be called upon for any forced loan or occasional contribution, nor shall they be liable to any embargo, or to be detained with their vessels, cargoes, merchandise, goods or effects, for any military expedition, or for any public

purpose whatsoever, without being allowed therefore a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

ARTICLE IV

All kind of produce, manufactures or merchandise of any foreign country which can, from time to time, be lawfully imported into the United States in their own vessels, may be also imported in vessels of the Republic of Bolivia; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied and collected, whether the importation be made in the vessels of the one country or of the other; and in like manner all kinds of produce, manufactures and merchandise of any foreign country that can be, from time to time, lawfully imported into the Republic of Bolivia in its own vessels, whether in her ports upon the Pacific or her ports upon the tributaries of the Amazon or La Plata, may be also imported in vessels of the United States; and no higher or other duties upon the tonnage of the vessel and her cargo shall be levied or collected, whether the Importation be made in vessels of the one country or of the other. And they agree that what may be lawfully exported or re-exported from the one country in its own vessels, to any foreign country, may, in like manner, be exported or re-exported in the vessels of the other country; and the same bounties, duties and drawbacks shall be allowed and collected, whether such exportation or re-exportations be made in vessels of the United States or of the Republic of Bolivia.

In all these respects the vessels and their cargoes of the one country, in the ports of the other, shall also be on an equal footing with those of the most favoured nation. It being further understood that these principles shall apply whether the vessels shall have cleared directly from the ports of the nation to which they appertain, or from the ports of any other nation.

[...]

The present treaty of peace, amity, commerce and navigation shall be ratified by the President of the Republic of Bolivia with the approbation of the National Congress, and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged in the capital of the Republic of Bolivia within eight months, to be counted from the date of the ratification by both Governments.

In faith whereof we, the Plenipotentiaries of the Republic of Bolivia and of the United States of America, have signed and sealed these presents.

Done in La Paz, on the thirteenth day of May, in the year of our Lord one thousand eight hundred and fifty-eight.

[SEAL.] JOHN W. DANA.

[SEAL.] LUCAS M. de la TAPIA.

(1) Amendment by the Senate accepted by Bolivia

**ANNEX 92: TREATY OF AMITY, COMMERCE AND NAVIGATION
BETWEEN BOLIVIA AND THE KING OF THE BELGIANS,
17 AUGUST 1860**

[Extract]

Signed in Santiago Chile, on 17 August 1860: approved by Law of 14 August 1861: promulgated in March 1863.

His Excellency the President of the Republic of Bolivia on the one end and His Majesty the King of the Belgian on the other, wanting to fix, expand and secure commerce and navigation relations between Belgium and the Republic of Bolivia, have believed it to be convenient to negotiate a Treaty to reach this end, and for that purpose they have appointed their Plenipotentiaries namely: the H. E. President of the Republic of Bolivia has appointed José María Santiviáñez, Chargé d'Affaires of Bolivia to the Government of Chile and His Majesty the King of the Belgian has appointed Mr. Antonio Louis Joseph Derote, General Consul of Belgium to the west coast of South America, official of the Order of Leopoldo: Who, after having communicated to each other their full powers, found to be in due and proper form, have agreed upon and concluded the following Articles:

[...]

Article 8°. All vessels navigating under their respective flags and which have navigation papers or those documents which the law of each country requires to justify the nationality of trade vessels shall be treated as Bolivian in Belgium and as Belgian in Bolivia.

Article 9°. Bolivian vessels at their entry into or departure from the ports of Belgium, or leaving them, on the sea, rivers or channels, whatever their origin, shall not be subject to, neither when entering nor when leaving, nor while in transit to duties of tonnage, harbour, basins, pilotage, anchorage, towing, lighting, locking, channels, quarantine, salvage, storage, patent, navigation, tolling, and others than fees or taxes, whatever their nature or denomination, upon the hull of vessels, whether it is established on behalf of the Government or public officers, of the Municipalities or other establishments, than national vessels are at present, or may in future be subjected.

Article 10° With regard to the allocation of vessels, to their loading or unloading at ports, bays or dams, and in general for all formalities and provisions to which trade vessels may be subject to, their crew and cargo, it is agreed that domestic vessels shall not be granted any privilege that is not granted to the other party, for it is the will of the contracting parties that all vessels be treated equally.

Article 11° War vessels of any of both contracting parties shall enter, remain and get repaired in the ports of the other, to which those of the most favoured nation are allowed to enter, and the same provisions and privileges shall be subject to them.

Article 12° The vessels of any of the contracting parties which, on account of an accident need to enter the ports of the other shall not pay, whether for the embarkation or for the cargo, whether they are in land or transhipping, but the fees imposed to domestic vessels, so long as the need of its arrival is proved and that the vessels do not trade, or remain longer than required.

[...]

Article 22. The present Treaty shall be ratified, and the ratifications shall be exchanged within the space of 18 months or sooner if possible.

In witness whereof, the respective Plenipotentiaries have signed, in quadruple originals. Done at Santiago de Chile 19 August 1860.

(L.S.) DEROTE

(L.S.) JOSE M. SANTIVAÑEZ

**ANNEX 93: TREATY OF COMMERCE AND CUSTOMS, BETWEEN BOLIVIA
AND PERU, 5 SEPTEMBER 1864**

[Extract]

**Treaty of Commerce and Customs between
Bolivia and Peru**

MARIANO MELGAREJO

Provisional President of the Republic of Bolivia

The Republic of Bolivia and that of Peru, through their duly authorized Plenipotentiaries, have negotiated, concluded and signed a Treaty of Commerce and Customs in the city of Lima on 5 September 1864. Treaty reads as follows:

In the name of God, Supreme Legislator of Nations,

The Republic of Bolivia and Peru, desiring to secure and to make the relations of friendship which happily unite them inalterable, and convinced by the lessons of their past that the well calculated combinations are sterile when they are not bound by economic agreements which reconcile national interests with those of individuals and those of the reciprocal trade of their citizens, making difficult, inasmuch as possible, traffic in contraband immoral, have accorded to conclude a Treaty of Commerce and Customs which puts an end, for their mutual transactions, to the ominous and degrading system of border supervision, and conciliates commercial freedom with the great trade interests of both parties. To that end, His Excellency, General José María de Achá, Constitutional President of Bolivia, has accredited Doctor Juan de la Cruz Benavente, as his representative in Lima, lawyer admitted to the bar in Bolivia and Peru and former Minister of State

and Minister Plenipotentiary before the American Congress, as Plenipotentiary for the negotiation and His Excellency, General Juan Antonio Pezet, Constitutional President of Peru has appointed Doctor Toribio Pacheco, Minister of Foreign Affairs.

Who, assisted by their respective Secretaries, after having exchanged their credentials and having found them proper, have accorded the following stipulations:

[...]

Article 4° The commerce of American or from overseas articles and effects, made to Bolivia through the border of Peru, shall enjoy the same liberty of expenditure that has been established under Article 1, for natural and industrial Peruvian products.

[...]

Article 6° Bolivia accepts also that Peru's tariff for the dispatch of foreign merchandise imported for commerce of the south through the port of Cobija, with a reduction of the third part of the rights of importation which according to it, are charged at customs in Arica and Islay.

Article 7°. The tariff in force in Peru for the internment of articles and goods coming from ports in Peru to the north of Bolivia and for those leaving Bolivia through the port of Cobija, shall be unchanging while this treaty is in force unless the high contracting parties decided in mutual agreement or deemed as necessary to make amendments.

[...]

In faith whereof we, the Plenipotentiaries and their secretaries have signed and sealed the present treaty in two copies, at Lima, on fifth days of September one thousand eight hundred and sixty-four.

(Signed), TORIBIO PACHECO

(Signed), J. DE LA CRUZ
BENAVENTE

(Signed), TOMÁS LAMA
General Official of Foreign Relations
and Secretary of Negotiation

(Signed) SIMÓN LÓPEZ
Secretary to the Legation and of the
Negociation

**ANNEX 94: TREATY OF COMMERCE AND NAVIGATION CONCLUDED
BETWEEN THE REPUBLICS OF BOLIVIA, THE UNITED STATES OF
COLOMBIA, ECUADOR, GUATEMALA, PERU, EL SALVADOR, AND
THE UNITED STATES OF VENEZUELA, 10 MARCH 1865**

[Extracts]

MARIANO MELGAREJO,

Meritorious of the Motherland at a heroic and eminent degree, General of the Division of Chile, Provisional President of the Republic of Bolivia and General Captain of its Armies, etc.

Whereas, a *Treaty of Commerce and Navigation* was negotiated, concluded and signed in the city of Lima on 10 March 1865 between the Republic of Bolivia, the United States of Colombia, Ecuador, Guatemala, Peru, Salvador, and the United states of Venezuela, through their respective Plenipotentiaries, at the American Congress and authorized to that end. The treaty reads as follows:

In the name of God,

The STATES OF AMERICA referred to hereof, aiming at facilitating their commercial relations between them and with the other Nations, as the best means to ground the union of interests they are inclined to, have agreed to conclude a Treaty of Commerce and Navigation, through their Plenipotentiaries who are: for Bolivia, Mister Juan de la Cruz Benavente, for the United States of Colombia, Mister Justo Arosemena, for Ecuador Mister Vicente Piedrahita, for Guatemala General Pedro Alcántara Herran, for Peru Mister José Gregorio Paz Soldán, for Salvador the aforementioned, Mister Pedro Alcántara Herran and for the United

States of Venezuela Mister Antonio Leocadio Guzmán, on account of whose absence and by virtue of a power Mister Justo Arosemena signs this Treaty; the Plenipotentiaries, after having exchanged their respective credentials and having found they are proper, have accorded the following articles:

Article 1º- The Contracting States are under the obligation of keeping their ports, rivers and markets open to world trade, under the laws and regulations of each State, under the protection of the Law of the Peoples.

Article 2º- The citizens and the vessels belonging to any of the Contracting States shall be considered as nationals, for the effects of interior or exterior traffic of the States, whose subjects and flags shall enjoy of mutual and complete equality in their trade relations.

[...]

In witness whereof, we the Plenipotentiary Ministers sign this treaty and seal it with our respective seals, in Lima, on 10 March 1865.

(Signed)- *Juan de la Cruz Benavente*

(Signed)-*Justo Arosemena*

(Signed) - *Vicente Piedrahila*

(Signed) - *Pedro Alcántara Herran*

(Signed) - *José G. Paz-Soldán*

(Signed) - *Pedro Alcantara Herran*

(Signed) – on behalf of the Plenipotentiary of the United States of Venezuela-
Justo Arosemena

**ANNEX 95: TREATY OF TERRITORIAL LIMITS BETWEEN CHILE AND
BOLIVIA, 10 AUGUST 10, 1866**

The Republic of Chile and the Republic of Bolivia, desirous of bringing to a friendly and mutually satisfactory termination, the old question pending between them as to the settlement of their respective territorial limits in the desert of Atacama, and as to the working of the guano deposits on the coast of that desert, and resolved by this means to consolidate the good understanding, brotherly friendship, and the bonds of intimate alliance by which they are mutually united, have determined to renounce a part of the territorial rights which each, with good reason, believed themselves to possess, and they have agreed to conclude a Treaty, which shall finally and irrevocably settle the aforesaid question.

For that purpose they have appointed their respective Plenipotentiaries, viz.:

His Excellency the President of Chile, Mr. Alvaro Covarrubias, Minister of State of the Republic for Foreign Affairs.

His Excellency the President of the Republic of Bolivia, Mr. Juan Ramon Muñoz Cabrera, Envoy Extraordinary and Minister Plenipotentiary of Bolivia in Chile.

Which Plenipotentiaries, after having mutually exchanged their full powers and found them in due and proper form, have agreed upon and stipulated the following Articles:

ART. I. The line of demarcation of boundaries between Chile and Bolivia, in the desert of Atacama, shall henceforth be the parallel of latitude 24° south latitude, from the coast of the Pacific to the eastern limits of Chile, so that Chile to the south and Bolivia to the north shall have possession and dominion of the territories which extend to the before-mentioned parallel of 24°, exercising in

them all the acts of jurisdiction and sovereignty which belong to the lord of the soil.

[...]

ART. II. Notwithstanding the territorial division stipulated in the foregoing Article, the Republic of Chile and the Republic of Bolivia shall divide equally the produce of the guano deposits discovered in Mejillones, and any other deposits of the same kind which may be discovered in the territory comprehended within the 23 and 25 degrees of south latitude, as well as the export duties upon minerals extracted from the same designated territory.

[...]

In witness whereof the undersigned Plenipotentiaries of the Republic of Chile and of the Republic of Bolivia, have signed and sealed the present Treaty, in Santiago the 10th of August, in the year of our Lord 1866.

(L.S.) ALVARO COVARRUBIAS.

(L.S.) J. RAMON MUNOZ CABRERA.

**ANNEX 96: TREATY OF LIMITS BETWEEN BOLIVIA
AND CHILE, 6 AUGUST 1874**

(Texts in British and Foreign State Papers (BFSP), vol.71 1879-1880, p. 897-899,
and in Department of State, United States of America, “ International Boundary
Study”, n° 67, March 15, 1966, Bolivia-Chile Boundary, p. 2 et 9.)

[Extracts]

[...]

Article 1. The 24th parallel from the sea to the continental divide of the Andes is the boundary line between the Republics of Bolivia and Chile.

Article 2. For the purpose of this treaty, the lines of parallels 23 and 24 as established by the commissioners Pissis and Mujia are considered valid, as per the act of the 10th of February 1870.

If questions should arise concerning the exact situation of the mineral deposits of Caracoles or any other deposits that might be considered outside the zone between the two said parallels, the exact situation will be determined by a commission of experts, one named by each of the contracting parties, the two to name a third in case of disagreement, and if they do not agree, the nomination shall be made by the Emperor of Brazil. Until there is proof to the contrary regarding this situation, these mineral deposits will continue to be considered within the parallels indicated.

Article 3. The deposits of guano existing, or that shall be discovered in the future, within the perimeter described in the preceding article will be divided equally between Bolivia and Chile; the system of exploitation, administration and sale

shall be continued by the two governments by common accord in the form and manner heretofore employed.

Article 4. The duties of exportation that may be levied on minerals exploited in the zone referred to in the preceding articles shall not exceed those now in force; and Chilean citizens, industry, and capital shall not be subjected to any other contributions whatever except those now existing.

The stipulations of this article shall last for twenty-five years.

Article 5. The natural products of Chile that may be imported into the Bolivian littoral between parallels 23 and 24 shall be free and exempt from all duties, and reciprocally, natural products of Bolivia that may be imported into the Chilean littoral between parallels 24 and 25 shall be exempt and free from all duties.

Article 6. The Republic of Bolivia shall make of Mejillones and Antofagasta major ports of its littoral.

Article 7. From this date the Treaty of 1866 in all its parts is annulled.

Article 8. The present treaty should be ratified by each of the contracting Republics, and ratifications exchanged in the city of Sucre within three months.

In faith of which, the undersigned plenipotentiaries of the Republics of Chile and Bolivia have signed the present treaty and place their respective seals, in Sucre on the 6th day of August 1874.

(Signed) Mariano Baptista
Carlos Walker Martínez

**ANNEX 97: TREATY OF PEACE BETWEEN THE REPUBLICS OF PERU,
“TREATY OF ANCÓN” AND CHILE, 20 OCTOBER 1883**

The Republic of Chile on the one part and the Republic of Peru on the other, being desirous of reinstating relations of friendship between both countries, have resolved upon celebrating a treaty of peace and friendship, and for the purpose have named and deputed as their plenipotentiaries the following: His excellency the president of the Republic of Chile appoints Don Jovino Novoa, and his Excellency the President of the Republic of Peru, Don José Antonio La Valle, minister of foreign relations, and Don Mariano Castro Zaldívar, who, after communicating their credentials and having found them to be in proper and due form, have agreed to the following articles:

ARTICLE 1. The relations of peace and friendship between the Republics of Chile and Peru to be re-established.

ARTICLE 2. The Republic of Peru cedes to the Republic of Chile in perpetuity and unconditionally the territory of the littoral province of Tarapaca, the boundaries of which are, on the north the ravine and river Camarones, on the south the ravine and river Low, on the east the Republic of Bolivia, and on the west the Pacific Ocean.

ARTICLE 3. The territory of the province of Tacna and Arica, bounded on the north by the river Sama from its source in the Cordilleras on the frontier of Bolivia to its mouth at the sea, on the south by the ravine and river Camarones, on the east by the Republic of Bolivia, and on the west by the Pacific Ocean, shall continue in the possession of Chile and subject to Chilean authorities and laws for a period of ten years, from the date of the ratification of the present peace Treaty.

After the expiration of that term, a plebiscite will decide by popular vote whether the territories of the above-mentioned provinces shall remain definitely under the dominion and sovereignty of Chile or continue to form part of Peru. Either of the two countries to which the Provinces of Tacna and Arica may remain annexed, will pay to the other ten millions of Chile silver dollars or Peruvian soles of the same weight and fineness.

A special protocol, which shall be considered as an integral part of the present treaty, will prescribe the manner in which the plebiscite is to be carried out, and the terms and time for the payment of the ten millions by the nation which may remain in possession of the provinces of Tacna and Arica.

ARTICLE 4. In compliance with the stipulations of the supreme decree of February 9, 1882, by which the Government of Chile ordered the sale of one million tons of guano, the net proceeds of which, after deducting the expenses and other disbursements, as referred to in Article 13 of said decree, to be divided in equal parts between the Government of Chile and those creditors of Peru whose claims appear to be guaranteed by lien on the guano. After the sale of the million tons of guano has been effected, referred to in the previous paragraph, the Government of Chile will continue paying over to the Peruvian creditors 50 per cent of the net proceeds of guano, as stipulate in the above-mentioned Article 13, until the extinction of the debt or the exhaustion of the deposits now being worked. The proceeds of deposits or beds that may be hereafter discovered in the territories that have been ceded will belong exclusively to Chile.

ARTICLE 5. If, in the territories that remain in possession of Peru there should be discovered deposits or beds of guano, in order to avoid competition in the sale of the article by the Governments of Chile and Peru, the two Governments, by mutual agreement, will first determine the proportion and conditions to which each of them binds itself in the disposal of the said fertilizer.

The stipulations in the preceding paragraph will also be binding in regard to the existing guano now known and which may remain over in the Lobos Islands when the time comes for delivering up these islands to the Government of Peru, in conformity with the terms of the ninth article of the present treaty.

ARTICLE 6. The Peruvian creditors, to whom may be awarded the proceeds stipulated in Article 4, must submit themselves, in proving their titles and in other procedures, to the regulations stated in the supreme decree of February 9, 1882.

ARTICLE 7. The obligation which the Government of Chile accepts, in accordance with the fourth article, to deliver over 50 per cent of the net proceeds of guano from the deposits now actually being worked, will be carried out whether the work be done by virtue of the existing contract for the sale of one million tons or through any other contract, or on account of the Government of Chile.

ARTICLE 8. Beyond the stipulations contained in the preceding article, and the obligations that the Chilean Government has voluntarily accepted in the supreme decree of March 28, 1882, which relates to the saltpeter works in Tarapaca, the said Government of Chile will recognize no debts, whatever their nature or source, that may affect the new territories acquired by virtue of this treaty.

ARTICLE 9. The Lobos Islands will remain under the administration of the Government of Chile until the completion of the excavation from existing deposits of the million tons of guano, in conformity with articles 4 and 7. After this they will be returned to Peru.

ARTICLE 10. The Government of Chile declares that it will cede to Peru, to commence from the date of the constitutional ratification and exchange of the

present treaty, the fifty per centum pertaining to Chile from the proceeds of the guano of the Lobos Islands.

ARTICLE 11. Pending a special treaty to be entered upon, mercantile relations shall be maintained on the same footing as before the 5th April, 1879.

ARTICLE 12. Indemnities due by Peru to Chileans, who may have suffered damages on account of the war, will be adjudged by a tribunal of arbitration or mixed international commission to be appointed immediately after the ratification of the present treaty, in the manner established by conventions recently adjusted between Chile and the Governments of England, France, and Italy.

ARTICLE 13. The contracting Governments recognize and accept the validity of all administrative and judicial acts during the occupation of Peru arising from the martial jurisdiction exercised by the Government of Chile.

ARTICLE 14. The present treaty to be ratified and the ratifications exchanged in the city of Lima, so soon as possible during a period not exceeding one hundred and sixty days, to be reckoned from this date.

In testimony whereof the several plenipotentiaries have signed this in duplicate and affixed their private seals.

Done in Lima the 20th day of October, in the year of our Lord one thousand eight hundred and eighty-three.

[L. s.] JOVINO NOVOA.

[L. s.] J. A. DE LAVALLE.

[L. s.] MARIANO CASTRO ZALDIVAR.

**ANNEX 98: TREATY ON TRANSFER OF TERRITORIES, BETWEEN
BOLIVIA AND CHILE, 18 MAY 1895**

Whereas, the Republic of Chile and the Republic of Bolivia have negotiated and signed, through their respective and duly authorized Plenipotentiaries, in the city of Santiago, a Treaty on the Transfer of Territory, the wording of which is as follows,

The Republic of Chile and the Republic of Bolivia, for the purpose of strengthening the bonds of friendship which unite both countries and in agreement that a higher need and the future development and 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 and to that end, have appointed and authorized their Plenipotentiaries, namely:

[...]

Who, after having exchanged their Credentials and found them in order, have agreed on the following terms:

I. If, as a consequence of the plebiscite due to take place pursuant to the Treaty of Ancón or through direct negotiations, the Republic of Chile acquires dominion and permanent sovereignty over the territories of Tacna and Arica, it undertakes to transfer them to the Republic of Bolivia in the same way and covering the same area in which it acquires them, without prejudice to the stipulations of Article II.

The Republic of Bolivia shall pay by way of compensation for this transfer of territory the sum of five million silver pesos (5.000.000), of 25 grams weight and

nine tenths *fino*¹, setting apart, specifically for this payment, forty percent (40%) of the gross income of Arica's customs.

[...]

III. So as to accomplish that set forth in the preceding Articles, the Government of Chile commits itself to engaging all its efforts, either jointly with Bolivia or on its own, to obtain the definitive title over the territories of Tacna and Arica.

IV. If the Republic of Chile were not able to obtain, through the plebiscite or through direct negotiations, definitive sovereignty over the territory in which the cities of Tacna and Arica are found, it commits itself to cede to Bolivia from the Vítor inlet up to the Camarones ravine, or an equivalent territory, as well as the amount of five million silver pesos (5.000.000) of twenty five grams weight and nine tenths *fino*.

[...]

In witness whereof I sign this Ratification, sealed with the seal of Arms of the Republic and endorsed by the Minister of State in the Department of Foreign Affairs, in Santiago, 30 April 1896.

(Signed)

Jorge Montt / Adolfo Guerrero

¹ [Note: Standard relating to purity]

**ANNEX 99: TREATY OF PEACE AND AMITY BETWEEN THE REPUBLICS
OF CHILE AND BOLIVIA, 18 MAY 1895**

Whereas, the Republic of Chile and the Republic of Bolivia have negotiated and signed, through their respective and duly authorized Plenipotentiaries, in the city of Santiago, a Treaty of Peace and Friendship, the wording of which is as follows,

The Republic of Bolivia and the Republic of Chile, desirous of fixing in a definite treaty of peace the political relations which unite the two countries, and being decided to consolidate by this means, and in a stable and lasting manner, the bonds of sincere friendship and good understanding which exist between the two countries, and in order to realize the purpose and desires for harmony which have been pursued by the high contracting parties since the truce agreement of April 4, 1884, have determined to conclude a treaty of peace and amity, and for that purpose have appointed and constituted their plenipotentiaries, to wit:

His Excellency the President of the Republic of Chile has appointed Mr. Luis Barros Borgono, minister of foreign relations, and His Excellency the President of the Republic of Bolivia, Mr. Heriberto Gutierrez, envoy extraordinary and minister plenipotentiary of Bolivia in Chile, who, after having exchanged their full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE I

The Republic of Chile shall continue to hold possession in absolute and perpetual dominion of the territory which it has governed to the present day in accordance with the Truce Pact of 4 April 1884. In consequence, the sovereignty of Chile is recognized over the territories extending to the south of the river Loa, from where

it empties into the Pacific, to the parallel 23 degrees south latitude, and which have for their eastern boundary the series of straight lines fixed by article 2 of the truce agreement; that is to say, a straight line which begins from Zapaleri and from the intersection of the said territories with the boundary line separating them from the Argentine Republic to the volcano of Licancaur. From this point a straight line shall continue to the peak of the extinct volcano Cabana or highland called Del Cajon. From there another straight line shall continue as far as the cascade which is at the southernmost point of the lake Ascotan, and thence another straight line which crosses the said lake lengthwise and terminates in the volcano Ollagua. From this point another straight line to the volcano Tua, the dividing line continuing from there between Tarapaca and Bolivia.

ARTICLE II

The Government of Chile assumes and agrees to pay the liabilities admitted by the Government of Bolivia in favour of the mining companies of Huanchaca, Corocoro and Oruro, and the balance of the Bolivian loan which was raised in Chile in the year 1867, after deduction of the sums which have been already paid on this account, according to Article VI of the truce agreement. It likewise obliges itself to pay the following obligations which are an encumbrance upon the Bolivian coast: The one corresponding to the bonds issued for the construction of the railway from Mejillones to Carracoles; the obligation in favour of Pedro Lopez Gama, represented at present by the house of Alsop & Company, of Valparaiso; and one in favour of Henry G. Meiggs, represented by Don Edward Squire, proceeding from the contract concluded by the former with the Government of Bolivia on May 20th, 1876, for the renting of the Government nitrate fields at Toco; and the obligation recognized in favour of the family of Don Juan Guarday.

These obligations shall be the object of a special settlement and of a detailed specification in a supplementary protocol.

ARTICLE III

With the exception of the obligations enumerated in the preceding article, the Government of Chile does not admit any obligation or responsibility of any kind as affecting the territories which are the subject of the present Treaty, whatever may be their nature and origin. The Government of Chile is likewise relieved of the obligations contracted in accordance with clause 6 of the truce agreement, the receipts of the custom-house of Arica being absolutely free, and Bolivia having the privilege of establishing its custom-houses in whatever place and manner that may appear suitable.

ARTICLE IV

Should any difference arise with reference to the boundary line between the two countries, there shall be appointed by the high contracting parties a committee of engineers to proceed to the demarcation of the frontier line determined by the points enumerated in Article I of the present treaty. In a like manner they shall proceed to re-establish the landmarks which exist, or to fix those that may be necessary on the traditional boundary between the ancient department, at present Chilean province of Tarapaca, and the Republic of Bolivia. If unfortunately there should occur between the engineers charged with the demarcation any disagreement which cannot be settled by the direct action of the Governments, the question shall be submitted to the decision of a friendly power.

ARTICLE V

The ratifications of this treaty shall be exchanged within the period of six months, and the exchange shall take place in the city of Santiago.

In witness whereof the minister of foreign relations of Chile and the envoy extraordinary and minister plenipotentiary of Bolivia have signed and sealed with their respective seals, and in duplicate, the present treaty of peace and amity, in the city of Santiago, on the 18th day of May, 1895.

[L. S.] LUIS BARROS BORGONO.

[L. S.] HERIBERTO GUTIERREZ

ANNEX 100: TREATY OF PEACE 20 OCTOBER 1904

**TREATY OF PEACE AND FRIENDSHIP BETWEEN CHILE AND
BOLIVIA**

SIGNED ON 20 OCTOBER 1904

MINISTRY OF FOREIGN AFFAIRS, WORSHIP AND COLONIZATION

In pursuance of the purpose expressed in Article 8 of the Truce Pact of April 4, 1884, the Republic of Bolivia and the Republic of Chile have agreed to celebrate a treaty of peace and friendship, and to that end have named and constituted as their plenipotentiaries, respectively: His Excellency the President of the Republic of Bolivia, Don Alberto Gutierrez, envoy extraordinary and minister plenipotentiary of Bolivia in Chile and His Excellency the President of the Republic of Chile, Don Emilio Bello Codesido, Minister of Foreign Affairs, who, having exchanged their full powers and having found them in good and due form, have agreed on the following:

ARTICLE 1. The relations of peace and friendship between the Republic of Bolivia and the Republic of Chile are re-established, the status established by the truce pact being thereby terminated.

ARTICLE 2. By the present treaty the territory occupied by Chile by virtue of article 2 of the Truce Pact of April 4, 1884, is recognized as belonging absolutely and in perpetuo to Chile.

The north and south boundary between Chile and Bolivia shall be that here indicated:

From the highest point of Zapaleri Hill (1) in a straight line to the highest point of the ridge jutting out toward the south from Guayaques Hill, in latitude

(approximate) $22^{\circ} 54'$; hence a straight line to the pass of the Cajon (3); next, the watershed of the ridge which runs north, including the summits of Juriques Hill (4), Licancabur Volcano (5), Sairecabur Hill (6), Curiquinca Hill (7), and Putana or Jorjencal Volcano (8). From this point it will follow one of the ridges to Pajonal Hill (9) and in a straight line to the south peak of the Tocorpuri Hills (10), whence it will follow the watershed of the Panizo Ridge (11) and the Tatio Range (12). It will keep on toward the north by the watershed of the Linzor Ridge (13) and the Silaguala Hill (14); from their northern peak (Volcan Apagado) (15) it shall go by a ridge to the little hill called Silala (16) and thence in a straight line to Inacaliri or Cajon Hill (17).

From this point it shall go in a straight line to the peak which appears in the middle of the group of the Inca or Barrancane Hills (18), and, again taking the watershed, shall keep on northward by the ridge of Ascotan or Jardin Hill (19); from the summit of this hill it shall go in a straight line to the summit of Araral Hill (20) and by straight line again to the summit of Ollagüe Volcano (21).

Hence in a straight line to the highest peak of Chipapa Hill (22), descending toward the west by a line of small hills until it reaches the summit of Cosca Hill (23).

From this point it shall be the watershed of the ridge which joins it to Alconcha Hill (24), and thence it shall go to Olca Volcano (25) by the divide. From this volcano it shall continue by the range of the Mallunu Hill (26), the Laguna Hill (27), Irruputuncu Volcano (28), Bofedal Hill (29), Chela Hill (30), and, after a high knot of hills, shall reach the Milliri (31), and then the Hualicani (32).

Hence it shall go to Caiti Hill (33) and shall follow the divide to Napa Hill (34).

From the summit of this hill it shall go in a straight line to a point (35) situated ten kilo- meters to the south of the eastern peak of Huaila Hill (36), whence it shall go in a straight line to the hill named; doubling immediately toward the east, it shall keep on by the range of Laguna (37), Correjidor (38), and

Huailaputuncu (39) hills to the easternmost peak of Sillillica (40), and thence by the ridge that runs northwest to the summit of Piga Hill (41).

From this hill it shall go in a straight line to the highest point of the Three Little Hills (42), and thence in a straight line to Challacollo Hill (43) and the narrow part of Sacaya Valley (44) , fronting Villacollo.

From Sacaya the boundary shall run in straight lines to the summit of Cueva Colorada(45) and Santaile (46), and thence it will keep on to the northwest by Irruputuncu Hill (47) and Patalini Hill (48) .

From this summit the boundary shall go in a straight line to Chiarcollo Hill (49), cutting the Cancosa River (50), and thence also in a straight line to the summit of Pintapintani Hill (51), and from this hill by the range of the Quiuri (52), Pumiri (53), and Panatalla (54) hills.

From the summit of Panantalla it shall go in a straight line to Tolapacheta (55), midway between Chapi and Rinconada, and from this point in a straight line to the pass of Huialla (56); thence it shall pass on by the summits of Lacataya (57) and Salitral (58) hills.

It shall turn toward the north, going in a straight line to Tapacollo Hill (59), in the Salar (salt flats) of Coipasa, and in another straight line to the landmark of Quellaga (60), whence it shall continue by straight line to Prieto Hill (61) to the north of Pisiga plain, Toldo Hill (62), the Sicaya landmarks (small hills) (63), and those of Chapillicsa (64), Cabarray (65), Tres Cruces (Three Crosses) (66), Jamachuma (67), Quimsachata (68), and Chinchillani (69), and, cutting the river Todos Santos (70), shall go to the Payacollo (71) and Carahuano (72) hills (mojones = landmark or mound), to Canasa Hill (73) and Captain Hill (74).

It shall then continue toward the north by the divide of the range of Lliscaya (75) and Quilhuiri (76) hills, and from the summit of the latter in a straight line to Puquintica Hill (77).

To the north of this last point Bolivia and Chile agree to establish between them the following frontier:

From Puquintica Hill (77) it shall go northward by the range that runs to Macaya; shall cut the river Lauca (78) at this point and then run in a straight line to Chiliri Hill (79). It shall keep on to the north by the divide of the Japu Pass (80), the Quimsachata Hills (81), the Tambo Quemado Pass (82), the Quisquisini Hills (83), the Huacollo Pass (84), the summits of the Payachata Hills (85, 86), and Larancahua Hill (87) to the Casiri Pass (88).

From this point it shall go to the Condoriri Hills (89), which divide the waters of the Sajama and Achuta rivers from those of the Cauquena River, and shall continue by the ridge which, branching off from those hills, goes to Carbiri Hill (91), passing by the Achuta Pass (90), from Carbiri Hill it shall run down its slope to the narrows of the river Cauquena or Cosapilla (92), above the inn of that name (Cosapilla).

Then it shall follow the bed of the river Cauquena or Cosapilla to the point (93) where it is joined by the apparent outlet of the meadows of the Cosapilla *estancia* (farm), and from this point it shall go in a straight line to Visviri Hill (mojon) (94).

From this hill it shall go in a straight line to the sanctuary (95) on the north side of the Maure, northwest of the junction of this river with another which comes into it from the north, two kilometers northwest of the Maure Inn. It shall keep on toward the northwest by the range which runs to the landmark of Chipeco or Tolacollo Hill (96), the last point of the boundary.

Within the six months following the ratification of this treaty the high contracting parties shall name a commission of engineers to proceed to mark out the boundary line, the points of which, enumerated in this article, are indicated in the appended plan, which shall form an integral part of the present treaty, in conformity with the procedure and in the periods which shall be agreed upon by a special arrangement between the two foreign offices.

If there should arise among the engineers engaged in marking the boundary any disagreement which could not be arranged by the direct action of the two governments, it shall be submitted to the decision of His Majesty the Emperor of Germany, in conformity with the provisions of article 12 of this treaty. The high contracting parties shall recognize the private rights of natives and foreigners, if legally acquired, in the territory which by virtue of this treaty may remain under the sovereignty of either of the countries.

ARTICLE 3. With the object of strengthening the political and commercial relations between the two Republics the high contracting parties agree to unite the port of Arica with the plateau of La Paz by a railroad for the construction of which the Government of Chile shall contact at its own expense within the term of one year from the ratification of this treaty.

The ownership of the Bolivian section of this railroad shall revert to Bolivia at the expiration of the term of fifteen years from the day on which it is entirely completed.

With the same object Chile undertakes to pay the obligations which Bolivia may incur by guarantees up to 5 per cent on the capital which may be invested in the following railroads, the construction of which shall begin within the term of thirty years: Uyuni to Potosi; Oruro to La Paz; Oruro, via Cochabarnba, to Santa Cruz; from La Paz to the Beni region, and from Potosi, via Sucre and Lagunillas, to Santa Cruz.

This obligation shall not occasion for Chile an expense greater than £100,000 sterling annually nor in excess of £1,700,000 sterling, which is fixed as a maximum of what Chile will devote to the construction of the Bolivian section of the railway from Arica to the La Paz plateau and for the guarantees referred to, and it shall be null and void at the conclusion of the thirty years above indicated.

The construction of the Bolivian section from Arica to the Bolivian plateau, as well as that of the other railroads which may be constructed with the Chilean

Government's guaranty, shall be a matter of special arrangements between the two governments, and provision shall be made in them for affording facilities for commercial interchange between the two countries.

The value of the section mentioned shall be determined by the amount of the bid which shall be accepted for the contract for its construction.

ARTICLE 4. The Government of Chile binds itself to deliver to the Government of Bolivia the sum of £300,000 sterling in cash, in two payments of £150,000, the first payment to be made six months after the exchange of ratifications of this treaty and the second one year after the first.

ARTICLE 5. The Republic of Chile devotes to the final cancellation of the credits recognized by Bolivia, for indemnities in favour of the mining companies of Huanchaca, Oruro, and Coro-Coro, and for the balance of the loan raised in Chile in the year 1867 the sum of 4,500,000 pesos gold of 18 pence, payable, at the option of its government, in cash or in bonds of its foreign debt valued at their price in London on the day on which the payment is made, and the sum of 2,000,000 pesos in gold of 18 pence, in the same form as the preceding, for the cancellation of the credits arising from the following obligations of Bolivia: The bonds issued, *i.e.*; the loan raised for the construction of the railroad between Mejillones and Caracoles according to the contract of July 10, 1872; the debt recognized to Don Pedro Lopez Gama, represented by Messrs. Alsop & Co., surrogates of the former's rights; the credits recognized to Don John G. Meiggs, represented by Mr. Edward Squire, arising from the contract entered into March 20, 1876, for renting nitrate fields in Toco, and, lastly, the sum recognized to Don Juan Garday.

ARTICLE 6. The Republic of Chile grants to that of Bolivia in perpetuity the amplest and freest right of commercial transit in its territory and its Pacific ports.

Both governments will agree in special acts upon the method suitable for securing, without prejudice to their respective fiscal interests, the object above indicated.

ARTICLE 7. The Republic of Bolivia shall have the right to establish customs agencies in the ports which it may designate for its commerce.

For the present it indicates as such ports for its commerce those of Antofagasta and Arica. The agencies shall take care that the goods in transit shall go directly from the pier to the railroad station and shall be loaded and transported to the Bolivian custom-houses in wagons closed and sealed and with freight schedules which shall indicate the number of packages, their weight and marks, numbers and contents, which shall be exchanged for receipts.

ARTICLE 8. Until the high contracting parties shall agree to celebrate a special commercial treaty the commercial interchange between the two Republics shall be regulated by rules of the strictest equality with those applied to other nations, and in no case shall any product of either of the two parties be placed under conditions inferior to those of a third party.

All the natural and manufactured products of Chile, therefore, as well as those of Bolivia, shall be subject, on their entry into and their consumption in the other country, to the payment of the imposts in force for those of other nations, and the favours, exemptions, and privileges which either of the two parties shall grant to a third may be demanded on equal conditions by the other.

The high contracting parties agree to accord reciprocally on all railroad lines which cross their respective territory the same rates to the native products of the other country that they accord to the most favoured nation.

ARTICLE 9. The natural and manufactured products of Chile and the nationalized goods, in order to be taken into Bolivia, shall be dispatched with the proper consular invoice and with the freight schedules spoken of in Article 7. Cattle of all kinds and natural products of little value may be introduced without any formality and dispatched with the simple manifest written in the custom-houses.

ARTICLE 10. The natural and manufactured products of Bolivia in transit to foreign countries shall be exported with schedules issued by the Bolivian custom-houses or by the officers charged with this duty; these schedules shall be delivered to the customs agents in the respective ports and the products embarked without other formality for foreign markets.

In the port of Arica importation shall be made with the same formalities as in that of Antofagasta, and the transit schedules in this port shall be passed with the same requirements as those indicated in the previous article.

ARTICLE 11. Bolivia being unable to put this system into practice immediately, the present system established in Antofagasta shall continue to be followed for the term of one year. This system shall be extended to the port of Arica, a proper term being fixed for putting into effect the schedule of Bolivian appraisements until it shall be possible to regulate the trade in the manner before indicated.

ARTICLE 12. All questions which may arise with reference to the interpretation or execution of the present treaty shall be submitted to the arbitration of His Majesty the Emperor of Germany.

The ratifications of this treaty shall be exchanged within the term of six months, and the exchange shall take place in the city of La Paz.

In witness whereof the Minister of Foreign Relations of Chile and the Envoy Extraordinary and Minister Plenipotentiary of Bolivia have signed and sealed with their respective seals in duplicate the present treaty of peace and amity, in the city of Santiago, on the 20th of October of the year one thousand nine hundred and four.

EMILIO BELLO C.

A. GUTIERREZ.

ANNEX 101: *ACTA PROTOCOLIZADA*: ACT OF 10 JANUARY 1920

Meeting in the Ministry of Foreign Affairs of the Republic of Bolivia, Mr Carlos Gutierrez, Minister of Foreign Affairs, and Emilio Bello Codesido, Extraordinary Envoy and Plenipotentiary Minister of the Republic of Chile, motivated by the desire to strengthen and make lasting the bonds between their countries through agreements that encourage the greatest development of their political and trade relations, taking into account the balance between their interests and mutual aspirations, have agreed to open these meetings in order to exchange general ideas on how to put into practice these lofty goals.

The Minister of Chile stated: that, as he already had had the opportunity to express to the Ministry of Foreign Affairs of Bolivia, in conformity with the welcome and honourable mission on which he had been sent, on the part of the Government of Chile, there exists the greatest desire to develop a policy of sincere and closer relations with Bolivia; that, with the aim in mind, he repeats the terms which were submitted in general terms to the Honourable Mr Dario Gutiérrez last September to procure an agreement which would allow Bolivia to satisfy its aspiration of obtaining its own exit to the Pacific, independently of the situation definitively settled by the provisions of the Treaty of Peace and Friendship 20 October 1904.

The representative of Chile, duly authorised by his Government puts forward suggestions, or key points which result from the especially friendly feelings of Chile toward Bolivia, and proposes that they be the terms for an agreement between both parties and are as follows:

I. The Treaty of Peace and Friendship concluded between Chile and Bolivia on 20 October 1904 defines the political relations between the two countries in a definitive manner and settled all questions arising from the war of 1879.

II. Chile has fulfilled its obligations under the aforementioned Treaty and the essence of those negotiations was to bring the territories of Tacna and Arica under Chile's ownership, with Bolivia expressly undertaking to cooperate towards that end

III. Bolivia's aspiration for a port of its own was replaced by the construction of a railway line that connects the port of Arica with El Alto, La Paz and the rest of the obligations taken on by Chile.

IV. The situation created by the Treaty of 1904, the interests in that region, and the security of its northern border require Chile to keep an indispensable extension of maritime coast. However, in order to establish, under solid grounds, future ties between both countries, Chile is willing to make all efforts for Bolivia to acquire an access to the sea of its own, by ceding a significant part of the area to the north of Arica as well as the railway line that is located within the territories subject to the plebiscite established by the Treaty of Ancón.

V. Independently what has been established under the Treaty of Peace and Friendship of 1904, Chile accepts opening new negotiations aimed at fulfilling the aspiration of its friend and neighbour, subject to Chile's victory in the plebiscite.

VI. A prior agreement would determine the boundary line between the regions of Arica and Tacna which would fall under the ownership of Chile and Bolivia respectively, as well as all other commercial compensations or compensations of a different nature set out in that agreement.

VII. So as to achieve these aims, Bolivia would, of course, lend its diplomatic influence to that of Chile and undertakes to cooperate effectively to secure a favourable result for Chile in the plebiscite over Tacna and Arica.

The Minister of Foreign Affairs stated that the Government of Bolivia was particularly pleased that this welcome mission had been given to one of Chile's most illustrious public figures, his Excellency Mr Emilio Bello Codesido, and receives with particular kindness the statement of the representative of their friend and neighbour that there exists on the part of the Government of Chile the greatest desire to promote sincere and close bonds with Bolivia. To that effect, the Minister repeats the terms that were submitted in general terms to the Honourable Mr Dario Gutiérrez, when he was Minister of Foreign Affairs last September, to obtain an agreement that would allow Bolivia to satisfy its aspiration of obtaining its own exit to the sea.

Taking note of the suggestions and fundamental points of the Chilean proposal and finding itself equally motivated by sentiments of cordiality and political closeness, it falls upon the Government of Bolivia to state the following:

I. The Treaty concluded between Bolivia and Chile on 20 October 1904 establishes relations of peace and friendship between both Republics putting an end to the regime established under the Truce Pact, recognising Chile's dominion over the territories which it had placed under its own administration, sets out the conditions for the construction of a railway line from Arica to El Alto of La Paz, as well as making provision for monetary compensation, the recognition of debts and assigns obligations of a commercial nature.

II. Bolivia has raised claims that are still pending with regard to Chile's performance of some of the obligations undertaken in the said treaty of peace and friendship.

Regarding Bolivia's cooperation with bringing Arica and Tacna under Chile's sovereignty as a result of the negotiations of peace and friendship concluded in 1904, this was only presented in an *acta protocolizada* setting out only the personal views of a Bolivian diplomat, and without approval from either the Government or Congress of this country, but rather receiving adverse statements from the government.

III. Bolivia's aspiration for its own port on the Pacific Ocean has not been reduced at any time in history and has currently reached a greater intensity. The railway from Arica to El Alto of La Paz that has facilitated Bolivian trade, contributes to promoting the legitimate aspiration of securing a port that can be incorporated under Bolivian sovereignty. That aspiration will not, however, lead Bolivia to commit any act contrary to the law.

IV. The willingness demonstrated by Chile to obtain for Bolivia an access of its own to the sea, ceding to it a considerable part of the area north of Arica and of the railway line found within the territories subject to the plebiscite established by the Treaty of Ancón, opens the way to more friendly relations between both countries which are necessary for the future union of both peoples by laying solid foundations in line with their common goals.

V. Now that "Independent from what has been established under the Treaty of Peace of 1904, Chile accepts opening new negotiations aimed at fulfilling the aspiration of its friend and neighbour, subject to Chile's victory in the plebiscite", Bolivia far from being insensitive to a statement as spontaneous as it is friendly, recognises the high-mindedness behind it.

As a result of the war of 1879, and in special circumstances, Bolivia submitted to signing the Treaty of 20 October 1904, and has thus been locked away amongst its mountains and forests without an access of its own to the ocean. Nevertheless it considers that its right to a free access to the sea has not been extinguished but rather is confirmed by the evidence of its inescapable need, recognised not only by universal diplomacy, but also by personal experience that gives it a singular emphasis.

This country thus considers it absolutely necessary to complete its geographic structure with the acquisition of a port capable of satisfying its commercial and political needs, as a sovereign nation with the same features found in all powers of America and the world as a whole.

Bolivia has shown its desire to incorporate Arica into its territory as that port's geographic position, on a latitude which corresponds to important Bolivian sites and connected to the railway line with the city of La Paz, grants greater benefits to Bolivia than other nations.

This position is clearly established by facts past and present that confirm what has already been stated. It suffices to add that the entire commercial activity of Arica has and continues to relate to goods almost entirely imported to and exported from Bolivia.

Further, Bolivia's need for a port of its own has been recognised by Chile itself at numerous points of its history and, in the Treaties of May 1895, it even offered this country potential rights over the territories of Tacna and Arica.

Today, lacking any form of access to the sea of its own, aspiring to obtain Arica, is not a current claim alone but a traditional yearning that dates to before its birth to independent life.

In effect, when in the 16th Century the Viceroy of Lima, Don Francisco de Toledo founded the port of Arica, he had principally in mind the servicing of commerce of the then Royal Audience of Charcas, today's Bolivia.

Subsequently, at the dawn of Bolivian independence, the wish to incorporate Tacna and Arica to Alto Peru was presented in petitions to the nation's founders (Bolivar and Sucre) by the inhabitants of those districts who requested their attachment to Bolivia, as a logical continuation of the close and exclusive contact with this new political entity.

From the discussion above, one can deduce that Bolivia's wish to incorporate Tacna and Arica under its sovereignty did not result only on the basis of having lost its rights to its former Littoral, but rather continues a tradition, which ideas of justice must be sensitive to, such as the right to acquire those territories celebrated in a pact of 1826 which assigned them to Alto Peru and, though it was not concluded, such circumstances in no way diminish the legitimacy of that international act.

The reasons behind these facts have not changed; indeed they have increased in relevance. Thus, in light of the sudden expression of friendship from Chile, Bolivia looks forward to effective cooperation on Chile's part to acquire the port of Arica over which its friend and neighbour has a potential right, dependent on the plebiscite agreed under the Treaty of Ancón.

The Minister of Chile, in turn stated:

In spite of the differing assessment of the facts arising from the discussion of the Minister of Foreign Affairs, and referring only to historical antecedents and the atmosphere that surrounded the conclusion of the definitive Treaty of Peace and Friendship between Chile and Bolivia, the undoubtedly essential issue relating to the negotiations of the Treaty of 1904 - the idea of bringing under Chile's control the territory of Tacna and Arica, as much due to the great interest instilled in that very Treaty by tying that territory even closer under Chile's control (especially the city and port of Arica) as to using that territory as part of the northern frontier as well as necessary to ensure its security.

On the other hand, the cession of the port of Arica would entail with it the transfer of all the territory of Tacna and Arica, as it would be unacceptable to disrupt the continuity of Chile's northern territory. As this cession would be in any case be subject to the condition that Chile acquire definitive sovereignty over the territories subject to a plebiscite, as established by the Treaty of Ancón, by winning a popular vote there. It would become practically impossible to fulfil this condition if the possibility were to disappear of Chile extending its sovereignty over these territories where the efforts of Chile and the votes of the people ought to determine its victory.

The cession would therefore be illusory as it would rest on a possible event that would endanger the common interests that Bolivia and Chile have settled there through mutual agreement and confirmed in a formal treaty.

These considerations explain and justify the terms in which the representative of Chile has framed the terms it proposes as a practical means of offering Bolivia, within what is possible, all that could effectively lead to the fulfilment of its legitimate expectation and as a sincere and generous effort aimed at a policy of close relations and genuine solidarity.

Though not a direct party to the dispute of the Pacific, Bolivia could through an agreement with Chile (which would naturally and logically derive from the ties that exist between the two countries) acquire the prospect of incorporating an important and significant maritime province into its territory, thus leaving behind its landlocked status.

Chile would be willing to make Arica a free port and offer within it to Bolivia all the possible facilities necessary for its transiting trade, creating a centre for common activities that benefit the common interests that prioritise the strengthening of friendly relations and political and commercial ties between both countries.

The Minister of Foreign Affairs responded in turn:

The cession of Arica to Bolivia would not constitute a unilateral benefit to this country but rather a concession which would be compensated for, taking into account mutual interests and ensuring a friendly state of affairs, one more stable than now.

Those taking part in the plebiscite would without a doubt, take the reciprocity of concessions into account and thus the concerns raised by the Minister of Chile would disappear.

Bolivia holds onto the hope that whatever the outcome of international developments over determining the definitive future of the provinces of Tacna and Arica, the nation authorised to transfer those territories would have to recognise, as all others do, that the port of Arica is meant for Bolivia. This is a result of its position on the continent and related to the higher interest that it has for this country in its fundamental desire for autonomy. As a result, incorporation of Arica

under Bolivian sovereignty would not create notable disadvantages for other countries while its continued position under a foreign power would benefit only Bolivia though without the advantages of full sovereignty that it seeks.

In effect, as signatories of the Treaty of Ancón, Chile and Peru enjoy definitive possession of Tacna and Arica, and possess vast coastal territories on the Pacific Ocean. Presumably they do not hope to enrich their maritime territories through a trade that would sacrifice the legitimate aims of a brother country, that pursues the acquisition of a port that serves neither as entry nor exist for Chile or Peru.

As regards foreign interests present in the region, it is understood that they would in any case be recognised following a transfer of sovereignty, in accordance with principles of International Law, and as such those who possess property or other types of rights would not be prejudiced in any way.

The standing that Bolivia intends to claim in the case regarding the future of the provinces of Tacna and Arica, is based on the previously discussed need of this country to a port to complete its geographical structure as a sovereign entity. The Ministry of Foreign Affairs of Bolivia has already stated in a document that came to public attention that:

“This abnormal and monstrous situation of a lush country, in possession of huge natural riches, with a territory of more than a million square kilometres, is grounds for anxiety and a risk to the peace of the continent.”

The incorporation of Arica under the sovereignty of Bolivia would constitute an acceptable act of international fairness and would put an end to an odious dispute maintained by two neighbouring peoples, who, as has been stated, gain no benefits of any kind from this territory.

It is understood that Bolivia, faithful to its traditional policy regarding the law, would not attempt to realise its objectives to acquire a coastline outside of these sacred principles.

Such is the route held to by Bolivian diplomacy that in front of the whole world, and in light of the sudden friendly statements on the part of the Chilean Government to Bolivia, it believes that it can expect from this friendly country, effective cooperation to achieve its fundamental desire to acquire a port on the Pacific, with both countries proceeding on the basis of the union of interests between them, that should characterize international relations.

For that reason, and in spite of what His Excellency the Minister for Chile has stated contrary to the wishes of the Ministry of Foreign Affairs of Bolivia, the Government of this country invites its brother nation to a calm examination of the facts, so that it can decide on a favourable approach to fulfilling Bolivia's wishes, in return for fair compensation that can ensure closer ties and a more stable and friendly relationship.

This compensation should be the subject of a prior agreement, to avoid disagreements over details delaying the application of the core matter.

Given that, the present declarations do not contain provisions that create rights, or obligations for the States whose representatives make them, the Minister of Foreign Affairs of Bolivia considers that, maintaining the freedom of both Governments to direct their diplomatic efforts in a way which best takes into account their respective interests, and speak, where necessary to the authorities or other entities that can cooperate most effectively to the realisation of the wishes, it is the responsibility of his State to reiterate to Chile what has been previously

stated, convinced that where Bolivia has the prospect of acquiring the port of Arica, a settlement could be concluded that would take into account the aim of strengthening the friendship between both countries.

With the statements made, the Minister of Foreign Affairs of Bolivia and Plenipotentiary Minister of Chile stated on behalf of their correspondent Governments, they agreed on concluding this first meeting and recorded them in the current minutes, which contains two copies of the same wording, in La Paz, 10 January 1920.

(Illegible signature)

Emilio Codesido

(Illegible signature)

Carlos Gutierrez

**ANNEX 102: ADDITIONAL PROTOCOL TO THE 1874 TREATY OF
TERRITORIAL LIMITS BETWEEN BOLIVIA AND CHILE,
21 JULY 1875**

Article 1. It is declared that the meaning that should be given to the mutual exploitation of guano discovered or to be discovered, dealt with in Article 3 of the Treaty of August 6, 1874 is that it refers to the territory included between parallels 23 to 25 south latitude.

Article 2. All questions resulting from the interpretation and application of the Treaty of August 6, 1874, shall be submitted to arbitration.

Article 3. The present treaty shall be ratified in the briefest possible time and ratifications exchanged in some city of Bolivia.

In faith of which the undersigned plenipotentiaries of the republics of Bolivia and Chile have signed the present protocol and placed their respective seals in La Paz, July 21, 1875.

(Signed)

Mariano Baptista
C. Walker Martinez

**ANNEX 103: PROTOCOL TO MAKE AN ARRANGEMENT TO PUT AN END
TO THE WAR OF THE PACIFIC,
13 FEBRUARY 1884**

“In Valparaiso, on 13 February 1884, reunited in the hall of the office of the Ministry of Foreign Affairs, Mr. Aniceto Vergara Albano, Foreign Minister of Chile, Belisario Salinas and Belisario Boeto, envoys of the Government of Bolivia in special mission to attempt an agreement that puts an end to the war between both countries, the Foreign Minister exposed:

“That both from the verbal relation that his honourable predecessor, Mr. Luis Alduante, had made, when approaching the Ministry, on the pending negotiations with the Bolivian Plenipotentiaries, as from the different documents and memorandum, not yet authorized, on the same matter, which had been found in the Secretary of the Department, it had been instructed that, until the present, that those negotiations were still in progress and I knew, consequently, that the different conversations held between Mr. Alduante and Mr. Salinas and Mr. Boeto had come to an exchange of ideas and viewpoints which, without vesting considerable importance in the special nature of what negotiated, vested it with enough of that importance to fix the grounds for former debates;

“That, since I was certain of what understood by the Plenipotentiaries of Bolivia, there was an irrefutable convenience in avoiding sterile debate on issues already addressed on which, whereas it was not possible to achieve a common agreement, at least the thoughts of the respective negotiators are well known as well as the elasticity of the demands and conditions of each of the parties”

“That there still can be a political convenience for the moment or one of a historical nature, in recording, dated and authorized, the opinions, which on behalf of one or another country, have been uttered as well as the manner in which the diplomats have carried on this transcendental purpose;

“That, on account of these considerations, which are obvious and just, I had believed that the Ministers of Bolivia would not deny their agreement to put into a single memorandum the content of the different protocol projects, submitted by one or another party and un-formalized until the present on account of discrepancies which cannot be deemed as insurmountable,

Replying to this purpose and attempting to create a substantial compilation of what occurred in the conferences of 7 and 10 December, I have written the following *Factum*:

“The Foreign Ministers of Bolivia officially welcomed and after seeing their credentials by the Foreign Minister of Chile, started the conference of 7 December, on the development of the purpose that has brought them to this country, expressing their desire to give an ear, as primary ground of a detailed exchange of views, to the words of the Minister, pursuant to the provision of spirit of the Government of Chile to address the purpose of their visit.

The Minister of Foreign Affairs expressed, in reply, to the Envoys of Bolivia, that given the special condition of these negotiations, we shall proceed securely and, within its judgment, in a more proper manner, starting by hearing the proposals of Mr. Salinas and Mr. Boeto; but that, however, and having consecrated what was the Report of his Department which shall soon be submitted to the National Congress in a document which the public opinion shall soon see, the summary of the antecedents and of the current situation between both

countries, he did not hesitate in informing about them to the Envoys of Bolivia, as a proper means of making them know the ideas and topics that their Government believed to have the duty to contemplate. Under that virtue, the paragraphs alluded to in the Report of the Ministry of Foreign Affairs were read.

Mr. Salinas says that he has heard with much attention the reading that has just been made and that, whereas he found support to rectify some of the views expressed in that document, which is avoided so as to preserve the conciliation and harmony of the debate, he acknowledges the desire that encourages the Government of Chile to give a solution to its affairs with Bolivia.

“He wants, nonetheless, to establish certain observations that shall serve to appreciate the conduct of Bolivia in the War of the Pacific.

“Whatever the causes or antecedents originated from the war, which has divided the two countries for five years, the fact was that, at a certain time, the Republic of Bolivia found itself in the middle of a war for which it was not ready, which threatened its autonomous existence and which the national honour ordered to accept in an excusable manner. If the disgraceful course of the events made it understand that Bolivia’s convenience was found in accelerating the end of the conflict, taking advantage of the repeated expressions of the readiness of Chile, always giving this path the obvious considerations of honesty and loyalty for its ally, Peru. Leaving aside the analysis of all consideration of convenience and of examining the origin, nature and tendencies of the Truce agreement of 1873, he believed to respect it, on top of all, since fortune was adverse for both allies.

“The latest and notorious events of the war reveal to his country the scrupulous respect safeguarded to the Pact of Alliance and in conformity for the oath of the Bolivian people and the Congress, the Bolivian envoys have come to

talk with the Government of Chile to attempt an agreement on a settlement that may restore tranquillity and that may reopen the beneficial and reciprocal trade currents between both countries.

“The Government of Chile would like to recall that Bolivia cannot resign itself to a total lack of communication with the Pacific, without the risk of condemning itself to perpetual isolation and a painful existence, even in the midst of its great elements of wealth. It believes that this latter perspective would not consult Chile’s interests either, and that it would leave elements of disturbance and dislocation of the continental policy seeded for the future.

“Mr. Salinas finally considers that it would be easy for Chile to fulfil Bolivia’s aspiration, whether by an act of its own or by giving place to a new agreement between the three Republics, with whose unanimous consent a reciprocally satisfactory solution could be arrived to, amending the treaty recently concluded with Peru.

“The Foreign Minister considers that, currently, the difficulties of the situation in which Bolivia is found, along with its resistance to Chile’s reiterated insinuations, give place to a much graver nature, in their view, than the one assigned by the Envoys of Bolivia.

“To give Bolivia an outlet to the Pacific, there are only two paths, it can either break Chile’s maritime continuity or it can fixed in the northern endpoint of that territory. It is understood that, with no effort, the first option is unacceptable for Chile, and it is also understood that the cession of an area in the northern endpoint of that coastal area, is a matter that requires special studies with regard to the permanent interests of the country, which is currently outside the sphere of action and faculties of the Government.

“The treaty of 20 October has deferred, in effect, to an ulterior act, consecrated through a solemn pact and of absolutely uncertain results, the adjudication of the dominion of those territories. It is, hence, evident that Chile could not confer Bolivia a title which Chile currently lacks.

“Mr. Salinas and Mr. Boeto ask whether their insinuation has been given a scope that has been far from being vested. They do not want to induce Chile to a violent breach of the Treaty of 20 October, but rather to prompt a tranquil debate, to solve, within the framework of common convenience among the three countries, the difficulties of the current situation.

“Considering, however, that the ideas issued by the Minister close the door to all hope of a definite arrangement, they would like to know, before taking a step forward, if, as they expect, it would be possible to find other means of solution that are acceptable for the Government of Chile.

“The Foreign Minister says that there is another path, noted before hand by the Governments and the opinions of both countries. He alludes to an indefinite truce that, based on reciprocal convenience, erases simultaneously the memories of the past and creates bonds for their future understanding. He adds that so as to discuss on this particular matter, he would like to know if the idea issued would be – in abstract- the acceptance of the Envoys of Bolivia.

“After exchanging observations on the scope of the instructions that guide the Envoys of Bolivia and of supporting before the Foreign Minister the ideas exposed in the conference held on the 7th on the impossibility of reaching, by now, to a definite agreement, Mr. Boeto expresses the desire of knowing the ideas of the Minister on the agreement on a truce, for on account of having to get new

instructions from his Government, it would be advisable to authorize him to resolve on the acceptance of the idea in abstract, which is bound to the nature of the clauses that the draft agreement may contain.

“The Foreign Minister considers that it would be a little easier for him to fulfil the desires expressed by Mr. Boeto, for in the long course of the negotiations engaged into to reach an agreement between both countries, it was possible to find more or less substantial ideas in semi-official documents which could serve as a starting point for the elaboration of a truce agreement. In effect, the grounds to which Mr. Lillo and Baptista arrived in 1881, as well as those accorded upon between Mister Lillo and Bolivian General Camacho contain general ideas, which, in his view, would not be far from being substantially accepted.

“Those projected clauses could, then, be subject to a careful study by both parties, inasmuch as the arrival of new instructions that the Envoys of Bolivia have considered necessary allows them to carefully analyse the matter.

“Referring to the agreement projected between Mr. Lillo and Mr. Baptista, the Foreign Minister immediately conducted a study of some of the stipulations, and he agreed, with the exception of some detail discrepancies, with Mr. Salinas and Mr. Boeto.

“Once the exactness of this writing was accepted by the Foreign Ministers of Bolivia , they signed it with the Minister of Foreign Affairs.- (signed by)- *A. V Ergara Albano*.- (signed by).- *B. Salinas*.- (signed by) – *Belisario Boeto*.

**ANNEX 104: PROTOCOL ON THE SCOPE OF THE TREATY ON TERRITORY
TRANSFER, 28 MAY 1895**

Whereas, the Republic of Chile and the Republic of Bolivia have negotiated and signed, through their respective and duly authorized Plenipotentiaries, in the city of Santiago, Protocol on the Scope of the Covenant on Transfer of Territory, which reads as follows:

In Santiago de Chile, on 28 May 1895, reunited in the hall of the office of the Department of Foreign Affairs, Mr Luis Barros Borgoño, Minister of Foreign Affairs and Mr Heriberto Gutierrez, Special envoy and Plenipotentiary Minister of Bolivia, with the aim of establishing greater clarity in the meaning and spirit of the Treaty signed between the Republics of Chile and Bolivia on 18 May with regard to the transfer of territory the former makes to the latter, the Minister of Bolivia states:

That, noting the core of the said Treaty, the purpose of the High Contracting Parties is to secure for Bolivia a port on the Pacific, of proper and sufficient conditions to fulfill the needs of foreign trade of the Republic. It is understood that to this end both Governments shall prioritize the acquisition of the territories of Tacna and Arica and that the solutions established under Article IV of the said Treaty are only supplementary and contingent in nature.

That, consequently, the Minister expects that the Ministry of Foreign Affairs of Chile, in the discussions and efforts relating to this matter, will be inspired by the fundamental basis of the agreement, which is the acquisition of the territories of Tacna and Arica so that they may be transferred to Bolivia, and not to consider as an alternative the hypothetical option established in the aforementioned Article IV.

At the same time, the Minister trusts that the Ministry of Foreign Affairs of Chile will continue to pursue negotiations relating to the acquisition of the territories of Tacna and Arica with the greatest energy, so as to ensure that this goal is met within a year of the exchange of instruments of ratification of the Treaties of Peace and Friendship signed by the Republics of Chile and Bolivia on the 18th day of this month and year, unless extraordinary circumstances or insurmountable difficulties should necessitate a later deadline.

Finally, the Minister hopes that the Minister of Foreign Affairs of Chile, who is intimately familiar with the accuracy of the previous declarations, will take them into account and confirm them by way of his benevolent assent.

The Minister of Foreign Affairs, agreeing to the ideas put forward by the Minister of Bolivia, stated that his Government would in the first instance attempt to achieve the solution set out in Article I of the Transfer Treaty and that Article IV referred to the possible scenario where Chile could not acquire the territories of Tacna and Arica by either direct negotiations or by plebiscite.

In witness whereof and in view of the full powers they are vested with, this protocol is signed in two copies by the Minister of Foreign Affairs of Chile and the Minister of Bolivia.

(Signed), Luis Barros Borgoño

(Signed) H. Gutierrez

Hence and after the National Congress approved this protocol, in exercise of the powers conferred by Part 19, Article 73 of the Political Constitution, I have

accepted it as law of the Republic and committed for its observance national honour. In witness whereof I sign this Ratification, sealed with the seal of Arms of the Republic and endorsed by the Minister of State in the Department of Foreign Affairs, in Santiago, 30 April 1896.

(Signed) Jorge Montt

(Signed) Adolfo Gutierrez

**ANNEX 105: ADDITIONAL EXPLANATORY PROTOCOL ON THE SCOPE OF
THE SPECIAL TREATY ON TERRITORY TRANSFER, SIGNED
BETWEEN BOLIVIA AND CHILE, 9 DECEMBER 1895**

Meeting in the office of the Department of Foreign Affairs, His Excellency Mr Emeterio Cano, Minister of Foreign Affairs and His Excellency Mr Juan G. Matta, Extraordinary Envoy and Plenipotentiary Minister of the Republic of Chile, duly authorized by their respective Governments and for the purpose of clarifying the scope and obligations established under the Treaties of 18 May and the Additional Protocol of 25 May have agreed:

1. That both High Contracting Parties make the Treaties of Peace and Transfer of Territory an indivisible whole containing reciprocal obligations and which are integral to one another.

2. That the definitive cession of the Littoral of Bolivia, in favour of Chile, will have no effect, if Chile does not give Bolivia, within a period of two years, the port on the Pacific Coast to which the Treaty of Transfer makes reference.

3. That the Government of Chile is bound to make use of all legal measures found in the Pact of Ancón, or by means of direct negotiations, so as to acquire the port and territories of Tacna and Arica, with the unavoidable purpose of ceding them to Bolivia in the area determined by the Pact of Transfer.

4. That if in spite of all of its determination, Chile could not obtain the said ports and territories and has to comply with the other provisions of the Pact, giving Vítor or an equivalent inlet, the said obligation undertaken by Chile will not be regarded as fulfilled, until it cedes a port and area that fully satisfies the current and future needs of Bolivian trade and industry.

5. That Bolivia does not recognize any loans or any responsibility of any kind, arising from the territories that it transfers to Chile.

In perfect agreement with the aforementioned points, signed and sealed this Protocol in two copies in Sucre on Monday, 9 December 1895

(Signed)

Emeterio Cano

(Signed)

Juan G. Matta

Sucre, 9 December 1895, approved this Protocol, concluded on this day between the Minister of Foreign Affairs and Extraordinary Envoy and Plenipotentiary Minister of the Republic of Chile, clarifying the scope of some of the provisions of the treaties concluded in Santiago, Chile on 18 May 1895

(Signed)

Emeterio Cano

(Illegible signature)

**ANNEX 106: PROTOCOL BETWEEN BOLIVIA AND CHILE,
30 APRIL 1896**

Meeting in the Ministry of Foreign Affairs of Chile, the Extraordinary Envoy and Plenipotentiary Minister of Bolivia, Mr Heriberto Gutierrez and the Minister of Foreign Affairs of Chile Adolfo Guerrero, after taking into consideration the difficulties that have emerged in exchanging the instruments of ratification of the Treaties and Additional Protocols signed respectively in this Capital on 18 and 28 May 1895 by the Extraordinary Envoy and Plenipotentiary Minister of Bolivia, Heriberto Gutierrez and the Foreign Minister of Chile Luis Barros Borgoño, given that the Congress of Bolivia has still not approved the protocol of 28 May on Credit Settlement and that the Government and Congress of Chile has not approved the Protocol signed in Sucre on 9 December 1895 between the Foreign Minister of Bolivia Emeterio Cano and the Extraordinary Envoy and Plenipotentiary Minister of Chile before that Government, Juan G. Matta, motivated with the desire to remove those difficulties and to establish an agreement over certain points, have agreed to the following:

1st The Government of Chile approves, on its part, the Protocol of 9 December 1895, which ratifies its principal commitment to transfer to Bolivia the territories of Tacna and Arica whose 4th clause with in reference to Article 4 of the Treaty on Transfer of 28 May establishes the transfer of Vítor or a similar inlet with proper port conditions to fulfill the trade needs of Bolivia, namely, anchorage for merchant vessels, with an area where a dock and customs buildings can be built and with facilities to settle a population that by means of a railway to Bolivia may meet the fiscal and economic needs of the country.

2nd The Government of Bolivia will submit to Congressional approval the Protocol on Credit Settlement, signed in Santiago 28 May 1895, as well as the

clarification referred to in the previous clause, settling the significance and scope of the 4th clause of the Protocol of 9 December of that same year.

3rd The Government of Chile will request Congressional approval of the aforementioned protocol of 9 December with the previous clarification, as soon as the Legislature of Bolivia has approved it.

4th The instruments of ratification of the conventions of 28 May 1895 on credit settlement and of 9 December 1895 on territory transfer, as clarified by this agreement, will be exchanged in this city within sixty days from the approval of the Chilean Congress of these two protocols.

In witness whereof, this Protocol is signed in two copies, in Santiago of Chile on 30 April 1896.

(Signature)

Adolfo Guerrero

(Signature)

Heriberto Gutierrez

Severo F. Alonso,
Constitutional President of the Republic of Bolivia

Whereas the Congress of Bolivia has approved the Protocol concluded in Santiago between the Governments of Bolivia and Chile, through their respective Plenipotentiaries on 30 April 1896, settling the scope of the 4th clause of the Protocol of 9 December 1895 in Sucre, I confer upon Mr Heriberto Gutierrez full

and proper powers to exchange instruments of ratification of the said Protocol, as soon it recives the approval of the Chilean Legislature.

Done in Sucre on the 13 November 1896

(Signature)

Severo F. Alonso

(Signature)

Gomez

**ANNEX 107: SUPPLEMENTARY PROTOCOL TO THE LIMA TREATY,
SIGNED ON 3 JUNE 1929**

The Governments of Chile and Peru have agreed to sign an additional Protocol of the Treaty signed on this day and their respective Plenipotentiaries, duly authorized thereto, have in effect agreed on the following:

Article 1

The Governments of Peru and Chile shall not, without a prior agreement between them, cede to any third Power the whole or a part of the territories which in accordance with the Treaty of this date, come under their respective sovereignties, neither shall they, without that requisite, build across them any new international railway.

Article 2

The harbor facilities which the Treaty in its Article Five accords to Peru shall consist in the most absolutely free transit of persons, merchandise and armament to Peruvian territory and from that territory across Chilean territory. The shipping and landing operation shall, during the construction and until the completion of the works referred to in Article Five of the Treaty, take place on the Arica-La Paz railway pier, which reserved for the service of the Arica-Tacna Railway.

Article 3

The Arica Morro shall be dismantled and the Chilean Government will erect at its own expense the monument agreed to in Article Eleven of the Treaty.

The present Protocol forms an integral part of the Treaty of this same date and consequently shall be ratified, and its ratifications shall be exchanged at Santiago de Chile as soon as possible.

In faith whereof the undersigned Plenipotentiaries sign and seal the present additional Protocol in duplicate at Lima on the third day of the month of June one thousand, nine hundred and twenty-nine.

E. Figueroa [Seal]

Pedro José Rada y Gamio [Seal]

**ANNEX 108: TRUCE PACT BETWEEN BOLIVIA AND CHILE,
SIGNED ON 4 APRIL 1884**

ARTICLE I

The Republics of Chile and Bolivia celebrate an indefinite truce, and, in consequence, they declare the state of war terminated, and that the same cannot be again carried on unless one of the contracting parties notifies the other, with at least one year of anticipation, of its determination to resume hostilities. In this case the notification shall be made directly, or through the diplomatic representative of a friendly nation.

ARTICLE II

The Republic of Chile, during the period that this treaty is in force, shall continue to govern according to Chilean law, the territories situated between the parallel 23° S and the mouth of the Loa River (...). In case difficulties may arise, both parties shall appoint a commission of engineers that shall fix the limits as indicated, subject to the landmarks here determined.

ARTICLE III

The property and goods confiscated from Chilean citizens by Government edict, or by order of civil and military authorities shall be immediately returned to their owners or to their representatives.

There shall also be returned the products that the Government of Bolivia may have received from these properties and that appear to be proved by the documents in the case.

The damages that in these cases been suffered by Chilean citizens shall be indemnified by reason of the actions that the interested parties may bring before the Government of Bolivia.

ARTICLE IV

If no agreement can be arrived at between the Government of Bolivia and the parties interested, with respect to the amount of indemnity for the loss and damage suffered, the points in dispute shall be submitted to a commission of arbitration composed of three members, one named by Chile, one by Bolivia and the third to be named in Chile, by mutual accord, from among the representatives of neutral nations, resident in Chile. This commission shall be appointed as soon as possible.

ARTICLE V

Commercial relations are re-established between Chile and Bolivia.

Until an agreement to the contrary is made, Chile and Bolivia shall enjoy the commercial advantages and freedom that either nation accords to the most favoured nation.

ARTICLE VI

At the port of Arica foreign merchandise shall pay, that entering for consumption in Bolivia, the customs dues in force by the Chilean tariff, this merchandise shall not pay, in the interior, any further duty. The sums received in payment of duty shall be divided in this way: 25 per cent shall be applied as dues received for merchandise to be consumed in the territories of Tacna and Arica, and as working expenses, and 75 per cent shall be for Bolivia...

ARTICLE VII

Any acts of the subaltern authorities of either nation that tend to alter the situation formed by the present treaty of truce, especially in what may refer to the limits that Chile continues to occupy, shall be repressed and punished by the respective governments, upon official notice or request.

ARTICLE VIII

As the object of the contracting parties, in celebrating this pact of truce, is to prepare and facilitate a solid and stable treaty of peace between the two republics, they reciprocally promise to carry on negotiations conducive to this object.

This pact shall be ratified by the Government of Bolivia in the term of forty days, and the ratifications exchanged at Santiago during the next month of June.

In proof of which, the Minister for Foreign Affairs of Chile and the Plenipotentiaries of Bolivia who showed their respective authorization and powers signed, in duplicate, the present treaty of truce, at Valparaiso, on the fourth of April of the year one thousand eight hundred and eighty-four.

(Signed)

A. VERGARA ALBANO

BELISARIO SALINAS

BELISARIO BOETO

ANNEX 109: EXCHANGE OF NOTES OF JUNE 1950

A. AMBASSADOR OF BOLIVIA'S NOTE N° 529/21, 1 JUNE 1950

COPY

EMBASSY OF BOLIVIA

Santiago, 1 June 1950

N°529/21

Minister:

The Republic of Chile, on several occasions and specifically in the Treaty of 18 May 1895, and in the Act of 10 January 1920, entered into with Bolivia, though not ratified by the respective Legislative Powers, accepted the transfer to my country of an own access to the Pacific Ocean.

Subsequently, on the occasion of the claim presented by Bolivia on 1 November 1920, at the First Assembly of the League of Nations, the Delegate of Chile, His Excellency Agustín Edwards, stated as follows:

“Bolivia can find satisfaction in direct and freely consented negotiations. Chile has never closed this door to Bolivia, and I am able to declare that nothing would be more pleasing than to discuss directly with Bolivia the best means to help its development. What Chile wants is its friendship; our burning desire is for it to be happy and prosperous. It is also in our own interest, since it is our neighbour and its prosperity will reflect on ours”.

Later on, His Excellency the President of Chile, Mr Arturo Alessandri, in a Message addressed to the Chilean Congress of 1922, declared as follows:

To His Excellency Horacio Walker Larraín,
Minister of Foreign Affairs

“In Bolivia the conviction should grow stronger that, in an environment of fraternity and harmony, they will only find in our country a warm desire to look for proposals that, taking into account our legitimate rights, can satisfy as far as possible their aspirations”.

In turn, on 6 February 1923, His Excellency the Minister of Foreign Affairs of Chile, Mr Luis Izquierdo, stated in a note addressed to the Minister of Bolivia, Mr Ricardo Jaimes Freyre, that the Government of Chile “keeps the purpose of hearing with the highest spirit of conciliation and equity, the proposals that the Government of Bolivia might submit to it to conclude a new Pact that considers the situation of Bolivia, without modifying the Treaty of Peace and without interrupting the continuity of Chilean territory”.

On the other hand, concerning the proposal of the Secretary of State of the United States, His Excellency Mr Frank B. Kellogg, for Chile and Peru to cede to Bolivia “any right, title and interest which either may have in the provinces of Tacna and Arica”, his Excellency Mr Jorge Matte, Minister of Foreign Affairs of Chile, stated that “the Government of Chile has not rejected the idea of granting a strip of territory and a port to the Bolivian nation” and that it accepts “to consider, in principle, the proposal”.

At the start of his Government, His Excellency the President of the Republic, Mr Gabriel González Videla, demonstrated a similar disposition: during his conversations with the Member of la Junta and Minister of Foreign Affairs, His Excellency Mr Aniceto Solares, who attended the presidential inauguration, in November 1946; subsequently during his meetings with the former President of

Bolivia and current Ambassador in Spain, His Excellency sir Enrique Hertzog, during his stay in Santiago, in December 1949; and, finally, during the numerous hearings that were held to deal with this issue.

With such important precedents, that identify a clear policy direction of the Chilean Republic, I have the honour of proposing to His Excellency that the Governments of Bolivia and Chile formally enter into direct negotiations to satisfy Bolivia's fundamental need to obtain its own sovereign access to the Pacific Ocean, solving the problem of Bolivia's landlocked situation on terms that take into account the mutual benefit and genuine interests of both nations.

Certain of being able to rely upon the acceptance of the Government of His Excellency, thus beginning a work of great future possibilities for Bolivia and Chile, I renew assurances of my highest and most distinguished consideration.

(Signed)

Alberto Ostria Gutierrez

**B. MINISTER OF FOREIGN AFFAIRS OF CHILE'S NOTE N° 9 OF 20
JUNE 1950**

REPUBLIC OF CHILE
MINISTRY OF FOREIGN AFFAIRS

DIPLOMACY DEPARTMENT

N° 9

CONFIDENTIAL

Santiago, 20 June 1950.-

Mister Ambassador,

I have had the honour of receiving the note of Your Excellency dated on 1st of this month.-

In it, His Excellency refers to the direction of Chile's international policy toward the aspirations of Bolivia to obtain its own access to the Pacific Ocean, and recalls the terms of the Treaty and Act, signed though not ratified by the Legislative Powers, of 18 May 1895 and 10 January 1920, respectively.- Your Excellency also recalls the statements made by Chile's Delegate to the League of Nations, Mr Agustín Edwards, in 1920; by the President of the Republic Mr. Arturo Alessandri, two years later; and by the Minister of Foreign Affairs, Mr. Luis Izquierdo, in 1923.- Your Excellency then refers to the response given by Mr .Jorge Matte to the proposal of the Secretary of State of the United States of America, Mr Kellog [sic], where Chile and Peru cede to Bolivia their title and rights over the provinces of Tacna and Arica; and, finally, to the willingness that both Your Excellency and the former Minister of Foreign Affairs, Mr Aniceto

Solares, found in the current President of the Republic, His Excellency Mr Gabriel González Videla to consider Bolivia's aspirations.

In light of these precedents, Your Excellency proposed to me that "the Governments of Bolivia and Chile formally enter into direct negotiations to satisfy Bolivia's fundamental need to obtain its own sovereign access to the Pacific Ocean, solving the problem of Bolivia's landlocked situation on terms that take into account the mutual benefit and genuine interests of both nations".-

From the quotes contained in the note I reply to, it follows that the Government of Chile, along with safeguarding the legal situation established by the Treaty of Peace of 1904, has been willing to study, in direct negotiations with Bolivia, the possibility of satisfying the aspirations of Your Excellency's Government and the interests of Chile.

On this opportunity, I have the honour of expressing to Your Excellency that my Government will act consistently with this position and, in a spirit of fraternal friendship towards Bolivia, is willing to formally enter into direct negotiations aimed at finding a formula that will make it possible to give to Bolivia a sovereign 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.-

I trust that, in that way, our respective Governments will succeed in strengthening the ties between the destinies of our two Republics and give a lofty example to our Continent of true *Americanist* spirit.-

I will only add that, in due time, my Government will have to consult the Government of Peru, in compliance with the Treaties celebrated with this country.-

I renew to Your Excellency the assurances of my highest and most distinguished consideration.-

(Signed)

Horacio Walker Larrain
Minister of Foreign Affairs
Republic of Chile

To H. E. Alberto Ostría Gutiérrez
Ambassador of the Republic of Bolivia

**ANNEX 110: DECLARATION OF AYACUCHO, OF THE PRESIDENTS OF
BOLIVIA, PANAMA, PERU AND VENEZUELA TOGETHER WITH THE
REPRESENTATIVES OF ARGENTINA, CHILE, COLOMBIA,
AND ECUADOR, 9 DECEMBER 1974**

In the city of Lima, invited by the President of Peru, General of Division EP, Juan Velasco Alvarado, to commemorate the sesquicentennial of the battle of Ayacucho, the Heads of State and Government of Bolivia, Panama, Peru and Venezuela and those representing the Heads of State of Argentina, Colombia, Chile and Ecuador acknowledge the great historical relevance of that definite armed conflict in the emancipating process of America with which a fundamental stage in the process of forging freedom of our peoples was concluded.

We pay tribute to the memory of our illustrious national heroes which provided us with a nation as well as freedom and an eloquent lesson of authentic creating solidarity, and we submit before America the example of those heroes as an incentive for the fulfilment of the duties which the present and the future designate to us.

Ayacucho is the ending of a vast historical process of taking sovereign cognisance and it represents the value and the will of sacrifice of our peoples. Triumph was possible thanks to the joint action of all those who from the different corners of America conceived and strengthened, after long and sustained effort, the ideal of emancipation.

We declare, on account of that fact, that the Battle of Ayacucho constitutes the symbol of the unity of Latin-American peoples in their fight for freedom and that the commemoration of its sesquicentennial is a suitable motive to note that

the union of Latin America demands for permanent and continuous effort towards the full realization of the ideals of freedom, justice, sovereignty, equality and solidarity.

In accordance with the spirit which promoted the insurgence of that vast popular, unifying and emancipating movement:

WE DECLARE THAT:

Our countries have achieved their political independence, but their incorporation to world economy subsequently caused different forms of dependence, which explain the obstacles to our economic, social and cultural development.

It is urgent to complete the emancipating task, promoting the construction of one's own way in the socio-economic field, which requires development models in which our peoples are assured just participation in the economic and cultural life and in which the full realization of the American man is facilitated.

The historical and essential commitment of the Latin American Continent is to come together for the economic and social liberation and scientific and technological improvement of the countries that conform it and, thus, accelerate their integration. This unity demands for the common willingness of achieving goals of general interest for their peoples, supported in solidarity and acknowledgement of a pluralist reality.

Consequent with the purposes that inspired the Convocation of the Congress of Panama, we reiterate that if Latin American countries are united, they may fully fulfil the mission that is incumbent upon them within the international community, thus contributing to peace and security in the world.

Latin-American nationalism constitutes an awareness of our peoples of their profound reality and true personality, a fruit of a mixing of blood, miscegenation, fusion of cultures and common historic, social, and economic lives.

Its strengthening requires, given the current international circumstances, addressing the problems in the region, their solutions, outside all interference, and agreeing on new forms of joint action which promote the authentic values of our nations and prevent that policies, actions or alien measures which intent to undermine the personality of our peoples and the sovereignty of our States prosper.

We reiterate our adhesion to the principles of legal equality of States, of their territorial integrity, of self-determination of the peoples, of ideological pluralism, of respect to human rights, of non-intervention and of international cooperation, of good faith in the fulfilment of obligations undertaken, of peaceful solution to international controversies, and of the prohibition the threat, use of force and armed, economic or financial aggression in relations between States.

We condemn and repudiate colonial situations persisting still in Latin America which should be eradicated quickly because they constitute a potential threat to the peace of the region. Our efforts are compromised towards the fulfilment of this purpose.

We undertake to prompt and give support to the organization of a permanent order of permanent international peace and cooperation and to create

conditions which permit effective limitation of armaments and put an end to their acquisition for offensive military purposes, in order to dedicate all possible resources to economic and social development of each of the countries in Latin America.

We condemn the use of nuclear energy with ends other than peaceful ones and that serve the progress and well-being of our peoples.

The creation of a society with full national capacity of decision requires of putting an end to economic dependency through the determination and the fulfilment of development objectives adequate to the real needs of each of our peoples.

The full exercise of sovereignty over their own natural resources, the defence of the prices of commodities, the regulation of foreign investment and the control of activities of transnational companies are inalienable rights of our countries.

Efforts agreed upon by all of our nations are essential to promote the establishment and strengthening of associations of commodities producer-exporting countries, to achieve the most favourable terms of access of our products to international markets, to obtain the best conditions in the transfer, creation and exchange of technology adapted to our necessity, to secure the best regional supply of foodstuffs, particularly foods, to create Latin American multinational corporations, to cooperate in monetary affairs, transport and communication, external financing and Latin American financial organisms.

Integration is the most effective instrument of development and a guarantee for economic independence when combining national efforts with our economies.

The deep world economic crisis makes evident the need of promoting, in a decisive manner, structural changes and of establishing a system of collective economic security which makes integral development of the peoples towards their well-being possible, in an atmosphere of stability, free of threat and coercions that fasten it, so as to achieve a new international economic order which must be grounded in equity, equality, sovereignty, inter-dependency, common interest and cooperation of all States.

Upon reaffirming the historic commitment to strengthen, once more, the unity and solidarity between our peoples, we offer the greatest understanding to the landlocked condition affecting Bolivia, a situation that demands the most attentive consideration leading towards constructive understanding.

We declare that the union of our peoples as sister nations supports peace, justice, well-being and law as superior objectives in their international relations. Consequent with these fundamental principles we solemnly undertake to act immediately and jointly through the Ministers of Foreign Affairs in case of any situation which could affect the peaceful co-existence between our countries.

We fraternally and emphatically cooperate so that the peoples of Latin America, today a community of 300 million human beings, unite their efforts in the face of the imperative present of tracing their own road, free and autonomous, towards the achievement of the purposes of economic development and social justice that make possible the full realization and dignity of the Latin American

man, the only addressee of the historical legacy of the emancipating process which ended in Ayacucho.

Signed at the Government Palace, in Lima, on nine December one thousand nine hundred seventy-four.

Dr. CARLOS ANDRES PÉREZ
President of the Republic of Venezuela

General HUGO BANZER SUÁREZ
President of the Republic of Bolivia

Amb. ALBERTO J. VIGNES
Representative of the Argentina Nation
President

General OMAR TORRIJOS
HERRERA
Head of State of Panama

Vice-Admiral PATRICIO CARVAJAL
Representative of the Head of State of
Chile

Dr. JULIO TURBAY AYALA
Representative of the President of the
Republic of Colombia

General JUAN VELASCO
ALVARADO
President of the Republic of Peru

Dr. CARLOS ANIBAL JARAMILLO
Representative of the President of
Ecuador

**ANNEX 111: JOINT DECLARATION OF CHARAÑA,
BETWEEN BOLIVIA AND CHILE,
8 FEBRUARY 1975**

1. At the initiative of His Excellency the President of the Republic of Chile, General Augusto Pinochet Ugarte, a meeting with the President of the Republic of Bolivia, General Hugo Banzer Suárez, took place at the Bolivian-Chilean border, with the purpose of exchanging points of view on matters which are of interest to the two countries, and about the hemisphere and world situation.

2. The interview, carried out in an atmosphere of fraternity and cordiality, made it possible to identify important points of agreement which reflect the state of the links that unite Chile and Bolivia and which permit the continuation of the joint task of reaching overall understandings in benefit of both countries.

3. In this regard, the Presidents reaffirmed their full support of the Declaration of Ayacucho in which the spirit of solidarity and openness to understandings of this part of America is faithfully reflected.

4. Both Heads of State, within a spirit of mutual understanding and constructive intent, have decided to continue the dialogue, at different levels, in order to search for formulas to solve the vital issues that both countries face, such as the landlocked situation that affects Bolivia, taking into account the mutual interests and aspirations of the Bolivian and Chilean peoples.

5. The two Presidents have decided to continue developing a policy of harmony and understanding so that, in an atmosphere of cooperation, the formulas for peace and progress in the continent will be found.

6. The two Presidents, in order to achieve the objectives noted in this Joint Declaration, have decided to normalize diplomatic relations between their two countries at the ambassadorial level.

Charana, February 8, 1975

Signatures [illegible]

President of the Republic of Chile, General Augusto Pinochet Ugarte,

President of the Republic of Bolivia, General Hugo Banzer Suárez

**ANNEX 112: PROTOCOL OF EXCHANGE OF RATIFICATIONS OF
INSTRUMENTS SIGNED BETWEEN THE REPUBLICS OF BOLIVIA
AND CHILE, 30 APRIL 1896**

The undersigned reunited in the Ministry of Foreign Affairs of Chile to proceed to the exchange of ratifications of the President of the Republic of Bolivia and the President of the Republic of Chile of the Treaties of Peace, Commerce and transfer of territory concluded between both countries on 18 and 28 May 1895 and having read the instruments of those ratifications and having found they are próu, the exchange was conducted, without contemplating in it the Protocol of 28 May 1895 on Credit settlement, which has yet not been approved by the Congress of Bolivia, nor that of 9 December 1895 on the Covenant of Territory Transfer which has yet not been approved by the Congress of Chile, because another protocol was signed today as an special Convention.

In witness whereof, this Minute of exchange has been signed and sealed in Santiago on 30 April 1896.

H. Gutierrez
Adolfo Guerrero

**ANNEX 113: BOLIVIAN INSTRUMENT OF RATIFICATION OF THE PACT
OF BOGOTA, 14 APRIL 2011**

**INSTRUMENT OF RATIFICATION OF THE AMERICAN TREATY OF PEACEFUL
SOLUTIONS “PACT OF BOGOTÁ”**

Evo Morales Ayma

**CONSTITUTIONAL PRESIDENT OF THE PLURINATION STATE OF
BOLIVIA**

WHEREAS:

Through law N° 103 of 7 April 2011, the American Treaty of Peaceful Solutions (“Pact of Bogota”) of 30 April 1948 in the city of Bogota, Colombia, is ratified within the framework of the IX International American Conference.

HENCE:

In exercise of the attributions conferred to by the Political Constitution of the State, pursuant to Article 172, number 5, I issue this **instrument of ratification** of the American Treaty of Peaceful Solutions (“Pact of Bogota”).

Likewise, the reserve made by the Bolivian delegation when signing the American Treaty of Peaceful Solutions on article VI, through which it is “considered that peaceful procedures can also be applied to controversies emerging from issues settled by the Parties, when the said settlement affects the vital interests of the State” is confirmed.

In witness whereof, I have signed this **Instrument of ratification** printed with the Great Seal of the State, endorsed by the Foreign Minister, David Choquehuanca Céspedes.

Adopted in the Palace of Government in the city of La Paz, on 14 April 2011.

**ANNEX 114: CHILEAN INSTRUMENT OF RATIFICATION OF THE PACT OF
BOGOTA, DECREE N° 526 OF 21 AUGUST 1967, PUBLISHED IN
OFFICIAL JOURNAL N° 26837 OF 6 SEPTEMBER 1967**

**DECREE 526 OF 21 AUGUST 1967
DATE OF PUBLICATION: 6 SEPTEMBER 1967**

AMERICAN TREATY ON PACIFIC SETTLEMENT

Santiago, 21 August 1967.- This day, the following decree has been issued:

No. 526

EDUARDO FREI MONTALVA, President of the Republic of Chile

WHEREAS, a Treaty was signed in Bogota on 30 April 1948 by the Governments making up the Organization of American States, O.A.S., the full and exact text of which is as follows:

[...]

WHEREAS,

The mentioned Treaty has been adopted by the Honourable National Congress, as is clear from official document number 1.296, of 11 July 1967 from the Honourable Chamber of Deputies, which literally reads:

“I have the honour to hereby inform His Excellency that the National Congress has given its approval to the following:

PROJECT OF AGREEMENT:

“Sole article: The American Treaty on Pacific Settlement, also called the Pact of Bogotá, signed in this capital city on 30 April 1948, is hereby approved. This Treaty will be ratified by Chile with the following reservation:

Note: Text added from the Compilation of Laws and decrees of the Auditor General’s Office of the Republic, because of a printing error in the Official Gazette, without any subsequent modification.

“Chile considers that Article LV of the Pact, in the part that refers to the possibility that some of the Contracting States would make reservations, must be interpreted in the light of paragraph N 2 of Resolution XXIX adopted at the Eighth International Conference of American States”.

I hereby accept and ratify it, subject to the reservation made

NOW THEREFORE,

Using the powers conferred upon me by Part 16 of Article 72 of the Political Constitution, I hereby order compliance and enforcement as a Law of the Republic, whereby an authorized copy of the text is to be published in the Official Gazette. Issued in my Office and countersigned by the Minister of Foreign Affairs, in the city of Santiago de Chile on 21 August 1967.

- EDUARDO FREI MONTALVA.- Gabriel Valdés S.

Transcription for your information.- May God keep you.- Mario Silva Concha, Director of Central Services.

**ANNEX 115: BOLIVIAN INSTRUMENT OF WITHDRAWAL OF
RESERVATION TO THE PACT OF BOGOTA, 10 APRIL 2013**

Evo Morales Ayma

CONSTITUTIONAL PRESIDENT OF THE PLURINATIONAL STATE OF
BOLIVIA

WHEREAS:

That, by means of Law N° 103 of 5 April 2011, the Plurinational Legislative Assembly of Bolivia ratifies the “American Treaty on Pacific Settlement - Pact of Bogota”, concluded in the city of Bogotá, on 30 April 1948, confirming the reservation to Article VI of said international instrument, by the Bolivian delegation at the time of its signature.

That law N° 353 of 23 March 2013, the Plurinational Legislative Assembly of Bolivia, it approves the withdrawal of the reserve to the aforementioned Article VI, of the “American Treaty on Pacific Settlement - Pact of Bogota”.

THEREFORE:

In exercise of the powers conferred on my authority through Article 172, attribution 5 of the Political Constitution of the Plurinational State of Bolivia, I issue this Instrument of Withdrawal of Reserve to the “American Treaty on Pacific Settlement - Pact of Bogota”, signed in the city of Bogotá, on 30 April 1948, and ratified by the Plurinational State of Bolivia through Law 103 on 5 April 2011.

In witness whereof, I have signed the present **Instrument of Withdrawal of Reserve**, printed with the great seal of the State, approved by the Minister for Foreign Affairs, David Choquehuanca Céspedes.

Done at the Government Palace in the city of La Paz, on the third day of April of two thousand thirteen.

(Illegible signature)

APPROVED BY:

Minister of Foreign Affairs