

INTERNATIONAL COURT OF JUSTICE

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

(BOLIVIA v. CHILE)

**REPLY OF THE PLURINATIONAL
STATE OF BOLIVIA**

**Volume 2 of 5
(Annexes 234 - 277)**

21 March 2017

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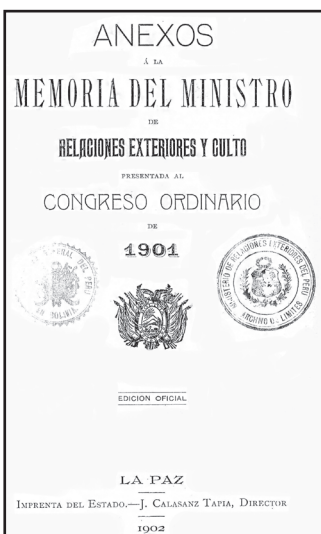
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Bolivia Abroad, 25 January 1901

(Original in Spanish, English translation)

Ministry of Foreign Affairs of Bolivia, *Report from the Minister of Foreign
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CHILE.

MINISTERIO DE RELACIONES EXTERIORES.

Circular á las Legaciones de Bolivia en el Extranjero.

La Paz, enero 25 de 1901.

AL asumir el Despacho de Relaciones Exteriores, y entre los primeros deberes de mi cargo, encuentro la penosa, es verdad, pero ineludible tarea de rectificar diversas apreciaciones y juicios contenidos en la *Circular* que, en 30 de setiembre último, ha sido dirigida por la Cancillería chilena á su Cuerpo Diplomático en el extranjero.

Las graves afirmaciones formuladas allí, en vía de sencilla explicación de los verdaderos alcances de la nota pasada á nuestro Gobierno por el Plenipotenciario señor König, revelan por desgracia no únicamente el natural y legítimo propósito de justificar la conducta observada por el Gobierno de Chile en sus relaciones con el Perú y Bolivia, sinó también un absoluto desconocimiento de los derechos que á ésta pertenecen sobre los territorios hoy ocupados por Chile; y lo que es más extraño todavía, en un estado de negociaciones que tienden á procurar la aproximación de ambos países, y á la conclusión de un definitivo arreglo de paz entre ellos, la marcada tendencia de atribuir á la política boliviana, cierto carácter de odiosa veleidad en el cumplimiento de sus compromisos, y de indebida y tenaz aspiración á poseer aquello que de ningún modo le correspondiera pretender.

Tales suposiciones se encuentran, por cierto, bien lejos de avenirse con la verdad de los hechos y con la

CHILE

Ministry of Foreign Affairs

Circular to the Legations of Bolivia Abroad

La Paz, 25 January 1901

When I took office of the Foreign Ministry and among the first duties of my position, I found the painful, it is true, but inevitable task of rectifying diverse considerations and assertions contained in the Circular that was addressed by the Chilean Foreign Ministry to its Diplomatic Corps abroad on 30 September.

The severe statements made therein, in the way of a simple explanation of the true scope of the Note sent to our Government by Plenipotentiary König, reveal, unfortunately, not only the natural and legitimate purpose of justifying the conduct followed by the Government of Chile in its relations with Peru and Bolivia, but also an absolute ignorance of the rights that belong to them in the territories now occupied by Chile; and what is even stranger, this has occurred in a state of negotiations intended to bring together both countries and conclude a definitive peace agreement between them, in which it is possible to perceive the marked tendency to attribute to the Bolivian policies a certain odious vainness in the fulfillment of its commitments, and an undue and tenacious aspiration to possess what in no way corresponds to it.

[...]

“Las Repúblicas de Bolivia y el Perú, deseosas de estrechar de una manera solemne los vínculos que las unen, etc. estipulan el presente Tratado de *alianza defensiva*.”

Y en su artículo 1.º que resume todo el pensamiento del Tratado, agrega:

“Las Altas Partes contratantes, se unen y ligan *para garantizar* mutuamente su independencia, su soberanía y la *integridad de sus territorios* respectivos, obligándose en los términos del presente Tratado á *defenderse* contra toda agresión exterior.”

Los demás artículos, se hallaban destinados á desarrollar ese propósito esencialmente pacífico, y á señalar los distintos casos en que tendría lugar la defensa de sus respectivos derechos; señalando aún el *arbitraje*, como medio de procurar toda conciliación y de *evitar la guerra*.

Era pues, puramente *defensivo* ese pacto; y el estado de completo desarme en que permanecían ambas Naciones y su ninguna preparación para un caso de guerra, dan la más clara prueba de las pacíficas intenciones con que aquel fuera estipulado.

Los diferentes cargos que hasta acá he pasado en vista, se refieren á hechos relativos á una época anterior á la guerra de 1879; pero como también los hay, que se relacionan íntima y significativamente, con nuestra política actual, debo tomarlos en cuenta.

Atribúyese á Bolivia y al Perú, haber estorbado el elevado propósito de que estuviera animado el Gobierno de Chile, de *conciliar* y dar *amplia satisfacción* á las aspiraciones é intereses de ambos pueblos, á fin de procurar el advenimiento de una paz definitiva, entre las tres Naciones; y en consecuencia, formúlase el siguiente cargo:

“Cuando mereced á nuestro esfuerzo de largos años y á muy duros sacrificios, creíamos haber llegado al desenlace, veíamos surgir un nuevo imprevisto escollo, y se nos colocaba en una situación sin salida. El Perú se negaba á discutir el protocolo plebiscitario, hasta que hubiéramos concluido con Bolivia un tratado de paz, del cual quedase eliminado para ésta, todo derecho adventicio á la posesión de Tacna y Arica; y *Bolivia, á su vez, aplazaba la discusión del Tratado de paz*, hasta después que conviniésemos con el Perú el protocolo plebiscitario y que efectuásemos el plebiscito.”

[...]

The different accusations that I have addressed here refer to facts that relate to an epoch preceding the war of 1879, but since there are others that are intimately and significantly related to our current policy, I must take them into account.

Bolivia and Peru are credited with obstructing the noble intention of the Government of Chile to reconcile and give full satisfaction to the aspirations and interests of both peoples, in order to ensure the achievement of a definitive peace among the three nations, and with this intention, the following accusation is formulated:

“When, owing to our long years of efforts and very harsh sacrifices, we thought we had reached the outcome, we saw a new unforeseen obstacle arise, and we were placed in a no-win situation. Peru refused to discuss the plebiscitary protocol until we concluded with Bolivia a peace treaty from which all adventitious rights to the possession of Tacna and Arica would be eliminated; and Bolivia, in turn, postponed the discussion of the Peace Treaty until after we came to an agreement on the plebiscitary protocol with Peru and carried it out.”

No se comprende cómo pueda atribuirse á Bolivia, en las mencionadas y aún pendientes negociaciones de paz, un papel tan distinto del que en realidad le cupo desempeñar y tan opuesto á los propósitos abnegada y resueltamente perseguidos por ella.

Si en muchas ocasiones, llega á ser difícil descubrir la verdad de los acontecimientos pasados y que se ocultan en la oscuridad de los tiempos, nada más fácil, que poner en claro los hechos contemporáneos, mucho más si acaban de desarrollarse á nuestra propia vista.

En el presente caso, para que á toda luz se vea á quien corresponde la responsabilidad de que hasta hoy no haya sido posible llegar á un arreglo definitivo de paz, basta rememorar los actos diplomáticos de ambos países. Constan ellos en los distintos pactos acordados en la última época, y en las gestiones realizadas para llevarlos á cabo.

Firmado el pacto de tregua, con la serie de gravosas condiciones que en él fueron impuestas á Bolivia, natural era que ésta propendiera á librarse de él, sustituyéndolo con otro de paz definitiva, aún cuando para ello le fuera preciso resignarse á la aceptación de penosos sacrificios.

Por su parte, natural era también, que Chile aspirara á la consolidación de los derechos de *propiedad* que anhela poseer, sobre los territorios por él *provisoriamente* ocupados.

Después de una infructuosa tentativa de arreglo, y con ocasión de la guerra civil, que estalló en Chile, prodújose la declaratoria de *beligerancia*, empeñosamente solicitada por sus gerentes y con ella, la aproximación de relaciones entre el Gobierno boliviano y la triunfante Junta de Gobierno de Chile.

Era entonces, de esperarse la estipulación de un pacto favorable á Bolivia; pero estuvo lejos de ser así.

Formulóse con el Ministro de Chile, señor Juan Gonzalo Matta, el protocolo de 19 de mayo de 1891, el cual á pesar de lo muy gravoso é inconveniente que se le conceptuara y de que en él se excluía por completo la idea de un puerto para Bolivia, fué, después de una seria resistencia en el Congreso boliviano, aprobado por éste; recomendándose al Gobierno que llevara adelante gestiones conducentes á mejorarlo en lo posible.

It is not understandable that Bolivia ought to be attributed, in the aforementioned and still pending peace negotiations, a role that is so different from that which it was really able to play and that is so opposed to the aims it has pursued with self-sacrifice and determination. If, on many occasions, it becomes difficult to discover the truth of past events, which are hidden in the darkness of times, then there is nothing easier than to clarify the current facts, all the more if they have just developed in our own sight.

In the present case, in order to be able to discover with full clarity who is to be held responsible for the fact that it has not yet been possible to reach a definitive peace agreement to present, it is enough to recall both countries' diplomatic actions, which are recorded in the different pacts agreed upon in the last period and in the efforts to put them into force.

The truce pact was signed with a series of burdensome conditions imposed upon Bolivia. It was only natural that the latter should seek to free itself from it, replacing it with a definitive peace, even if it had to resign itself to accepting painful sacrifices.

On the other hand, it was also natural for Chile to aspire to the consolidation of the property rights it desired to possess over the territories which it had occupied provisionally.

After an unsuccessful attempt at settlement and in the aftermath of the civil war that broke out in Chile, the declaration of belligerence, sharply requested by its advocates, was produced and with it, came about the approximation of relations between the Bolivian Government and the triumphant Government Junta of Chile.

The stipulation of a pact favorable to Bolivia was then only to be expected, but this was far from being so.

The Protocol of 19 May 1891 was formulated by the Minister of Chile, Juan Gonzalo Matta. In spite of its very heavy and inconvenient conditions and that it completely ruled out the idea of a port for Bolivia, this protocol was, after serious resistance in the Bolivian Congress, approved by it, and then the Government was recommended to take steps to improve it as much as possible.

Llevado el pacto á Chile, quedó allí paralizado.

Poco después, el mismo Gobierno de Chile inició nuevamente la celebración de un tratado definitivo de paz, que armonizara en lo posible los intereses de ambos países.

Bolivia se prestó decididamente, á secundar ese propósito, y al efecto instruyó á su plenipotenciario en Santiago, para que procediera á ajustarlo.

Después de serias y sucesivas conferencias, fueron celebrados dos tratados, ambos en 18 de mayo de 1895; uno de paz y amistad, y otro de transferencia de territorios.

En el primero, se convertía en *dominio absoluto* y perpétuo, la *posesión* del territorio que Chile gobernaba conforme al Pacto de Tregua; y en el segundo, se obligaba Chile á *transferir* á Bolivia, los territorios de Tacna y Arica, si á consecuencia del plebiscito ó en virtud de arreglos directos, llegase á adquirirlos. Para ello se obligaba á empeñar todos sus esfuerzos.

Mas, si Chile no podía obtener los territorios de Tacna y Arica, se comprometía á ceder á Bolivia *la Caleta de Vitor* ú *otra análoga*, y además la *suma de 5.000,000 de pesos*.

Con ese hecho, ambos Gobiernos reconocieron, que lo que hoy se califica en la Circular, de *obseción tenaz é injustificada*, de obtener un puerto, no era sinó una natural y justísima aspiración de Bolivia, á que se le entregase, siquiera una faja de territorio que la ponga en comunicación con el mar, en cambio de todo el Litoral que abandonaba: no exigía sinó un puerto, en cambio de la cesión de los cuatro puertos y siete caletas que su Litoral contiene.

Estipuláronse además, un Protocolo de Liquidación de créditos, en Santiago, con fecha 28 de mayo del mismo año; y otro aclaratorio, sobre las obligaciones contraídas en los tratados de 18 de mayo, en Sucre, á 9 de diciembre del mismo.

Este último tenía por objeto dejar constancia de que los dos tratados de *paz* y de *transferencia*, formaban un todo *indivisible* y de estipulaciones recíprocas; y que el puerto que Chile estaba obligado á dar á Bolivia, en caso de no obtener Tacna y Arica, debía satisfacer am-

When the pact was taken to Chile, it was paralyzed there.

Shortly afterwards, the Government of Chile itself initiated again the conclusion of a definitive peace treaty, which would harmonize the interests of both countries as much as possible.

Bolivia decidedly supported this purpose and instructed its Plenipotentiary in Santiago to proceed to adjust it.

After serious and successive meetings, two treaties were concluded, both on 18 May 1895: one on peace and friendship and another one on territory transfer.

In the former, the possession of the territory which Chile governed according to the Pact of Truce became an absolute and perpetual dominion; and in the second one, Chile undertook to transfer to Bolivia the territories of Tacna and Arica, if, as a result of the plebiscite or by direct arrangements, it acquired them. In order to do this, Chile committed to make all efforts.

However, if Chile could not obtain the territories of Tacna and Arica, it committed itself to transfer Vitor inlet or an analogous one, as well as the sum of 5,000,000 pesos to Bolivia.

With these treaties, both Governments recognized that what is now regarded in the Circular as a tenacious and unjustified obsession to obtain a port was only Bolivia's natural and just aspiration to be given at least a strip of territory that allows its connection with the sea, in exchange for the whole of the coastal territory it abandoned; Bolivia demanded only a port in return for the transfer of the four ports and seven coves which its coastal territory contained.

Two additional protocols were concluded thereafter; one on Credit Settlement, concluded in Santiago on 28 May that year; and an explanatory protocol on the obligations assumed in the Treaties of 18 May in Sucre, signed on 9 December that year.

This latter was entered into in order to record that the two Treaties of Peace and Transfer were an indivisible whole and of reciprocal stipulations; and that the port that Chile was bound to give to Bolivia in case it did not obtain Tacna and Arica, should broadly satisfy

pliamente las necesidades presentes y futuras de su comercio é industria.

Como hubiera parecido al Gobierno de Chile, vaga aún, é indeterminada esa prescripción, en sus alcances, se convino en aclararla; y en consecuencia, procedióse á estipular un último protocolo explicativo, que fué suscrito en Santiago el 30 de abril de 1896.

Todos esos pactos *fueron aprobados por el Congreso Boliviano, sin excepción alguna*. En cambio Chile, tan sólo aprobó los dos principales, dejando pendientes de aprobación legislativa, los protocolos de 9 de diciembre del 95, y 30 de abril del 96; estorbando así, la definitiva conclusión de los arreglos; y sin embargo de haber sido esos Protocolos, ampliamente discutidos y *aprobados ya*, por el *Consejo de Estado* de aquella República.

Hé aquí el texto de la aprobación legislativa del Congreso Boliviano.

“MARIANO BAPTISTA

Presidente Constitucional de la República de Bolivia.

“Por cuanto el Congreso Nacional ha sancionado la siguiente Ley:

“El Congreso Nacional

“Decreta:

“Artículo único.—*Apruébanse* en conjunto y como estipulaciones recíprocas é integrantes las unas de las otras, los Tratados de Paz y de Transferencia de territorio, ajustados en la ciudad de Santiago, á 18 de mayo del presente año y los Protocolos complementarios,—el primero del 28 del mismo mes y el segundo del día de hoy, los tres primeros por los respectivos Plenipotenciarios don Heriberto Gutiérrez y don Luis Barros Borgoño, y el último firmado en esta Capital por el Ministro de Relaciones Exteriores de Bolivia don Emeterio Cano y el Ministro Plenipotenciario de Chile don Juan Gonzalo Matta.

“Comuníquese al Poder Ejecutivo para los fines constitucionales

“Sala de sesiones.—Sucre, á 9 de diciembre de 1895.—Severo Fernández Alonso.—Federico Zuazo.—Gil Antonio Peña, Senador Secretario.—Fanor G. Romero, Diputado Secretario.—Adolfo Trigo Achá, Diputado Secretario.

“Por tanto, la promulgo *para que se tenga y cumpla como ley de la República*.

“Casa de Gobierno en Sucre, á 10 de diciembre de 1895.—M. Baptista.—Emeterio Cano.”

Se vé por el documento transcrito, que Bolivia cumplió de su parte el deber de sancionar las estipulaciones acordadas, y que fué el Gobierno de Chile quien, en medio de constantes vacilaciones, retardó su definitiva sanción, dejando hasta hoy pendientes de la aprobación

the present and future needs of Bolivia's commerce and industry.

Since the scopes of the above condition still seemed vague and indeterminate to the Government of Chile, both countries agreed to clarify it, and a last explanatory protocol was concluded and signed in Santiago on 30 April 1896.

All these pacts were approved by the Bolivian Congress, without exception. Chile, on the other hand, only approved the two main ones, leaving the legislative approval of the Protocols of 9 December 1895 and 30 April 1896 pending, and thus hindered the definitive conclusion of the arrangements; all this in spite of the fact that these Protocols had been widely discussed and already approved by the Council of State of that Republic.

The text of the legislative approval given by the Bolivian Congress is transcribed below:

“Mariano Baptista
Constitutional President of the Republic of Bolivia.

Whereas the National Congress has sanctioned the following Law:

The National Congress

Decrees:

Sole Article - The two treaties of Peace and Territory Transfer, adjusted in the city of Santiago on 18 May this year and the Complementary Protocols –the first dated the 28th of the same month and the second dated today– the former three by the respective Plenipotentiaries, Mr. Heriberto Gutierrez and Mr. Luis Barros Borgoño, and the latter signed in that Capital by the Minister of Foreign Affairs of Bolivia Mr. Emeterio Cano and the Minister Plenipotentiary of Chile Mr. Juan Gonzalo Matta are hereby approved as a whole and as reciprocal and integral stipulations from one another.

Inform the Executive Branch for the constitutional measures [that are to be taken to this end].

Session Room – Sucre, 9 December 1895 – Severo Fernandez Alonso – Federico Zuazo – Gil Antonio Peña, Senator Secretary – Fanor G. Romero, Deputy Secretary – Adolfo Trigo Achá, Deputy Secretary.

Therefore, I promulgate that it be regarded and complied with as a Law of the Republic.

House of Government of Sucre, 10 December 1895 - M. Baptista - Emeterio Cano”.

This transcript evidences that Bolivia complied with its duty to sanction the stipulations agreed upon and that it was the Government of Chile which, in the midst of constant hesitation, delayed their definitive sanction, leaving to the present the approval

de su Congreso, los mencionados Protocolos aclaratorios.

Sin embargo, Bolivia persistió aún en su propósito de dar cima á los arreglos estipulados, é instruyó á su Legación en Chile, para que continuara activando las gestiones conducentes á la aprobación de los citados Protocolos.

Y después de todo, por telegrama recibido el 22 del corriente, acaba de saber esta Cancillería que el Senado chileno, á petición del Ejecutivo, acordó en su última sesión devolverle los Protocolos pendientes con Bolivia, á fin de que procure la solución que se desea, ya *sobre bases distintas* de las anteriormente *propuestas y aprobadas*.

Y aún se dirá que fué Bolivia quien aplazó los arreglos definitivos de paz con Chile!

Mas, ya que me ocupo de la solución que hoy todavía se busca entre ambos Gobiernos, debo señalar, aunque sea brevemente, los rasgos salientes de la última gestión iniciada en La Paz, y que ha podido dar motivo á recientes declaraciones del Gobierno de Chile, ante su Congreso.

Acreditado el señor Abraham König ante este Gobierno, en fecha 7 de marzo último, inició sus gestiones, formulando las proposiciones que son ya de todos conocidas, y cuyas principales bases consistían, en la consolidación de los derechos de propiedad de Chile y en la entrega á Bolivia de 6.000,000 de pesos chilenos, fuera de distintos pagos, que ascendían á Bs. 5.000,000 próximamente.

La nueva proposición, en que por completo se prescindía de la *entrega de un puerto*, que á Bolivia había sido ofrecido por Chile, en tratados ya *aprobados*, produjo como era natural, extraordinaria sorpresa al Gobierno boliviano, mucho más, cuando ella venía acompañada de la firme y preconcebida resolución que el Gobierno chileno manifestaba, por medio de su Plenipotenciario, de no arribar á solución alguna que tuviera en vista la condición de entrega del aludido *puerto* sobre el Pacífico.

No podía ser en verdad, más inesperado el súbito

of the aforementioned explanatory Protocols pending by its Congress.

Bolivia, however, persisted in its intention to uphold the stipulated arrangements and instructed its Legation in Chile to continue taking the steps leading to the approval of the aforementioned Protocols.

Nevertheless, despite every effort, by telegram received on the 22nd, this Chancellery was informed that the Chilean Senate, at the request of the Executive, agreed at its last session to hand back to Bolivia the Protocols it had pending with it, so that it may seek the solution it desires, on bases that are different from those proposed and approved earlier.

And it will still be said that it was Bolivia that postponed the definitive peace arrangements with Chile!

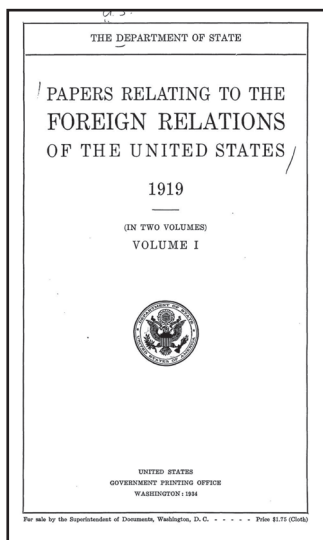
[...]

Annex 235

Telegram 723.2515/503 from the Charge d'Affaires of the United States
in Bolivia Goold to the Secretary of State,
6 October 1919

(Original in English)

Department of State of the United States, *Papers relating to the Foreign
Relations of the United States* (1919), Volume I, p. 160



160

FOREIGN RELATIONS, 1919, VOLUME I

723.2515/491: Telegram

The Commission to Negotiate Peace to the Acting Secretary of State

PARIS, July 2, 1919, 4 p.m.

[Received 6.37 p.m.]

2924. Your 1032, March 8, 4 p.m.,⁵⁷ and our 2863, June 28, 10 p.m. Confidential. Yanez states he intends sail about July 20th for the United States. His conversation seemed to indicate Chilean Government would be loath to submit Tacna-Arica question to League of Nations, but favors negotiations with Peru through the medium of the good offices of our Government only.

Yanez engaged at present with economic duties of his mission. He visited Creusot works this week presumably for the purpose of placing orders. Lansing.

AMERICAN MISSION

723.2515/497: Telegram

The Commission to Negotiate Peace to the Secretary of State

PARIS, July 29, 1919, 10 p.m.

[Received 10.46 p.m.]

3387. American Mission's 2863, June 28th, 10 p.m., and 2044 [2924], July 2. Senator Eliodoro Yanez of Chile now states that recent change of Government in Peru causes him to postpone the visit he intended making to Washington for the purpose of discussing Tacna-Arica matter. He expects to stay in France through August and will then probably return to Chile.

AMERICAN MISSION

723.2515/503: Telegram

The Chargé in Bolivia (Goold) to the Secretary of State

LA PAZ, October 6, 1919, 11 a.m.

[Received 12.54 a.m.]

Chilean Minister states that Chile has formally promised Bolivia a port, the grant to take place upon the settlement of the controversy between Chile and Peru. He does not state what port has been offered. It is certainly not Arica but is probably a strip of coast north of Arica where possibilities of a port exist.

GOOLD

⁵⁷ Not printed.

Annex 236

Note from the Minister of Foreign Affairs of Bolivia, Alberto Gutierrez,
to the Minister of Foreign Affairs of Chile, Ernesto Barros Jarpa,
20 December 1921

(Original in Spanish, English translation)

Information Service of the Ministry of Foreign Affairs of Chile, *Chile and the
Aspiration of Bolivia for a Port in the Pacific* (1922), pp. 135 - 138

Ud. no 37/341/46 Santiago
Exh. hab. 20/1922 n. 1924

Chile y la Aspiración
de Bolivia a Puerto
en el Pacífico.

*Después de Bolivia los del
mundo van en honor a la
Silla Lúndee.*



SANTIAGO DE CHILE
IMPRENTA UNIVERSITARIA
Estado 65
1922

BOLIVIA Y LA NEGOCIACION BARROS JARPA-SALOMON

La Paz, Diciembre 20-21-1921.

Excelentísimo Señor Ministro de Relaciones Exteriores.—
Santiago.

SEÑOR MINISTRO:

El día 13 del actual S. S. el Encargado de Negocios de Chile tuvo a bien comunicar a este Ministerio el tenor de la proposición trasmitida por su Gobierno al del Perú, para resolver mediante un plebiscito que se realizaría sobre las bases que en 1912 habían sido propuestas o discutidas entre ambos Gobiernos sobre la nacionalidad definitiva de las provincias de Tacna y Arica. El 16 se sirvió preguntar al infrascrito cuáles serían las ideas de este Gobierno sobre la aludida proposición. El infrascrito no vaciló en manifestar al representante de Chile que, aunque veía con suma complacencia la posibilidad de un arreglo de las cuestiones que distanciaban las buenas relaciones entre su país y el Perú, no creía que el procedimiento indicado por el Gobierno de Chile diera los resultados apetecidos. Sin embargo, agregó el infrascrito acaso sería esta oportunidad para

BOLIVIA AND THE BARROS JARPA-SOLOMON NEGOTIATION

LA PAZ, 20-21 DECEMBER 1921

Your Excellency, Minister of Foreign Affairs, Santiago.

MR. MINISTER:

On the 13th day of this year his current Servant the Chargé d'Affaires of Chile was pleased to communicate to this Ministry the tenor of the proposal transmitted by his Government to the Government of Peru, to resolve by means of a plebiscite that would be carried out on the bases that in 1912 had been proposed or discussed between the two Governments regarding the definitive nationality of the Provinces of Tacna and Arica. On the 16th he asked the undersigned what the ideas of this Government would be on the aforementioned proposal. The undersigned did not hesitate to express to the representative of Chile that, although he was pleased to see the possibility of a settlement of the issues that distanced the good relations between his country and Peru, he did not believe that the procedure indicated by the Government of Chile would give the desired results. However, the undersigned added, perhaps this would be

que surgieran de una parte iniciativas más eficaces que pudieran contribuir a resolver el problema del Pacífico en condiciones amplias y justicieras que asentasen definitivamente la paz en el continente.

El día de ayer dirigió S. S. el Encargado de Negocios del Perú una nota a este Ministerio trasmitiéndole el texto de la respuesta cablegráfica que su Gobierno había dado al de Chile. En ella expresa el Gobierno del Perú su excusa de aceptar el procedimiento plebiscitario a que se le invitaba y propone someter el problema del sur del Pacífico, en toda su integridad, a un arbitraje que sería iniciado o pactado bajo los auspicios del Gobierno de los Estados Unidos.

Mi Gobierno ha examinado detenidamente ambas comunicaciones con el interés que tiene para él la situación continental de Bolivia en el problema del Pacífico, cuya posible resolución le impone una actitud definida y le da un derecho incontestable de intervenir en ella.

La cuestión relativa a la nacionalidad de Tacna y Arica no es la única que subsiste como resultado de la guerra del Pacífico y de los Tratados que fueron su consecuencia. El problema es múltiple y sus diferentes aspectos presentan conexiones estrechas que no hacen posible la solución de los unos sin ocasionar la agravación de los otros.

El conflicto de 1879 fué concluído con pactos que sólo tradujeron el estado bélico de entónces, pero dejaron en el espíritu y en los intereses de los pueblos vencidos un germen de perturbación que no ha podido menos de ser causa de constante desasosiego internacional.

La paz del continente Sudamericano impone la conveniencia de cimentar las relaciones de estos pueblos en principios de justicia y reparación que serán las solas bases de acuerdos pacíficos y duraderos.

Bolivia no desconoce los deberes que le impone la fe de los Tratados Públicos; empero, no sólo habría lugar a examinar

an opportunity for more effective initiatives to contribute to solving the Pacific issue under broad and just conditions that would definitively settle the peace on the continent.

Yesterday his Servant the Chargé d'Affaires of Peru directed a Note to this Ministry transmitting the text of the cable response that his Government had given to the one of Chile. In it the Government of Peru expressed its excuse for accepting the plebiscitary procedure to which it was invited and proposed to submit the issue of the

South Pacific in all its integrity to an arbitration which would be initiated or agreed under the auspices of the Government of the United States.

My Government has carefully examined both communications with the interest of the continental situation of Bolivia in the Pacific issue, whose possible resolution imposes a definite attitude on it and gives it an undisputed right to intervene in it.

The question concerning the nationality of Tacna and Arica is not the only one that persists as a result of the War of the Pacific and the Treaties which resulted as a consequence of it. The problem is multiple and its different aspects present close connections that do not make possible the solution for ones without causing the aggravation on the others.

The conflict of 1879 was concluded with pacts that only translated the warlike state of that time, but left in the spirit and interests of the vanquished peoples a germ of disturbance that could not but to be the cause of constant international uneasiness.

The peace of the South American continent imposes the desirability of cementing the relations of these peoples in the principles of justice and reparation, which will be the sole basis for peaceful and lasting agreements.

Bolivia does not ignore the duties imposed by the faith of the Public Treaties;

si ellos fueron cumplidos en su totalidad por las partes contratantes sino también si es posible que ellos sigan manteniéndose cuando comportan la anulación misma de los elementos esenciales de la vida internacional y de los atributos propios de la soberanía nacional de una de ellas.

Convencida Bolivia de que le asiste derecho para reclamar de la injusta privación que padece de estos dones con que la había dotado la naturaleza y con los que había nacido a la vida independiente, recurrió a la justificación de todas las naciones civilizadas para someterles a su estudio su mutilación internacional.

El artículo 19 del Tratado de Versalles, inspirado en las necesidades y en las doctrinas de este tiempo, reconoció explícitamente que esta clase de situaciones pueden producirse y se producen, señalando en consecuencia, los procedimientos adecuados para remediarlas. A este propósito obedeció la demanda boliviana ante la Asamblea de las Naciones, en Septiembre último.

El Gobierno del Perú en su respuesta a la invitación de la Cancillería de Santiago, ha manifestado, fundado en razones propiamente suyas y cuyo examen no corresponde al de Bolivia, su negativa rotunda a aceptar el plebiscito, proponiendo en cambio, la apelación a un arbitraje que, presidido por el Gobierno de los Estados Unidos, resolviera en su integridad el problema del Pacífico.

Planteada como se encuentra así la controversia del puerto del Pacífico, mi Gobierno no puede permanecer silencioso y, con plena independencia en sus actos, declara, que aceptaría gustoso que la cuestión del Pacífico, en cuya solución los derechos e intereses de Bolivia debèn considerarse como integrantes, se decida por medio de un procedimiento netamente jurídico como es el del arbitraje que seguramente traería una era de tranquilidad y bienestar para las naciones que sometiesen sus diferencias a esta forma civilizada de resolver los conflictos internacionales.

however, it would not only be a question of examining whether they had been fully complied with by the Contracting Parties but also whether they might continue to be maintained when they entailed the annulment of the essential elements of international life and of the attributes peculiar to the national sovereignty of one of them.

Bolivia convinced that is assisted by the right to claim the unjust deprivation suffered of these gifts with which nature had endowed it and with which it had been born to independent life, it resorted to the justification of all civilized nations to submit to them the study of its international mutilation.

Article 19 of the Treaty of Versailles, inspired by such needs and doctrines, explicitly recognized that this kind of situations could occur and occur, consequently pointing to appropriate procedures to remedy them. In this regard, the Bolivian claim before the Assembly of Nations of last September had this purpose.

The Government of Peru, in its response to the invitation of the Chancellery of Santiago, has stated, based on reasons proper to it and whose examination does not correspond to that of Bolivia, its refusal to accept the plebiscite, instead proposing an appeal to arbitration which, presided by the US Government, would resolve in its entirety the issue of the Pacific.

Considering the Pacific port dispute, my Government cannot remain silent and, with full independence in its actions, declares that it would gladly accept that the question of the Pacific, in which solution the rights and interests of Bolivia should be considered, be decided by means of a purely legal procedure such as that of arbitration that would surely bring an era of peace and well-being for nations that would submit their differences to this civilized way of resolving international conflicts.

Mas, como es conveniente prever el caso de que los Gobiernos del Perú y Chile no pudieran ponerse de acuerdo para llegar a esta finalidad, el mío propone la celebración de una conferencia internacional formada por representantes de las naciones interesadas directamente en esta grave cuestión del Pacífico y los de otras naciones vecinas o amigas del continente.

El Gobierno de Bolivia reconoce que los de Chile y el Perú han dado al abordar la posibilidad de una solución por medios jurídicos, una prueba de amor a la paz y de espíritu de conciliación y quiere aprovechar de esta oportunidad para hacer constar sus puntos de vista y los derechos que le corresponden en la resolución del problema del Pacífico.

Ocasión es ésta, Excelentísimo señor Ministro, que me proporciona el agrado de ofrecerle los sentimientos de mi más alta consideración.—A. GUTIÉRREZ, Ministro de Relaciones Exteriores.

Santiago, 21 de Diciembre de 1921.

Al Excelentísimo señor don Macario Pinilla, Enviado Extraordinario y Ministro Plenipotenciario de Bolivia.

SEÑOR MINISTRO:

El Excelentísimo señor Ministro de Relaciones Exteriores de Bolivia don Alberto Gutiérrez, ha tenido a bien dirigir al suscrito una atenta comunicación telegráfica directa para cuya respuesta no he creído propio prescindir de V. E. que tiene en nuestro país la alta representación de su patria en el carácter de Enviado Extraordinario y Ministro Plenipotenciario.

En dicha comunicación se me manifiesta el deseo de que, con motivo de la controversia diplomática en que se encuentran empeñados Chile y el Perú en estos momentos, se consideren

Moreover, as it is convenient to foresee the case that the Governments of Peru and Chile cannot agree to this end, mine proposes to hold an international conference composed of representatives of nations directly concerned on this serious issue of the Pacific and those other neighboring or friendly nations of the continent.

The Government of Bolivia recognizes that the Governments of Chile and Peru have given in considering the possibility of a solution by legal means, a proof of love of peace and a spirit of conciliation and wishes to take advantage of this opportunity to record their points of view and its rights in solving the Pacific issue.

This is an occasion, Your Excellency, Mr. Minister, which gives me the pleasure to offer you the sentiments of my highest consideration – A. Gutierrez, Minister for Foreign Affairs.

Annex 237

Note from the Minister of Foreign Affairs of Chile, Ernesto Barros Jarpa, to the Minister Plenipotentiary of Bolivia to Chile, Macario Pinilla, N° 1.725, 21 December 1921

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia



REPÚBLICA DE CHILE.
MINISTERIO
DE RELACIONES EXTERIORES.

Recibida

Contestada XII-22-21

Santiago, 21 de Diciembre de 1921.

Sec. Diplomática.

Nº 1725.

Señor Ministro:

El Excelentísimo señor Ministro de Relaciones Exteriores de Bolivia, don Alberto Gutierrez, ha tenido a bien dirigir al suscripto una atenta comunicación telegráfica directa, para cuya respuesta no he creído propio prescindir de V.E., que tiene en nuestro país la alta representación de su patria en el carácter de Enviado Extraordinario y Ministro Plenipotenciario.

En dicha comunicación se manifiesta el deseo de que, con motivo de la controversia diplomática en que se encuentran empeñados Chile y el Perú en estos momentos, se consideren los derechos e intereses de Bolivia en el problema del Pacífico, res-
///

AL EXCELENTISIMO SEÑOR DON MACARIO PINILLA,
ENVIADO EXTRAORDINARIO Y MINISTRO PLENIPOTENCIARIO
DE BOLIVIA EN CHILE.- Santiago.

The Republic of Chile
Ministry of Foreign Affairs

Santiago, 21 December 1921

Diplomatic Section
N° 1.725

Mr. Minister:

The Honorable Minister of Foreign Affairs of Bolivia, Mr. Alberto Gutierrez, has sent to the undersigned an attentive direct telegraphic communication, for whose reply I believe I should not exclude Your Excellency, who has in our country the high representation of his country in the form of Envoy Extraordinary and Minister Plenipotentiary.

This communication expresses the wish that, given the diplomatic controversy in which Chile and Peru are currently engaged, the rights and interests of Bolivia should be considered in relation to the Pacific issue, regarding

TO HIS EXCELLENCY, MR. MACARIO PINILLA,
ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY
OF BOLIVIA IN CHILE – Santiago.

pecto de cuya solucion insinúa el Excelentísimo señor Ministro de Relaciones de Bolivia temperamentos que a su juicio serian adecuados y procedentes.

En respuesta cúpleme manifestar a V.E. que la negociacion pendiente entre los Gobiernos de Chile y el Perú arranca de un Tratado internacional suscripto entre esos dos paises y en el cual Bolivia no tuvo ni tiene intervencion directa ni indirecta.

Todo acto de Bolivia encaminado a mezclarse en esta divergencia, entraña una intromisión ajena a los usos diplomáticos y contraría a las buenas relaciones entre nuestros dos paises.

La gestión iniciada ante el Gobierno del Perú obedece al propósito de dar cumplimiento a la cláusula 3a. del Tratado de 1883, en lo que está aun pendiente. Con Bolivia la situacion es completamente diversa: La tregua de 1884 se transformó en el Tratado de Paz y Amistad de 1904 suscripto en representación de Bolivia por el Excelentísimo señor Alberto Gutierrez, actual Ministro de Relaciones Exteriores. Ese Tratado estableció las condiciones de justicia y equidad convenientes para ambos paises, y en él se ensacharon los medios, existentes entonces, de comunicacion de Bolivia con la costa, tomando Chile a su cargo y expensas la construccion del Ferro-

which solution is suggested by His Excellency Minister of Foreign Affairs of Bolivia, temperaments that in his opinion would be adequate and appropriate.

In response, I would like to express to Your Excellency that the pending negotiation between the Governments of Chile and Peru arises from an International Treaty signed between those two countries and in which Bolivia had neither direct nor indirect intervention.

Every act of Bolivia aimed at getting involved in this discrepancy, entails an intrusion outside diplomatic uses and contrary to good relations between our countries.

The negotiation initiated before the Government of Peru obeys the purpose of complying with clause 3 of the Treaty of 1883, in what is still pending. With Bolivia, the situation is completely different: The truce of 1884 was transformed into the Treaty of Peace and Friendship of 1904 signed on behalf of Bolivia by His Excellency Alberto Gutierrez, the current Minister of Foreign Affairs. That Treaty established the conditions of justice and equity convenient to both countries, and in it the current means of communication between Bolivia and the coast were extended, assuming Chile at its expense the construction of the Railroad

carril de Arica a La Paz cuya mitad pasará a Bolivia en fecha próxima, sin cargo alguno para ese país. En tal forma quedó Bolivia ligada con el mar por tres ferrocarriles: Los de Arica y Antofagasta en Chile y el de Mollendo en el Perú.

Oportuno es dejar de manifiesto que el Tratado en referencia ha sido aplicado y cumplido sin que se haya suscitado jamás controversia alguna ni en su ejecución ni en su interpretación.

Con todo, el Gobierno de V.E. ha sido invitado pública y solemnemente en Ginebra y más tarde en La Paz y en Santiago, a exponer directamente a Chile sus puntos de vista acerca de sus aspiraciones a tener un puerto en el Pacífico.

Pero por nota de fecha 16 de Noviembre V.E. me hizo conocer la circunstancia de que había recibido "instrucciones para declarar que la Mision de V.E. no comprendía, por ahora, ninguna proposición ni iniciativa sobre las aspiraciones que Bolivia mantiene para obtener un puerto en el mar Pacífico".

Los antecedentes que dejo expuestos me inducen a declarar a V.E. que mi Gobierno se cree excusado de considerar las proposiciones contenidas en la nota telegráfica que contesto; y al rogar a V.E. quiera hacer lle-

of Arica to La Paz whose half-part will pass to Bolivia in the near future, at no charge to that country. This way Bolivia was linked to the sea through three railroads: those of Arica and Antofagasta in Chile and that of Mollendo in Peru.

It is appropriate to point out that the Treaty in question has been applied and complied with without any controversy ever being raised in its implementation or interpretation.

The Government of Your Excellency, however, has been publicly and solemnly invited in Geneva, and later in La Paz and in Santiago, to express directly to Chile their views on their aspirations for a port in the Pacific.

But by Note dated 16 November, Your Excellency informed me the fact that he had received “instructions to declare that Your Excellency’s Mission did not include, for now, any proposal or initiative on the aspirations that Bolivia maintains for obtaining a port in the Pacific Ocean.”

The antecedents which I have set forth lead me to declare to Your Excellency that my Government is deemed excused to consider the proposals contained in the Telegraph Note which I reply; and in begging Your Excellency to convey this reply to Your

gar a su Ilustrado Gobierno esta respuesta,
me es especialmente grato renovar a V.E.
los sentimientos de mi más alta y distingui-
da consideración.

A handwritten signature in dark ink, appearing to read "Juan Antonio", with a large, sweeping flourish extending from the end of the name.

Illustrated Government, I am especially grateful to renew to Your Excellency the sentiments of my highest and most distinguished consideration.

[Signature]

Annex 238

Information Service of the Ministry of Foreign Affairs of Chile, *Chile and the Aspiration of Bolivia for a Port in the Pacific* (1922), pp. 155 - 157 (extract)

(Original in Spanish, English translation)

Ord. no 37/341/46 Santiago
Exh. no 1922 m. 1924.

Chile y la Aspiración
de Bolivia a Puerto
en el Pacífico.

*Exche van Bolivia tot het
materiaal van een haven aan de
Stille Zuidzee.*



PRINTING DE CHILE
IMPRESA UNIVERSITARIA
Estado 65
1922

MEMORÁNDUM DEL GOBIERNO URUGUAYO

El Gobierno del Uruguay, atendiendo a una petición del de Bolivia, impartió instrucciones a sus Ministros en Santiago y en Lima, para que cambiasen ideas con las Cancillerías de ambos países acerca de la posibilidad de alejar del ambiente americano la incertidumbre que la persistencia de este problema habría de significar en el futuro para la paz y tranquilidad de estas naciones.

El Ministro del Uruguay, señor Martínez Thedy, cumpliendo las instrucciones de la Cancillería de su país, conferenció con el Ministro de Relaciones Exteriores sobre este asunto, con el objeto de poner en su conocimiento un memorándum que la Cancillería del Uruguay acababa de enviar al Gobierno de La Paz, referente a las cuestiones que este país ha suscitado ante diversos Gobiernos suramericanos en relación con sus aspiraciones marítimas.

Este Memorándum, que es el resultado de conversaciones sostenidas entre el señor Martínez Thedy y el señor Barros Jarpa, dice como sigue:

«De acuerdo con lo prometido, la Cancillería del Uruguay hizo
« llegar una palabra amistosa ante la Cancillería de Chile, en
« el sentido que sería beneficioso para la armonía americana no

MEMORANDUM FROM THE URUGUAYAN GOVERNMENT

The Government of Uruguay, in response to a request from Bolivia, instructed its Ministers in Santiago and Lima to exchange ideas with the Foreign Ministries of both countries on the possibility of removing from the American environment the uncertainty that the persistence of this issue would mean in the future for the peace and tranquility of these nations.

The Minister of Uruguay, Mr. Martinez Thedy, following the instructions of the Foreign Ministry of his country, conferred with the Minister of Foreign Affairs on this matter, in order to inform him of a Memorandum that the Foreign Ministry of Uruguay had just sent to the Government of La Paz, referring to the issues that this country has raised before various South American Governments in relation to its maritime aspirations.

This Memorandum, which is the result of conversations held between Mr. Martinez Thedy and Mr. Barros Jarpa, says as follows:

“According to what was promised, the Foreign Ministry of Uruguay sent a friendly word to the Chancellery of Chile, in the sense that it would be beneficial for the American harmony to leave no

« dejar en pie motivos de futuras desavenencias, a que daría
« lugar el hecho de no buscar dentro de un amplio espíritu de
« *cordialidad y de interés recíproco*, solución para *el problema* que
« Bolivia plantea insistentemente.

« Estamos habilitados para afirmar que en Chile, se *aprecia*
« *la cuestión en la misma forma*, dominando la opinión de que
« Bolivia no debe plantear el asunto ante corporaciones que
« son extrañas a la soberanía de Chile.

« Chile cree que no corresponde tratar este asunto conjunta-
« mente con el Perú en la reunión de Wáshington, *por la índole*
« *jurídica de la cuestión que allí deberá ventilarse*; pero reitera
« que está dispuesto, en este caso, a considerar soluciones por
« vía directa con Bolivia. Chile puntualiza que siempre ha con-
« siderado esta cuestión con interés y ánimo amistoso.

« Nuestra impresión se inclina a la constatación de que Boli-
« via nada perderá con allanarse a tratar directamente este
« asunto con Chile, antes bien, tendría ocasión para utilizar
« la buena voluntad que el Gobierno de Chile reiteradamente le
« expresa.

« De los antecedentes de este asunto, se desprende que la
« *presentación de la demanda boliviana ante diversas naciones y*
« *jurisdicciones, produce en Chile vivo desagrado, pudiendo ma-*
« *lograr quizá tentativas de arreglo por negociación directa.*

« Quizás no conviniere invocar, para alcanzar éxito, *razones*
« *de orden estrictamente jurídico*, sino de solidaridad y armonía
« continental.»

Entrevistado el Ministro de Relaciones Exteriores, señor Barros Jarpa, hizo a la prensa las siguientes declaraciones respecto al Memorándum arriba transcrito:

« Tan pronto regresé de mi viaje a Tacna, recibí la visita del Ministro del Uruguay, quien se sirvió imponerme de todas las tramitaciones que cerca de su Gobierno se habían hecho para

reasons for future disagreements, which would result in failure to seek within a broad spirit of cordiality and reciprocal interest, a solution to the issue that Bolivia insistently raises.

We are qualified to affirm that in Chile, the issue is appreciated in the same way, dominating the opinion that Bolivia should not raise the matter before corporations that are foreign to the sovereignty of Chile. Chile believes that it is not appropriate to discuss this issue jointly with Peru at the Washington meeting because of the legal nature of the issue to be addressed there; but reiterates that it is willing, in this case, to consider solutions directly with Bolivia. Chile points out that it has always considered this issue with interest and a friendly spirit. Our impression is that Bolivia will not lose anything by attempting to address this issue directly with Chile, rather it would have an opportunity to use the goodwill that the Government of Chile repeatedly expresses towards Bolivia.

From the antecedents of this matter, it appears that the presentation of the Bolivian claim before different nations and jurisdictions, produces in Chile displeasure, and may perhaps frustrate attempts to settle this issue through direct negotiations.

Perhaps it is not appropriate to invoke, in order to reach success, reasons of strictly legal nature, but of solidarity and continental harmony.”

When the Minister of Foreign Affairs, Mr. Barros Jarpa, was interviewed, he made the following statements to the press regarding the Memorandum transcribed above:

“As soon as I returned from my trip to Tacna, I received the visit of the Minister of Uruguay, who informed me of all the proceedings that had been carried out by his Government in order to take an active part

que tomara una intervención activa en favor de los deseos de Bolivia, en orden a participar en las conferencias chileno-peruanas de Wáshington.

Manifesté al señor Martínez Thedy que el Gobierno de Chile no era partidario de aceptar requerimientos ni insinuaciones acerca de sus problemas externos; pero, que, en cambio, se complacía vivamente en cambiar ideas sobre ellos y en dar a conocer sus puntos de vista.

Planteada con la aceptación del señor Martínez Thedy en este terreno la cuestión, el diplomático uruguayo oyó una extensa y franca exposición que le hice sobre la posición de nuestro país en frente de las aspiraciones bolivianas.

Expresé, además, al distinguido diplomático uruguayo, la idea de que sería muy interesante que los países americanos procurasen convencer a Bolivia de que por el camino que había adoptado, ninguna resolución favorable para sus intereses podía aguardar; y que en cambio, la buena disposición de Chile le abría halagüeñas esperanzas de éxito en sus aspiraciones, siempre que buscara la satisfacción de éstas dentro de un ambiente de cordialidad, de amistosa vinculación y de recíprocas concesiones.

Tal es el origen del Memorándum pasado por el Gobierno uruguayo al de Bolivia, Memorándum con el cual el primero de estos países compromete una vez más la gratitud de nuestro pueblo, prestándose a ser autorizado y elocuente portavoz de nuestra tesis, y agregando de su parte recomendaciones que, inspiradas en un elevado espíritu de armonía continental y en una cabal comprensión del problema, importan una verdadera justificación histórica para nuestro país.»

La Nación de Santiago, en su editorial del 27 de febrero de 1922, se ocupó del Memorándum uruguayo, en los términos que van a continuación:

in favor of the wishes of Bolivia, in order to participate in the Chilean-Peruvian conferences of Washington.

I told Mr. Martinez Thedy that the Government of Chile was not in favor of accepting requests or insinuations about its external problems; but that, on the other hand, was keenly pleased to exchange ideas about them and to make its points of view known.

Posed with the acceptance of Mr. Martinez Thedy on this subject, the Uruguayan diplomat heard an extensive and frank exposition that I made about the position of our country regarding the Bolivian aspirations.

I also expressed to the distinguished Uruguayan diplomat the idea that it would be very interesting for the American countries to try to persuade Bolivia that the path that it had adopted would bring no favorable resolution for its interests; and that, on the other hand, the good disposition of Chile gave Bolivia high hopes of success in its aspirations, as long as it seeks the satisfaction of these aspirations within an environment of cordiality, friendly bonding and reciprocal concessions.

That is the origin of the Memorandum passed by the Uruguayan Government to that of Bolivia, a Memorandum with which the first of these countries commits once again the gratitude of our people, lending itself to be an authorized and eloquent spokesman of our thesis, and adding on its part recommendations that, inspired by a high spirit of continental harmony and a full understanding of the problem, make a real historical justification for our country.”

[...]

Annex 239

Note from the Chargé d’Affaires of the Bolivian Legation to Chile, Juan Salinas Lozada, to the Minister of Foreign Affairs of Bolivia, Alberto Gutierrez, N° 117, 27 January 1922

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

LEGACION DE BOLIVIA

Recibido
Santiago, enero 27 de 1922.

X
N° *117*
Asunto: Invitación Estados Unidos
Tacna y Arica.

Cont. 16/2/22.

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Señor Ministro:

En mi oficio N° 111 de 20 del mes en curso, me fué grato informar a V. E., sobre las impresiones que habia recogido en los círculos oficiales y diplomáticos, a raíz de la invitación de los Estados Unidos de América, que ya conoce V. E. Las apreciaciones que había formulado, que se hallan contenidas en la citada nota, han encontrado casi su total confirmación en la nueva orientación de la prensa chilena y las declaraciones últimas del canciller señor Barros Jarpa.

Aquella ya no insiste en atribuir a la invitación de Mr. Harding los puntos de contacto que, en un comienzo sostuvo, uniformemente, haber encontrado en la tesis chilena del cumplimiento del Tratado de Ancón.

"La Nación" en uno de sus últimos editoriales, entre otras cosas dice ahora: "La invitación norteamericana puede ser tomada perfectamente en los dos sentidos. Tanto encuadra en el propósito chileno de resolver exclusivamente la cuestión del plebiscito, como en el deseo peruano de someter al arbitraje todas las cuestiones pendientes. Cada una de las partes puede traducirla a su favor."

El Gobierno de Chile, que en el primer mo

Al Excmo. señor Dr. Dn. Ricardo Jaimes Freyre - Ministro de
Relaciones Exteriores y Culto. - La Paz.

LEGATION OF BOLIVIA

Santiago, 27 January 1922

Nº 117

Subject: Invitation of the U.S.
Tacna and Arica

Distinguished Minister,

In my Note Nº 111 of the 20th of this month, I had the pleasure of informing Your Excellency of the views I had gathered from official and diplomatic circles in regard to the invitation made by the United States of America, of which you are aware already. The considerations that I had formulated, and that were contained in the said Note, have been confirmed by the new orientation followed by the Chilean press and the recent statements made by Foreign Minister Barros Jarpa.

The Chilean press statements no longer insists in attributing to the invitation made by Mr. Harding the points of agreement which it uniformly had believed to have found in relation to the Chilean thesis of compliance with the Ancon Treaty from the beginning.

“*La Nacion*” newspaper, in one of its latests editorials, held *inter alia*: “The invitation made by the U.S. can be perfectly understood in two ways: it regards the Chilean intention to exclusively resolve the question related to the plebiscite, as well as Peru’s desire to submit all pending questions to the arbitration. Either of the two parties can interpret it to its favor”.

The Government of Chile, which in first instance,

To His Excellency, Dr. Mr. Ricardo Jaimes Freyre, Minister of Foreign
Affairs and Worship La Paz .-

mento, había participado también del pensamiento de su prensa sobre este particular, comprendió después de un detenido estudio que no le era completamente favorable en tenor de la invitación del Presidente americano, conocimiento que adquirió mayor fuerza a raíz de la nota-contestación peruana. En esta emergencia, creyó oportuno pedir ciertas aclaraciones al Departamento de Estado de Washington, el que a su vez habriase dirigido a la Cancillería de Lima, sin que hasta el momento se hubiera recibido aún respuesta alguna.

En esta Cancillería se guarda absoluta reserva sobre este particular, limitándose el Ministro de Relaciones a manifestar que "la conversación chileno peruana en Washington, que muy gentilmente ha querido provocar el Presidente Harding, no podrá verificarse hasta que los Estados Unidos no comuniquen a Chile oficialmente que el Perú ha aceptado la invitación que le fué dirigida con tal objeto."

Lo que en verdad se espera, son las aclaraciones pedidas por Chile. Más tengo entendido que éstas, cualesquiera que sean, no afectarán en lo más mínimo el curso de las negociaciones, pues cada día se reafirma más en mí el convencimiento de que Chile llevará hasta su término la resolución del viejo conflicto del Pacífico.

Sobre este último punto tenemos una reciente declaración hecha por el canciller señor Barros Jarpa a un redactor de "El Mercurio" de Valparaíso: "Cortada la conversación telegráfica, dijo, por que el Perú optó por emplear un tono que ha hecho culminar su descrédito internacional, el Gobierno se hizo el propósito de perseguir al Perú hasta arrastrarlo a la solución que él no desea". Y luego interrogado de como se generó la invitación norteamericana, respondió textualmente: "Puedo de-

had also shared the views of the press in regard to this matter, understood, after a detailed assessment, that the wording of the invitation made by the U.S. President was not completely favorable to it –view that gained impetus in light of the Peruvian response-note. In this circumstance, it thought it would be fitting to request clarifications to the State Department of Washington, which had in its turn approached the Foreign Ministry of Lima –without any response up to the present.

In this Foreign Ministry, absolute reserve is kept in regard to this particular aspect, and the Minister of Foreign Affairs has limited himself to stating that “the Chilean–Peruvian talks in Washington –which President Harding had been kind enough to foster– will not be carried out until the United States informs Chile officially that Peru has accepted the invitation sent to that end”.

What is actually being expected are the clarifications requested by Chile. I however understand that these, whichever they might be, do not affect at all the course of the negotiations, for I am becoming increasingly convinced of the fact that Chile will take the solution to the longstanding conflict of the Pacific to an end.

In regard to this final aspect, Foreign Minister Barros Jarpa made a recent statement to a journalist of “El Mercurio” from Valparaiso: “Telegram communications have been cut, he said, because Peru decided to use a tenor that has resulted in its international discredit, the Government had the purpose of pushing Peru to the point of dragging it to the solution the latter is not seeking”. And after asking him how the invitation made by the U.S. was put forward, he replied verbatim: “I am in position to declare

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clarar que no fué una sorpresa para nosotros. La aceptamos sin vacilar."

Esta declaración del señor Barros Jarpa deja pues de entrever bien a las claras que efectivamente fué Chile quien generó la invitación de Mr. Harding por los procedimientos que ya conoce V. E. por mi oficio del correo ppdo.

En esta situación, recibí el sábado ppdo., un extenso cablagrama de V. E. por el que me instruía hacer conocer a este Gobierno el tenor de la comunicación dirigida por V. E. al Excmo. señor Presidente de los Estados Unidos de América, Mr. Harding, por intermedio de nuestra Legación en Washington. Encontrándome ese día ausente de la capital y en el deseo de no demorar su transcripción, me valí del telegráfo para hacer llegar su tenor íntegro a conocimiento del señor Barros Jarpa, que a su vez se encontraba también ausente en Viña del Mar.

Con tal motivo envié a V. E. el siguiente despacho telegráfico del balneario de Cartagena:

"Cartagena, enero 22 de 1922 - Relaciones - La Paz- Encontrándonos eventualmente ausentes de Santiago Excelentísimo Ministro Relaciones y el infrascrito me apresuré en enviar desde aquí nota telegráfica a señor Barros Jarpa transmitiéndole la que V. E. enviara nuestra Legación Washington habiendo recibido aviso que mi nota telegráfica le fué entregada anoche horas nueve en Viña del Mar.-Mañana la confirmaré por oficio.- Salinas - Lozada - Encargado Negocios Bolivia.-"

El telegrama que envié al señor Barros Jarpa se hallaba redactado en los siguientes términos:-

"Cartagena, enero 21 de 1922 - Ministro Relaciones Exteriores - Santiago - Excelentísimo señor Ministro: Me apresuro en comunicar a V. E. el tenor del despacho telegráfico que mi Gobierno me encarga poner en conocimiento de V. E. y que acaba de serme transmitido a esta playa donde me encuentro eventualmente:- (transcripción de la nota cablegráfica de V. E.) -Salinas-Lozada - Encargado Negocios Bolivia.-"

El día lunes volví a esta ciudad, enviando en segui-

that it was not surprising to us. We accepted it without hesitation”.

This statement by Mr. Barros Jarpa allows us to perceive in clear terms that it had actually been Chile which gave place to the invitation made by Mr. Harding, through the procedures Your Excellency was informed of in the note I had sent you.

In this circumstance, I received past Saturday, a lengthy cable from Your Excellency by which I was instructed to inform this Government of the wording of the communication sent by Your Excellency to His Excellency, the President of the United States, Mr. Harding, through our Legation in Washington. Since I was not in the capital on that day and in light of my desire not to delay its transcription, I used a telegraph to transmit its complete wording to Mr. Barros Jarpa, who was also absent in Viña del Mar.

For that reason, I sent to Your Excellency the following telegraph from the Cartagena resort:

“Cartagena, 22 January 1922 – Relations – La Paz– Since neither the Honorable Minister of Foreign Affairs nor the undersigned are in Santiago, I hastened to send from here a cable to Mr. Barros Jarpa, informing him of the cable Your Excellency sent to our Legation in Washington; thereafter, I was informed that my telegram had been handed the night before at 9 p.m. in Viña del Mar–I will confirm this via a note tomorrow – Salinas–Lozada – Bolivian Charge d’Affaires of Bolivia”.

The telegram I sent to Mr. Barros Jarpa was worded in the following terms:

“Cartagena, 21 January 1922 – Minister of Foreign Affairs – Santiago – To His Excellency, Mr. Minister: I hastened to inform Your Excellency of the wording of the telegram that my Government instructed me to bring to the notice of His Excellency and that has just been transmitted to this beach I am in for the moment (transcript of the cable sent by Your Excellency) –Salinas–Lozada– Charge d’Affaires of Bolivia”.

On Monday, I returned to this city and

da el siguiente oficio al señor Ministro de Relaciones Exteriores:-

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"Santiago, enero 23 de 1922 - Señor Ministro: - El día sábado ppdo., recibí instrucciones de mi Gobierno para hacer llegar a conocimiento de V. E. el tenor de la comunicación que por intermedio de su Legación en Washington había enviado al Excmo. señor secretario de Estado de los Estados Unidos de Norte América.- Encontrándome, en ese día, ausente de la capital, me permití adelantar a V. E., por el telégrafo el tenor de la citada comunicación, la misma que me es honroso reiterarla hoy por la presente nota. Dice así:- "El Excmo. Gobierno de los Estados Unidos ha invitado a los Excmos. Gobiernos de Chile y del Perú para designar Plenipotenciarios que examinen y acuerden la forma de dar término a las divergencias existentes entre ambos países como consecuencia del Tratado de Ancón. Al iniciarse las gestiones últimas entre aquellas dos naciones, el Gobierno de Bolivia creyó necesario manifestar que no podía permanecer alejado de las controversias diplomáticas en las que se debatieron los asuntos del Pacífico Sud, pues la resolución de las cuestiones emergentes de la guerra de 1879, afectaría siempre, cualquiera que ella fuese, sus intereses más trascendentales, íntimamente ligados a las modificaciones del statu quo que la fuerza de las circunstancias ha creado en el Pacífico. El noble interés demostrado por el Excmo. Gobierno de los Estados Unidos para facilitar la resolución del problema que produce una perturbación en las buenas relaciones de estos pueblos debe alcanzar también a Bolivia, condenada, por las consecuencias de una guerra que ni provocó ni causó, a una situación absolutamente insostenible en el continente y que no puede originar en lo porvenir otra cosa que intranquilidades y zozobras. El problema del Pacífico es tripartito y es preciso que también lo sea su resolución. En caso contrario no se habrá removido sino uno de los obstáculos que se oponen a la paz y a la cordialidad definitivas entre todas las naciones de esta parte de América. En tal virtud mi Gobierno me encarga solicitar del Excmo. Gobierno de V. E. que se dignen hacer extensiva a Bolivia, llegado el momento, esa invitación a una conferencia de Plenipotenciarios que haya de celebrarse en Washington bajo los auspicios de vuestra gran nación, ya que en ella seguramente no han de debatirse tan solo puntos concretos de un Tratado que exclusivamente conciernen a dos países, sino que ha de contemplarse también la situación que el acuerdo final creará en el Continente.- (Firmado) Jaimes Freyre - Ministro de Relaciones Exteriores -" Tal es el tenor de la comunicación que mi Gobierno me ha ordenado hacer conocer a V. E., siéndome grato reiterar a V. E. en esta oportunidad, los sentimientos de mi más atenta y distinguida consideración.- (Firmado) J.Z Salinas-Lozada - Al Excmo. señor Dr. Dn. Ernesto Barros Jarpa - Ministro de Relaciones Exteriores y Culto - Presente.- "

En los días sucesivos he seguido enviando numerosos telegramas de carácter informativos que no créo del caso con firmar en esta comunicación, recibiendo a mi vez, de V.E. el siguiente

TRADUCCION: "La Paz, enero 24 de 1922 - Legación Bolivia - Santiago - Sabemos Gobierno Estados Unidos consultará Chile Perú si aceptan intervención Bolivia conferencia Washington. Interesese haga Ud. gestiones inmediatas para que respuesta Gobierno sea favorable. Jaimes Freyre."-

I sent the following note to the Minister of Foreign Affairs:

“Santiago, 23 January 1922 – Mr. Minister: Last Saturday, I received instructions from my Government to inform Your Excellency of the wording of the communication that by means of its Legation in Washington had been sent to His Excellency, the Secretary of State of the United States. Since I was not in the capital city on that day, I informed Your Excellency, in a telegram, of the wording of that communication, which I am honored to reiterate today in the present note. It reads as follows: “The Honorable Government of the United States has invited the Honorable Governments of Chile and Peru to appoint Plenipotentiaries to examine and agree on the way to put an end to the existing differences between them, which result from the Ancon Treaty. When the recent demarches were commenced by these two republics, the Government of Bolivia thought it necessary to state that it could not be separated from the diplomatic controversies in which questions concerning the South Pacific were discussed, for the solution of the questions resulting from the war of 1879 will always affect, whatever form it takes, its most transcendental interests, which are closely related to modifications of the statu quo that the force of circumstances has created in the Pacific. The noble interest demonstrated by the Honorable Government of the United States to facilitate a solution to this problem that causes disturbance in the good relations of these peoples must also include Bolivia, who is condemned, owing to the consequences of a war that it did not provoke nor caused, to an absolutely unsustainable situation in the continent, which will give place, in the future, to nothing but uneasiness and unrest. The problem of the Pacific is tripartite and so must its solution. Otherwise, one of the obstacles that obstruct definite peace and cordiality among all the nations of this part of the Americas will not be overcome. By virtue of that, my Government has instructed me to request the Government of Your Excellency to transmit to the Government of Bolivia, in due course, that invitation to the Plenipotentiary meeting that would be held in Washington, under the auspices of your great nation, because the concrete aspects related to that treaty concluded by the two countries will certainly not be the only ones that will be discussed therein, but might also include the discussion of the situation that the final agreement will create in the Content –(Signed by) Jaimes Freyre– Minister of Foreign Affairs.” That is the wording of the communication that my Government has instructed me to transmit to Your Excellency, and I am glad to reiterate to Your Excellency, the feelings of my most attentive and distinguished consideration. – (Signed by) J. Z. Salinas-Lozada – to His Excellency, Mr. Barros Jarpa - Minister of Foreign Affairs and Worship. Hand delivered.”

In the days that followed, I continued sending numerous informative cables which I believe ought not to be confirmed in this communication. In turn, I received the following cable from Your Excellency:

TRANSLATION: “La Paz, 24 January 1922 – Bolivian Legation – Santiago – We have learned that the Government of the U.S. will ask Chile and Peru whether they consent to the participation of Bolivia in the Washington Conference. You are hereby instructed to make the necessary efforts to secure a favorable response from the Government. Jaimes Freyre”.

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Al que contesté inmediatamente en estos términos:

TRADUCCION:- "Santiago, enero 25 de 1922 - Relaciones - La Paz - Por indisposición Canciller no fué posible verlo hoy. Lo haré mañana - Salinas Lozada.-"

Entre tanto, creí conveniente averiguar en la Embajada americana si se habían recibido instrucciones para formalizar alguna consulta a este Gobierno referente al pedido de intervención de Bolivia.

Los resultados de esta mi investigación fueron transmitidos a ese Ministerio en el siguiente cablegrama cifrado:-

TRADUCCION:- "Santiago, enero 26 de 1922 - Relaciones - La Paz - Embajada americana aun no recibe instrucciones para consultar Chile sobre aceptación Bolivia conferencias Perú y Chile. Suponemos se espera contestación Perú a aclaraciones previas pedidas por Chile intermedio Washington sobre términos su nota aceptación. Entre tanto Chile no abordará designación plenipotenciarios. Ministerio de Relaciones Exteriores prepara libro titulado Chile y aspiración boliviana puerto pacífico. Contendrá debate Liga opiniones que le son favorables últimas notas Barros Jarpa Pinilla. Hoy conferenciaré con el Ministro de Relaciones Exteriores.- Salinas-Lozada.-"

Al siguiente día fui recibido por el señor Barros Jarpa con quien mantuve una entrevista bastante prolongada y cordial que trataré de traslucir al papel, con la mayor fidelidad posible, dándole la forma dialogada para su mayor comprensión:-

-Señor Ministro: Se dice que el Gobierno de V. E. ha pedido al del Perú, por intermedio del Departamento de Estado de Washington, ciertas aclaraciones sobre el tenor de la nota en que aceptara la invitación de Mr. Harding ?

- Ministro: No es evidente. Nosotros solamente esperamos un aviso que debe venir de Washington y que hemos instruido a nuestro Ministro lo recabe del Departamento de Estado, en el que se nos diga que todo esta definido y que podemos proceder a la designación de Ministros Plenipotenciarios.

I, thereafter, immediately, replied to the above cable in the following terms:

TRANSLATION: "Santiago, 25 January 1922 – Relations – La Paz – Because the Foreign Minister was unwell, it was not possible to see him today. I will do so tomorrow – Salinas-Lozada".

Meanwhile, I thought it fitting to find out at the U.S. Embassy whether instructions had been received to formalize consultations to this Government in regard to the request for Bolivia's participation.

The outcomes of this inquiry to the U.S. Embassy were transmitted to the Ministry in the following encrypted cable:

TRANSLATION: - "Santiago, 26 January 1922 – Relations – La Paz – The U.S. Embassy has not yet received instructions to ask Chile whether it consents to Bolivia's participation in conferences to be held by Peru and Chile. We guess they are waiting for a reply from Peru to the preceding clarifications previously requested by Chile through Washington in relation to the terms of its acceptance note. Meanwhile, Chile will not address the appointment of plenipotentiaries. The Ministry of Foreign Affairs is preparing a book entitled Chile and the Bolivian aspiration for a port on the Pacific. Said book will contain the debate held within the League, opinions that are favorable to Chile, and the notes sent recently by Barros Jarpa and Pinilla. I will hold a meeting with the Ministry of Foreign Affairs today. Salinas-Lozada".

The day after, I was received by Mr. Barros Jarpa and held a lengthy and cordial meeting which I am trying to put into words, in the most faithful way possible, shaping it as a conversation:

– [The Minister of Bolivia]: It is said that the Government of Your Excellency has requested Peru, through the Department of State of Washington, certain clarifications on the wording of the note in which Mr. Harding's invitation will be accepted.

– [The Minister of Chile]: That is not evident by itself. We are simply awaiting a communication from Washington and we have instructed our Minister to request it from the Department of State. That communication must contain a statement to the effect that everything has been defined and that we are able to proceed to the appointment of Ministers Plenipotentiary.

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- Y cuál cree Ud. que sea la razón por que el Departamento de Estado, tarda en proseguir estas gestiones ?

- Ministro: Parece que no ha encontrado muy clara la respuesta del Perú y está a la espera de las aclaraciones consiguientes.

- Podría Ud. decirme cuales son esas aclaraciones ?

- Ministro: Indudablemente se refieren a la torcida interpretación que el Perú ha querido hacer del tenor de la invitación, pues, mientras Chile comprende que ha sido invitado para estudiar el modo de cumplir amigablemente con la cláusula tercera del Tratado de Ancón que se refiere a la forma en que se hará el plebiscito, el Perú dice en su respuesta, que sea un arbitraje ajustado por los Estados Unidos el que decidirá en último término, todas las diferencias provenientes del Tratado de Ancón.

- Y Chile, acaso no aceptaría el arbitraje, si ello fuere necesario ?

- Ministro: No es posible adelantarse a preveer lo que pudiera ocurrir. Eso depende del rumbo que tomen las conversaciones.

- Flota en el ambiente público en estos últimos días una fórmula que se cree sobrevendría en el curso de la discusión, como la única que salve la situación. Se dice que se entregaría Tacna al Perú y Arica a Chile.

- Ministro: Esta fórmula que se llama de la partija es muy antigua y es cierto que tiene muchos partidarios, pero es inútil pensar en ella antes que se resuelva el conflicto bajo su aspecto jurídico, que es lo que nosotros tenemos que sostener.

- Bien Ministro, pero en el caso de que las discusiones se encaminaran a estudiar el citado conflicto bajo su aspecto político, cree Ud. posible esta solución.-

– What do you think is the reason why the Department of State is taking so long in continuing these demarches?

– Minister, apparently Peru's response was not found clear enough and it is thus expecting the corresponding clarifications.

– Could you please tell me which those clarifications are?

– Minister, they refer, with no doubt, to the distorted interpretation Peru has sought to give to the wording of that invitation, for while Chile comprehends that it has been invited to study the way to give friendly compliance to the third clause of the Ancon Treaty –which relates to the way in which the plebiscite is to be carried out– Peru has responded that an arbitration settled by the United States will decide at last the differences resulting from Ancon Treaty.

– And will Chile not accept arbitration if that were necessary?

– Minister, it is not possible to anticipate what might happen. That will depend on the direction the talks take.

– It is said in public spheres recently that there is a formula that might come about in the course of discussions as the only one capable of saving the situation. It is said that Tacna will be given to Peru and Arica to Chile.

– Minister, this formula labeled as the division formula is very old and it is true that it has many supporters, but it is useless to think of it before the legal aspects of the dispute are resolved, which is what we are to uphold.

– Fine Mr. Minister, but in the event that discussions are directed toward studying the political aspects of that conflict, do you think that solution will be possible?

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- Ministro: Esa u otra puede ser la solución, pero le insisto que nosotros no cejaremos en pedir el cumplimiento del Tratado, haciendo al Perú las concesiones que pida dentro este procedimiento. Además le puedo informar que mi Gobierno está seguro de esta solución como lo estuvo de la decisión de la Liga de las Naciones en la demanda de Ustedes. Tanto es así, que tengo ya redactado el mensaje que enviaremos al congreso solicitando la autorización necesaria para lanzar un empréstito patriótico interno, con el objeto de reunir la suma de la indemnización.-

- De manera que Ud. cree

- Ministro: Que Tacna y Arica entrarán a formar parte definitiva de la nacionalidad chilena.

Como la conversación se prolongara en un sentido diverso al objeto que me habia llevado a la cancillería, procuré desviarla así:-

- En mi país, se ha vista con mucha complacencia la actitud asumida por Chile que inició sus conversaciones con el Perú, con el fin de solucionar el viejo pleito del Pacífico. Si bien en un comienzo se pensó que era un simple estratagema, luego se cambio de opinion antes las numerosas pruebas de acercamiento dadas por Chile en el curso de las gestiones, y es dentro de ese espíritu generoso y de amplio americanismo, que espera tambien encontrar Bolivia una gentil acogida a su pedido de participación en las conferencias de Washington.

- Ministro: Estamos informados evidentemente de que en Bolivia se opera en los actuales momentos un cambio de opinion favorable a Chile, aun en los mismos elementos republicanos que se habían demostrado siempre desfavorables a la aproxi-

– Minister, the solution might be either that one or any other, but I insist we will not cease requesting that the Treaty be complied with, giving Peru the concessions it might demand within this process. Besides, I am in position to inform you that my Government is sure of this solution, as it was sure of the decision the League of Nations would take in regard to your claim, so much so that we have already drafted the message we will send to the Congress to request the necessary authorization to raise an internal patriotic loan to gather the amount of the indemnification.

– Thus, you are of the idea that...

– Minister, that Tacna and Arica will be definitely transferred to Chile.

Given that the conversation drifted from the object the Foreign Ministry had instructed to discuss, I tried to change its course by uttering the following:

– In my country, the attitude followed by Chile to launch conversations with Peru to solve the longstanding dispute of the Pacific has been perceived in positive terms. While it is true that at the beginning it was perceived as a mere strategy, opinion shifted thereafter in the face of numerous expressions of rapprochement by Chile, in the course of these demarches and within that generous and Americanist spirit, Bolivia also hoped that its request for participation in the Washington Conferences would also be favorably welcomed.

– Minister, we have evidently been informed that Bolivia is currently expecting a favorable change of opinion in Chile, even within the republican elements that had always shown an unfavorable

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mación de nuestros respectivos países. Tenemos entendido que ese cambio se ha operado en vista de los rechazos que han sufrido Uds. en Ginebra y recientemente en las ~~cancillerías~~ de la Argentina, Uruguay y Brasil y el que ha de producirse en estos días en Washington. Viene a reafirmar estas nuestras creencias el hecho de que este hoy a la cabeza de la cancillería de su país el mismo plenipotenciario que pulsó de cerca la opinión de los países que acabo de citar.

- Talvéz precisamente no sea ese el motivo, señor Ministro, pues yo ignoro en lo absoluto el rechazo a que se sirve Ud. referirse y más bien creo que si se está operando algún cambio, es debido al convencimiento que se va formando en mi país de los buenos propósitos que animan al de Chile para solucionar de una vez el problema integral del Pacífico.

- Ministro: Por una parte esta muy bien, pero Uds. tienen la prensa que lo daña todo. Es demasiado, en extremo violenta para con nosotros. Está ~~peor~~ que la del Perú.

- Voy a poner todo lo que esté de mi parte, señor Ministro, para procurar que baje el diapasón de su campaña, esperando que Ud. también trate de recomendar alguna moderación a la de Chile.

- Ministro: Yo creo que la nuestra es al contrario muy sagáz. Por lo demás si Ud. vé artículos firmados, como los que publica por ejemplo un señor Santelices, tenga Ud. por cierto que, por esa misma circunstancia, carecen de mérito, pues en el caso concreto del citado señor Santelices, es un individuo desconceptuado.

- Volviendo a los comienzos de nuestra conversación, mi país podría contar con la aceptación de Chile para concurrir a las conferencias de Washington?

position to rapprochement between our countries. We understand that this change has occurred by virtue of the rejections experienced by you in Geneva and recently in the Foreign Ministries of Argentina, Uruguay and Brazil, as well as those that will be experienced in Washington in the coming days. This has been reaffirmed by the fact that the same plenipotentiary who had sounded out from up close the public opinions of the countries I have just mentioned is now leading the Foreign Ministry of your country.

– Perhaps that is actually not the reason, Mr. Minister, because I completely ignore the rejection you are referring to and I believe that if any change is actually being experienced it is owing to the fact that my country is convinced to the objectives followed by Chile to solve the complex conflict of the Pacific at once.

– Minister, that is partially true, but the press in your country hinders everything. It is way too violent against us. It is worse than Peru's.

– I will do as much as I am able to Mr. Minister to try to modulate the views expressed by that press campaign, in the hope that you will also try recommend some moderation in Chile.

– Minister, I believe that our campaign is, contrary to your view, more astute. If you check the articles signed by, for instance, Mr. Santelices, you will be able to find that, by that very circumstance, they lack substance for Santelices himself is a discredited man.

– Returning to the beginning of our conversation, is my country able to count on Chile's acceptance to Bolivia's participation in the Washington Conferences?

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- Ministro: El actual Gobierno de Chile a estado, siempre llamo a facilitar a Bolivia la consecución de sus aspiraciones, dentro los límites de su dignidad y del respeto a los tratados vigentes. Hemos dado numerosas pruebas. (Aquí sería largo reproducir el catalogo de concesiones que el señor Ministro aseguró que Chile había hecho a Bolivia, pero como concluye ra refiriendose a las proposiciones sel señor Bello Codecido , me permití observarle, diciendole:-)

- Pero señor Ministro, las proposiciones del señor Bello Codecido no satisfacían las necesidades de mi país. Se nos ofrecía muy poco y se nos pedia mucho.

- Ministro: Esas proposiciones eran en el comienzo, Hoy pueden ampliarse hasta satisfacer a Bolivia.

- Para llegar a este caso habría que esperar el resultado de las conversaciones de Washington, a lo que mi país no se resignaría.

- Ministro: No seria necesario esperar. Chile tiene confianza en el resultado favorable para él, de aquellas conversaciones, asi es que, cualquier negociación que sellemos ahora, sería cumplida estrictamente.

Como por segunda vez nos alejamos del motivo principal, después de una pequeña pausa, le pregunté:

- Se ha recibido, señor Ministro, una consulta del Departamento de Estado de Washington, sobre el pedido que ha hecho mi país para participar en las conferencias ?

- Ministro: No hemos recibido nada.

- Sabemos que de un momento a otro debe producirse.

- Ministro: Mis informaciones son distintas. La Cancillería, sé que espera la segunda nota del Presidente señor Saavedra al Presidente Mr. Harding. que va todos la concesiones

– Minister, the current Chilean Government has always been willing to help Bolivia in pursuing its aspiration, within the limits imposed by dignity and respect for treaties in force. We have given much proof of this (It would have been too lengthy to insert here the list of concessions that the Minister assured Chile had made in favor of Bolivia, but since he concluded that explanation referring to the proposals made by Mr. Bello Codesido, I observed the following):

– But Mr. Minister, the proposals made by Mr. Bello Codesido did not satisfy the needs of my country. Too little was offered and too much was demanded in return.

– Minister, those proposals were made in the beginning, they can now be deepened to satisfy Bolivia.

– To see whether that is possible, we would have to wait for the outcome of the conversations to be held in Washington, to which my country would not renounce.

– Minister, it would not be necessary to wait. Chile is confident that the outcome will be favorable to it. As a result, any negotiation we seal today would be strictly observed.

Given that we had deviated from the main purpose of the talks once more, after a brief pause I asked,

– Has the Minister received a consultation from the Department of State of Washington in relation to my country's request to take part in these Conferences?

– Minister, we have not received anything.

– We have learned that you might receive it sooner rather than later.

– Minister, we been told something different. I know that the Foreign Ministry is awaiting for President Saavedra's second note to President Harding, which everyone is aware of due

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las publicaciones que se han hecho, pero que oficialmente Ud. no debe haberla recibido, puesto que no nos la ha transmitido. Se nos informa que esa nota aún no ha llegado a la Casa Blanca y que se la espera para contestarla conjuntamente con la dirigida por su Ministro en Washington al Departamento de Estado. No creo pues, que esa consulta la haga Estados Unidos. La Cancillería de Washington les dirá a Uds. que la hagan directamente al Perú y Chile.

- Y dado el caso, señor Ministro, de que se llegara a producir, cual sería la actitud de Chile ?

- Ministro: Dependería de la actitud previa del Perú, cuya respuesta esperamos ^{ria} para producirnos de nuestra parte.

- Pero antes no podría Chile dar más bien la norma al Perú ?

- Ministro: No, en todo caso esperaríamos que se produjeran primero en el Perú.

- Y si la respuesta del Perú fuere favorable a Bolivia, que respondería Chile a Washington ?

Ministro - Siempre que las conversaciones se encamisen a considerar el asunto bajo su aspecto político nosotros prohibiríamos la participación de Bolivia con ciertas reservas, en vista de los procedimientos empleados por Bolivia para llegar a este fin, pero debo advertirle que nosotros sostendremos siempre el aspecto jurídico o sea el cumplimiento del Tratado de Ancón, en cuyo caso Bolivia estaría virtualmente descartada, pues, no es parte en este Tratado.

En este preciso momento un oficial de la Presidencia entró precipitadamente con un llamado urgente del señor Alessandri, obligandonos a cortar la conversación.

Mi opinión personal, como me permití manifestar a

to the publications that have been made but which you might not have received officially, because it has not been transmitted to us. We have been informed that this note has still not reached the White House and that it is being expected so it is replied to together with the one sent by your Minister in Washington to the Department of State. Thus, I do not believe that consultation will be made by the United States. The Foreign Ministry of Washington will tell you to make it directly to Peru and Chile.

– And, in the event that this happens, what would Chile's attitude be?

– Minister, that would depend on Peru's attitude, the reply of which we would be expecting in order to utter an opinion.

– But could Chile not put forward guidelines vis-à-vis Peru beforehand?

– No, in any case we are expecting Peru to put them forward.

– And, in the event that Peru's response is favorable to Bolivia, what would Chile respond to Washington?

Minister, provided that the talks tackle the political aspects of the dispute, we would welcome Bolivia's participation with certain reservations, owing to the steps Bolivia took to reach this end, but I must warn you that we will always uphold the legal aspect of the dispute, namely compliance with the Ancon Treaty, and in such a case Bolivia would be virtually ruled out inasmuch as it is not a party to that treaty.

At that exact moment, an officer of the Presidency rushed into the room with an urgent call from Mr. Alessandri, and our conversation had to be paused.

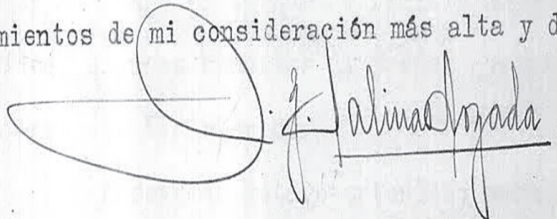
My personal view, of which I informed Your

CION DE BOLIVIA

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V. E. en mi telegrama que queda confirmado con la dialogación anterior, es bastante optimista. Se puede trabajar con provecho pero, como primera medida, es necesario calmar un poco la campaña de la prensa, que aquí repercute hondamente, restándonos simpatías en las ya menudadas filas de nuestros amigos.

Aprovecho esta nueva oportunidad para reiterar a V. E. los sentimientos de mi consideración más alta y distinguida.

A handwritten signature in dark ink, appearing to read "J. Salinas Lozada". The signature is written in a cursive style with a large, looping initial "J" and a horizontal line underlining the name.

Excellency in the cable that has been confirmed by the above dialogue, is quite optimistic. We might be able to work fruitfully but, as an initial step, it is necessary to calm down the press campaign, which has deep repercussions here and affects the already reduced number of friends we have in Chile.

I take this occasion to reiterate to you the assurances of my highest and most distinguished consideration.

[Signature]

Annex 240

Note from the Minister of Foreign Affairs of Bolivia, Alberto Gutierrez,
to the Minister Plenipotentiary of Bolivia to Chile, Eduardo Diez de
Medina, N° 200, 31 March 1926

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia



Ministerio
de
Relaciones Exteriores y Culto
E... 200-

RESERVADO

La Paz, marzo 31 de 1926.

Señor Ministro:

A fin de que se encuentre Ud. informado del desarrollo de las negociaciones que Ud. mismo inició con el Memorandum de 27 de Mayo del año pasado, remito a Ud. adjuntas copias de dichos documentos y de los que posteriormente se han cambiado entre la Legación de Chile en Bolivia y este Ministerio. Conviene que se encuentre Ud. informado para el caso de que el señor Mathieu iniciara conversación al respecto.

A este propósito, el Ministro de Bolivia en Washington nos informa que cuando era el señor Mathieu Embajador de Chile, expresó en una reunión de varias personas que le constaba que existía un pacto secreto de alianza entre el Perú y Bolivia, que había sido celebrado por los Presidentes Saavedra y Leguía con motivo del centenario

Al Excmo. señor don Eduardo Diez de Medina,
R. E. y Ministro Plenipotenciario de Bolivia en Chile.

Santiago

Ministry of Foreign

Affairs and Worship

Reserved

La Paz, 31 March 1926

Nº 200

Mr. Minister:

So as to keep you informed of the development of negotiations that you yourself commenced with the Memorandum of 27 May last year, I am hereby sending you copies of those documents and those that were thereafter exchanged between the Chilean Legation in Bolivia and this Ministry. You ought to be kept informed in case Mr. Mathieu initiated a conversation to that effect.

To this end, the Minister of Bolivia in Washington has informed us that, when Mr. Mathieu discharged functions as Chile's Ambassador, he stated in a meeting held with several people that he knew of a secret alliance treaty between Peru and Bolivia, which had been concluded by Presidents Saavedra and Leguia, on occasion of the Centennial Anniversary

To His Excellency, Mr. Eduardo Diez de Medina
Special Envoy and Minister
Plenipotentiary of Bolivia in Chile

Santiago



Ministerio
de
Relaciones Exteriores y Culto

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de Ayacucho. Asegura que él desautorizó esa versión.

Recuerda el señor Jaimes este incidente para atribuir las negociaciones iniciadas por Chile al deseo de descubrir la existencia de ese pacto secreto o provocar una situación tirante con el Perú.

Trasmito a Ud. estos datos para su propio gobierno y quedo su atento servidor.

A. G. J.

Ministry of Foreign
Affairs and Worship

--2--

of Ayacucho. He assures that he refuted that account.

Jaimes referred to this incident to attribute to the negotiations launched by Chile the desire to inquire into the existence of this secret pact or to cause a tense situation with Peru.

I am sending you this information for the consideration of your Administration and declare myself your kind servant.

[Signature]

C O P I A

R E S E R V A D O

Tiene el Gobierno de Bolivia el propósito de mantener completa neutralidad en las emergencias del Laudo dictado por el Presidente de Estados Unidos en el conflicto sobre Tacna y Arica; empero, en vista de las reiteradas insinuaciones hechas por el Excmo. señor Presidente de Chile y la Cancillería de la Moneda al Agente Diplomático boliviano en Santiago, para obtener el concurso de Bolivia en la realización del plebiscito que se avecina, con la seguridad de que, una vez realizado éste, Bolivia quede satisfecho en su anhelo legítimo de tener un puerto propio sobre el Pacífico que satisfaga ampliamente sus necesidades de nación soberana, el Gobierno de Bolivia responde: que estaría dispuesto a colaborar al éxito del plebiscito, siempre que el Gobierno de Chile se comprometiera, mediante protocolo formal y abandonando ofrecimientos que carecen de eficacia, a transferir a Bolivia, sin compensación alguna territorial, el puerto de Mejillones, el de Pisagua o el de Arica, una vez que éste último puerto pase a dominio de Chile como resultado del plebiscito a realizarse, para que Bolivia quede de tal modo reintegrada en sus derechos y en la plenitud de su soberanía.

La Paz, 27 de mayo de 1925.

Copy
Reserved

The Government of Bolivia has the purpose of maintaining absolute neutrality in the advent of the arbitral Award to be issued by the President of the United States in regard to the Tacna-Arica dispute, however, in view of the repeated insinuations made by the President of Chile and the Chancellery of *La Moneda* to the Bolivian diplomatic Agent in Santiago to obtain Bolivia's support in the conduction of the coming plebiscite, assuring Bolivia that, once the said plebiscite is carried out, Bolivia's legitimate longing for a port of its own on the Pacific will be satisfied with a port that broadly meets the needs of this sovereign nation, the Government of Bolivia hereby responds: that it would be willing to collaborate in [Chile's] success in the plebiscite provided that the Government of Chile undertakes, in a formal protocol and abandoning with the offers that are ineffective, to transfer to Bolivia, without any territorial compensation, either of the following ports: Mejillones, Pisagua or Arica, once the latter is transferred to Chile's dominion as a result of the plebiscite to be carried out, in order for Bolivia's rights and full sovereignty to be thus reintegrated.

La Paz, 27 May 1925.

C O P I A

LEGACION DE CHILE

MEMORANDUM

Con referencia al Memorandum confidencial del señor Ministro de Relaciones Exteriores de Bolivia, de fecha 27 de Mayo de 1925, el E. E. y Ministro Plenipotenciario de Chile, debidamente autorizado por su Gobierno, expresa que Chile acepta en principio la idea de traspasar a Bolivia un puerto en el Pacífico, con arreglo a un plan de compensaciones no territoriales que podría estudiarse más adelante.

Para avanzar en esta negociación, el Gobierno de Chile desearía que el de Bolivia tuviese a bien precisar su petición del 27 de Mayo, indicando concretamente cuáles son las líneas geográficas a que aspiraría en cada una de las soluciones que ha propuesto.

La Paz, 8 de marzo de 1926.

Copy

CHILEAN LEGATION

MEMORANDUM

In reference to the confidential memorandum sent by the Bolivian Minister of Foreign Affairs on 27 May 1925, the Envoy Special and Plenipotentiary Minister of Chile, duly authorized by its Government, hereby states that Chile accepts in principle the idea of transferring to Bolivia a port on the Pacific, in accordance to a plan that does not contemplate territorial compensations and that could be studied in the future.

To move forward with this negotiation, the Government of Chile would like the Government of Bolivia to detail its request of 27 May by indicating concretely which the geographical lines that it would aspire to obtain in each of the solutions it has proposed are.

La Paz, 8 March 1926

MEMORANDUM

El Ministro de Relaciones Exteriores se informa con satisfacción, por el Memorandum de Su Excelencia el E. E. y Ministro Plenipotenciario de Chile de 8 del corriente, de que el Gobierno de Chile acepta en principio la idea de traspasar a Bolivia un puerto en el Pacífico, ya sea Mejillones, Pisagua o Arica, mediante compensaciones que no afecten la integridad del territorio boliviano.

Respondiendo a la pregunta formulada en el aludido Memorandum, el Ministro de Relaciones Exteriores, debidamente autorizado, manifiesta que, en el supuesto de la transferencia de alguno de los puertos citados y a los que se refiere el Memorandum confidencial de 27 de Mayo de 1924, propondría también la cesión de una zona de territorio a lo menos de cinco kilómetros de ancho que ligara por la ruta más corta uno de dichos puertos con el territorio boliviano. En los casos de Mejillones y Pisagua, esa zona sería fijada por peritos geógrafos y en el caso de Arica comprendería la circunscripción política denominada departamento de Arica.

Siendo extemporánea toda iniciativa referente a una participación o cooperación de Bolivia en el plebiscito de Tacna y Arica, a que alude el Memorandum de 17 de mayo, este Gobierno otorgaría al de Chile por la referida transferencia de puertos y de territorios, compensaciones financieras que estén en armonía con los recursos financieros de la República o franquicias comerciales y aduaneras que no afecten los intereses permanentes del país.

La Paz, 29 de marzo de 1926.

MEMORANDUM

The Minister of Foreign Affairs is pleased to have been informed, by the Memorandum sent by His Excellency the Special Envoy and Minister Plenipotentiary of Chile on the 8th of the current month, that the Government of Chile accepts in principle the idea of transferring a port on the Pacific to Bolivia, be Mejillones, Pisagua or Arica, by means of compensations that do not affect the integrity of the Bolivian territory.

Responding to the question formulated in the Memorandum referred to above, the Minister of Foreign Affairs, duly authorized, hereby states that, in the event of the transfer of any of the ports cited and those to which the confidential Memorandum of 27 May 1924 refers, he would also propose the cession of an area of territory of an extension of no less than five kilometers of width connecting, through the closest route, one of those ports with Bolivian territory. In the specific cases of Mejillones and Pisagua, said area would have to be established by expert geographers; and in the case of Arica, it would include the political circumscription denominated Arica Department.

Given that any initiative related to Bolivia's participation or cooperation in the plebiscite concerning Tacna and Arica, alluded to in the Memorandum of 17 May, is untimely, this Government would give Chile's, in return for the transfer of ports and territories, financial compensations that are in harmony with the financial resources of the Republic or commercial and customs franchises that do not affect the permanent interests of the country.

La Paz, 29 March 1926.

Annex 241

C. Rios Gallardo, *After the Peace... The Chilean-Bolivian Relations* (1926),
pp. 132 - 133, 214 - 215 (extract)

(Original in Spanish, English translation)

DESPUÉS DE LA PAZ...

LAS RELACIONES
CHILENO-BOLIVIANAS

IMPRESA UNIVERSITARIA
SANTIAGO, CHILE - 1926

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pero sin que esto signifique una exigencia inmediata o a plazo fijo. Deseamos tener el puerto en el Pacífico y esperamos hasta que el sentir de los Gobiernos que pueden influir en la realización de este anhelo lleguen a comprender que la felicidad nuestra estriba en esto» (1).

Cada vez que Bolivia ha hecho alguna demostración en favor de su aspiración sobre Tacna y Arica, ha encontrado de parte del Perú la más terminante de las negativas; rechazo que, como el de Marzo de 1920, casi llevó a ambos países a la guerra.

Esta actitud, ha ofrecido siempre contraste con la actitud deferente, amistosa de Chile, que jamás se ha negado a escuchar la aspiración de Bolivia, que, al contrario, ha prometido satisfacerla en el terreno de las mutuas compensaciones.

Desgraciadamente, los bolivianos no han sacado ningún provecho de estos hechos, su política internacional es siempre oscilante entre Chile y el Perú, en circunstancias que hace mucho tiempo que han debido tomar un rumbo definido y definitivo.

En 1919, a raíz de la comunicación dirigida por el Ministro de Bolivia en París, don Ismael Montes, al Ministro de Relaciones Exteriores de Francia, don Stephan Pichon, sobre la aspiración boliviana a Tacna y Arica; la Cancillería peruana, como ya lo hemos visto, creyó del caso enviar a todas sus Legaciones una circular, declarando que el Gobierno del Perú jamás consentiría en ceder sus derechos sobre Tacna y Arica y que no aceptaría ninguna clase de compensaciones sobre esos territorios por parte de Bolivia.

El Gobierno de Chile guardó silencio. En 1917

(1) «La Nación», de Santiago, en su edición del 26 de Marzo de 1920.

[...]

Whenever Bolivia has made any demonstration in favor of its aspiration over Tacna and Arica, it has found from Peru the most definitive negative; rejection that, as the one of March 1920, almost took both countries to war.

This attitude has always contrasted with the deferential, friendly attitude of Chile, which has never refused to listen to the aspiration of Bolivia, and, on the contrary, has promised to satisfy it in the field of mutual compensations.

Unfortunately, the Bolivians have not taken advantage of these facts, their international policy is always oscillating between Chile and Peru, in circumstances that have long been due to take a defined and definitive course.

In 1919, following the communication sent by the Minister of Bolivia in Paris, Mr. Ismael Montes, to the Minister of Foreign Affairs of France, Mr. Stephan Pichon, regarding the Bolivian aspiration to [obtain] Tacna and Arica; the Peruvian Chancellery, as we have seen, considered in this case to send a circular to all its Legations, stating that the Government of Peru would never consent to cede its rights over Tacna and Arica and that it would not accept any kind of compensation for those territories from Bolivia.

The Chilean Government remained silent. In 1917,

ya había hablado su Embajador a la trasmisión del mando, señor Echenique Gandarillas, y había dicho: «... espera mi Gobierno encontrar, cuando llegue su oportunidad, los medios de satisfacer las más caras aspiraciones del pueblo boliviano y del pueblo chileno».

La declaración de su Embajador estaba dentro de la conducta inalterable de Chile, de su actitud en 1883, 1895, 1900, 1904, 1910 y lo estaría con la de 1920 y 1922 y con sus últimos actos en las Conferencias de Washington.

En 1920, después de los votos del Senado y de la Cámara en favor de Tacna y Arica, el Perú sale una vez más al frente, le cruza el camino a Bolivia, le niega sustentar cualquier aspiración sobre tales territorios y califica su actitud con duros adjetivos. La violencia del encuentro de Cancillerías quebranta seriamente las relaciones entre ambos países, y el pueblo en sus desfiles patrióticos lanza sus sombreros al aire y pide la guerra!

En 1920 el Gobierno de Chile no puede guardar silencio. El representante de los Estados Unidos en Santiago, obedeciendo a instrucciones de su Gobierno, solicita la colaboración de Chile para evitar un conflicto armado. La nota norteamericana tiene duros conceptos para la actitud de Bolivia. El Gobierno de Chile los recoge y responde en su defensa; no vacila en decir que los desórdenes ocurridos en La Paz se deben a la actitud de los peruanos que asaltaron a un jefe del ejército boliviano y a la actitud agresiva de la Cancillería del Rimac.

Así se conduce Chile en Abril de 1919 y así se conduce en Marzo de 1920.

¿Cómo corresponde y agradece Bolivia?

En Julio de 1920 estalla una revolución que lleva por bandera la tesis reivindicacionista, o sea la guerra a Chile y el acercamiento al Perú.

(Después de la Paz-9)

its Ambassador, Mr. Echenique Gandarillas, had already spoken in the transmission of Government and he stated: "...my Government hopes that, when the opportunity arrives, it will find the means to satisfy the most valuable aspirations of the Bolivian people and the Chilean people."

Its Ambassador's statement was consistent with the unalterable conduct followed by Chile, with the attitude it had followed in 1883, 1895, 1900, 1904, 1910 and with the conduct it had followed in 1920 and 1922 as well as with its recent actions before the Washington Conferences.

[...]

bró una comisión encargada de decidir sus poderes» (1).

La causa de Chile tiene, como se ve, defensores eminentes.

La victoria obtenida por nuestro país en 1921, fué reconocida por los mismos bolivianos y nadie puede honradamente discutirla. Esa victoria fué confirmada en 1922, al elegir la tercera Asamblea de la Liga de las Naciones, Presidente al Delegado de Chile don Agustín Edwards, y ratificada en los años 23, 24, 25, y 26 con la ausencia de Bolivia del seno de la Asamblea y con los nuevos rumbos de su política internacional: de Ginebra saltó a Washington.

Para tener una idea de la forma poco leal y amistosa en que Bolivia se condujo con Chile en 1920 y 1921, es preciso recordar algunos hechos que no deben permanecer en las sombras. La misión Bello Codesido llegó a La Paz, después que Pichon cerraba las puertas del Quai d'Orsay al Ministro en París, don Ismael Montes, y días más tarde del nuevo fracaso que encontraba el mismo esforzado personaje ante Lansing y Colby. Chile sabía las andanzas en París y los merodeos en Washington y, no obstante, el señor Bello Codesido llegaba hasta el Gobierno del señor Gutiérrez Guerra en misión de sincera amistad, y dispuesto aún a despejar el horizonte de Bolivia hacia el mar. El Embajador Echenique Gandarillas había dicho en 1917 ... *espera mi gobierno encontrar, cuando llegue su oportunidad, los medios de satisfacer las más caras aspiraciones del pueblo boliviano y del pueblo chileno*». Consecuente con esta política invariable de nuestro país, cimentada sí en el terreno de las mutuas compensaciones, el señor Bello Codesido al presentar sus cre-

(1) Dr. GUSTAVO LE BON: *El desequilibrio del mundo*, páginas 204 y 205.

[...]

In order to get an idea of the unfaithful and friendly way in which Bolivia acted in regard to Chile in 1920 and 1921, it is necessary to recall some facts that should not remain in the shadows. The Bello Codesido mission arrived in La Paz, after Pichon closed the doors of the Quai d'Orsay to the Minister in Paris, Mr. Ismael Montes, and days after this new failure, he was dealing with Lansing and Colby. Chile knew about the adventures in Paris and the wanderings in Washington, and yet Mr. Bello Codesido reached the Government of Mr. Gutierrez Guerra in a sincere mission of friendship, and even prepared to clear the horizon for Bolivia to reach the sea. Ambassador Echenique Gandarillas stated in 1917, "...my Government hopes to find, when the opportunity comes, the means to satisfy the most valuable aspirations of the Bolivian people and the Chilean people." Consistent with this invariable policy of our country, cemented in the field of mutual compensations, Mr. Bello Codesido, in presenting his

denciales dejaba constancia de que ese momento se iba acercando y que estaba próximo.

¿Cuál era él? La hora en que Chile zanjara sus dificultades con el Perú, se cumpliera la cláusula tercera del Tratado de Ancón, llamada a definir la nacionalidad de Tacna y Arica. Este es en verdad el momento único que esperaba Chile para satisfacer en el terreno de la realidad, no de la fantasía, las aspiraciones portuarias de Bolivia. El señor Bello Codesido tenía la misión de decir que ese momento se aproximaba, que tuviera Bolivia confianza en la palabra de Chile y que supiera esperar los acontecimientos.

El Gobierno liberal de 1920, escuchó con un oído la misión Bello Codesido y el otro lo mantuvo muy atento hacia el Rimac... En Marzo de 1920 se producían los graves rozamientos Perú-bolivianos, con los escudos de las Legaciones arrastrados en Lima y en La Páz, y los gritos de guerra que salían de miles de pechos; pero el 17 de Mayo, el Canciller boliviano señor Gutiérrez, oficiaba al mismo Canciller de Marzo, señor Porras, para decirle que *«Bolivia en manera alguna trataría con Chile sin previo conocimiento del Perú»*. El señor Bello Codesido pide una aclaración y obtiene la respuesta: *«Confirmando mi telegrama a Porras: mi país no admitiría un pacto sin el asentimiento peruano»*. Para el Canciller Boliviano la frase de don Mariano Baptista no tenía importancia: *«Hasta cuándo Bolivia hace el papel de «pongo» (1) del Perú»*.

En Noviembre de 1920, Bolivia se deja conducir de la mano por el Perú hasta Ginebra y presenta su demanda. El «pongo» ha cumplido el mandato y entonces el Perú le da vuelta la espalda y lo abandona a su propia suerte. En 1921 tampoco acude

(1) El indio de ínfima categoría que sirve para los mandados.

credentials, recorded that the moment was approaching and that it was near.

When was it? When Chile settled its difficulties with Peru, when the third clause of the Treaty of Ancon was fulfilled in order to define the nationality of Tacna and Arica. This is indeed the only moment that Chile expected to satisfy in the realm of reality, not of fantasy, the port aspirations of Bolivia. Mr. Bello Codesido had the mission to say that this time was coming, that Bolivia had to rely on Chile's word and that it should wait for the events to come.

[...]

Annex 242

Telegram 723.2515/1952 from the Ambassador of the United States in Chile, W. Miller Collier, to the U.S. Secretary of State, Frank B. Kellogg, 20 February 1926

(Original in English)

Department of State of the United States, *Papers relating to the Foreign Relations of the United States* (1926), Volume I, pp. 306 - 308

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of the difficulties which separate Chile and Peru, the Government of Chile declares that, in accordance with articles 2, 3 and 6 of the conventions of The Hague for the peaceful settlement of international disputes,⁶ it would accept the good offices which the Government of the United States spontaneously offers, with the understanding that the proceedings or steps taken in the exercise of such good offices will not impede, as we [*sic*] set forth in the memorandum which Your Excellency was good enough to deliver to me, the plebiscitary proceedings provided for in the arbitral award, and that any solution which may be reached must be submitted to the respective constitutional bodies for their approval".

Spanish text will be mailed and should reach you March 15.

COLLIER

723.2515/1952 : Telegram

The Ambassador in Chile (Collier) to the Secretary of State

[Paraphrase]

SANTIAGO, February 20, 1926—3 p. m.

[Received February 21—12:25 p. m.⁷]

23. After the Minister for Foreign Affairs had handed me his memorandum last night, he entered into conversation and made several statements which, he said, were not at all to be thought as limiting, or qualifying, or even as interpreting his formal memorandum accepting our good offices. He said that as I had given him some idea of feeling of American Government on serious situation growing out of difficulties placed in way of honest plebiscite, he felt he ought to give me views of Chilean Government, as well as his own, especially some idea of what he thought to be limit of concession which the Government could get Chilean Congress to approve.

The Minister said that the tender of good offices came at time when plebiscitary situation was thought by all Chileans who had exact knowledge of it to be most favorable to Chile; that Chile had given the irrevocable guarantees that had been demanded and had reduced her military and police force in the province to comply with wishes of the Commission, and was at present time maintaining as reasonable degree of order as it was possible to expect in human affairs; that Chile's demand for adoption of electoral law had at last been complied with; that qualifications for voters had been determined; and that Chile would win by majority of not less than one or two thousand. He thought that when the American Government exercises its good offices, it should take these facts into consideration.

I believe sincerity of Minister's statement about Chilean confidence. When Mathieu was in Washington he doubted that Chile would be

⁶ *Foreign Relations*, 1907, pt. 2, p. 1181.

⁷ Telegram in four sections.

successful, but since his visit to Arica he is convinced Chile will win. This confidence is general but not universal. . . .

Mr. Mathieu also said that treaty of 1904 between Bolivia and Chile^{*} created certain obligations for Chile towards Bolivia as well as rights with reference to port of Arica and Arica-La Paz railroad; and that inasmuch as large majority of population and practically all business and industry of Arica were Chilean, the Government believed that Chilean Congress would not consent to surrendering Department of Arica at this time, but would be willing to give entire Department of Tacna to Peru. He said that the Government believed that the most important thing for Chile, however, was to obtain Bolivian friendship; and that at once after acquiring definite title to Arica, it would negotiate with Bolivia to give that country a port, but that compensation would be expected for it, and intimated that commercial concessions would be satisfactory.

I explained to Mathieu that I had no instructions from you to ask him any questions and that he must not infer from any I asked either that you wished the information or that it indicated any idea or plan you were entertaining; then I inquired if he thought that it would be wise to attempt to adjust the entire Pacific question now, including Bolivian aspirations. Mathieu replied that that would complicate matters. He said that your tender of our good offices spoke only of the difficulties between Peru and Chile, and he thought that limiting the matter in this way would be better, leaving Bolivian question for subsequent negotiations between that country and Chile.

I inquired if Chile were willing to give Bolivia a strip 5 kilometers wide both sides the railway, Peru in turn to do the same. Mathieu said he thought it might be arranged that way, but he did not appear to have given the question very careful study. He said more than once in his conversation that Chile would accept almost any arrangement which did not take the Department of Arica away from her.

It is my impression that Chile wants to use Arica for trading purposes, and earnestly wishes an arrangement with Bolivia; but that she will be apt to exact a heavy price for it or impose conditions Bolivia will not be disposed to accept. If question is postponed and is left to direct negotiations, these will be protracted and may possibly not terminate successfully, an outcome that would be disturbing to South American harmony and that would create a new delicate situation. If Peru and Chile can nevertheless be induced to agree to a partition of the territory, as Mathieu suggested, this arrangement will be in accord with racial majorities in each of the two departments, and may save each nation from mortification of complete defeat. That outcome would be great step forward and we

^{*} *Foreign Relations*, 1905, p. 104.

could then afford to leave Bolivian question to the future, especially if great difficulty be met in getting Chile entirely agreeable with Bolivia as well as Peru at present time.

I assume that Chile will yield more than Mathieu set forth in his conversation yesterday with me. It is even possible that Chile might be persuaded to settle Bolivian question now or even to consent to independence and neutralization of entire territory as Edwards has suggested. It is reported that ex-President Alessandri would support this way of solution if plebiscite cannot be held; but Mathieu foresees certain difficulties and much opposition in Congress.

If Chile really believes that Plebiscitary Commission is going to declare plebiscite impracticable, placing responsibility for this result on Chile, she will naturally yield a great deal, but care must be taken that no formal or written statement be made to Chile to the effect that Commission is likely to take action of this sort, if we wish Chile to accept any other proposition that we may want to make at the time; for it would be interpreted as a threat and, no matter what the peril Chile would run, the Government probably would reject any new proposition and would defiantly challenge indictment Commission would make.

When I presented your memorandum to Mathieu I spoke to him personally in strong manner about the conditions in the province. He was much impressed and I believe that my statements influenced Government's decision to accept our good offices, but last night he told me that he would not have dared tell the Government that I had made any such statement formally, as effect would have been to arouse anger and to cause rejection of your offer.

Mathieu also yesterday made some reference to the economic interdependence of Tacna and Arica; he also referred to Chile's having erected some public works which served needs of the respective departments, possibly, in some instances, both departments. He was of opinion that Chile's expenditures for these purposes ought to be given consideration by the President when he exercises his good offices; he also hinted that Chile might invite consideration of old loans made to Peruvian governments, and to certain debts, all of them dating, it seems to me, from period of the War of the Pacific or to efforts made by Chileans to maintain Peruvian governments in power after Chilean occupation of Lima.

Mathieu did not, however, lay much stress on points in last paragraph. He again told me yesterday that he was continually meeting with stiff opposition from within the Cabinet.

COLLIER

Annex 243

Telegram 723.2515/2118 from the U.S. Secretary of State, Frank B. Kellogg, to the Ambassador of the United States in Chile, W. Miller Collier, 10 April 1926

(Original in English)

Department of State of the United States, *Papers relating to the Foreign Relations of the United States* (1926), Volume I, pp. 374 - 375

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723.2515/2118 : Telegram

The Secretary of State to the Consul at Arica (Von Tresckow)

[Extract—Paraphrase]

WASHINGTON, April 10, 1926—11 a. m.

For Lassiter. At request of Plenipotentiaries of both Chile and Peru, the conference called for this afternoon has been adjourned until 10 a. m., Monday, April 12, to give them ample time to consult their Governments. . . .

I realize that time is running on and that we are approaching expiration of period now set for registration; we must consider question of a failure to settle upon and formulate a plan for future proceedings. If Commission should extend time for registration so as to allow full 30 days to Peru, would she go on and register her votes? Peru has, it seems to me, greatly weakened her position by not attempting to register the voters who were in the territory and ready for registration, and not sending in the others she had ready, and also that it was a mistake not to attend registration proceedings and challenge any votes to which she might object. Is Peru still in position where she could examine registration records and make challenges? Please cable your views.

KELLOGG

723.2515/2118 : Telegram

The Secretary of State to the Ambassador in Chile (Collier)

[Paraphrase]

WASHINGTON, April 10, 1926—2 p. m.

43. I have received following message this morning from General Lassiter: ⁴⁹

Edwards has returned as Chilean Commissioner. He takes the very strong stand that the Washington negotiations will reach no solution, that political conditions in Chile and Peru prevent their agreeing on any common plan, that Chile will surely win plebiscite and that then she will consider doing something for Bolivia and perhaps for Peru, and that everything depends upon completion of the plebiscite. Chileans are enrolling large number of registrants, as practically all who apply are accepted for lack of well-informed Peruvian opposition and challenge; the Chileans will point to these figures to show that their strength in the community is heavily preponderant, and that the province, therefore, must be theirs. Edwards, therefore, says that they fought for it, won it, and that it is theirs. At banquet last night in honor of Edwards and Claro, both men made speeches to effect that it was desire of Government of Chile to carry plebiscite through to

⁴⁹ Telegram of Apr. 9, 2 p. m.

conclusion; that the award required this to be done; that Chile's triumph was certain; and that this involved definite incorporation of Tacna and Arica in Republic of Chile.

Following is report of my subsequent conversation with Ambassador Cruchaga:

I told the Ambassador that I was astonished at Edwards' statement; that it was Edwards who first proposed an adjustment outside the plebiscite, that he had frequently urged it on General Pershing, and that Chilean Government had from time to time suggested it through the American Ambassador in Chile. Furthermore, just as General Pershing was leaving Arica, Edwards definitely proposed to him that territory be neutralized; Pershing made written statement in pencil of proposition, showed it to Edwards, and latter approved it; Edwards had frequently made statements of the same sort to Mr. Stabler, the secretary general of the Commission and member of the American delegation; and if Edwards or Government of Chile had any idea that either the American Commissioner or the President [*Arbitrator?*] would permit them to proceed with a one-sided registration and end it there and sustain such an election as would follow, they were entirely mistaken. Every opportunity would be given to Peru to register if she wished, her rights would be protected, and any such election as is now proposed would, if held, most certainly be set aside.

The Chilean Ambassador expressed his great disappointment and astonishment at position Edwards has taken and said that he was urging Chilean Government to make a definite proposition.

Both Chilean and Peruvian Plenipotentiaries have requested adjournment of conference until April 12 (Monday), at 10 a. m., stating that they wished to consult their respective Governments, and hoped to be ready then to make counterpropositions. Ambassador Cruchaga intimated to me that he expected that some proposition which would include Bolivia would be submitted.

KELLOGG

723.2515/2120 : Telegram

The Secretary of State to the Ambassador in Chile (Collier)

[Paraphrase]

WASHINGTON, April 11, 1926—1 p. m.

44. Any assumption that negotiations have developed to a stage where no settlement can be made is wholly without foundation. Only one proposition has been submitted. This has been rejected by Peru, but both parties have intimated strongly that on Monday they would suggest counterpropositions and have asked for adjournment for the purpose. If neither brings forward any suggestion, I shall myself certainly make further suggestions, for I propose to exhaust

Annex 244

Telegram 723.2515/2124 from the U.S. Ambassador in Chile, W. Miller Collier, to the U.S. Secretary of State, Frank B. Kellogg, 11 April 1926

(Original in English)

Department of State of the United States, *Papers relating to the Foreign Relations of the United States* (1926), Volume I, pp. 376 - 377

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every possibility of a settlement before I permit these negotiations to fail. My statement to Ambassador Cruchaga yesterday was deliberate and was intended to convey my emphatic opinion that any scheme such as Edwards is now proposing can not be tolerated.

Do not deliver any note on this subject, but position I have expressed should be made clear to Mathieu. In trying to put through a one-sided plebiscite which could not be recognized by world opinion as having settled anything, Chile is taking great risks.

KELLOGG

723.2515/2124 : Telegram

The Ambassador in Chile (Collier) to the Secretary of State

[Extract—Paraphrase]

SANTIAGO, April 11, 1926—1 p. m.

[Received April 12—6:18 a. m.]

67. . . . If idea of equitable solution must be given up definitely, would it not be wise course at meeting tomorrow of Plenipotentiaries to suggest formula substantially as follows:

In view of unwillingness of parties to make an equitable division of the territory, the mediator suggests that in interest of international peace and cordial *rapprochement* between them, they consider advisability of mutual and joint sacrifice in form either of grant of independent nationality to the inhabitants or of cession to Bolivia, in fulfillment of assurances made repeatedly and publicly since commencement of the plebiscitary proceedings by spokesmen of both countries that Bolivian aspirations for a port on the Pacific would be considered sympathetically.

I think it highly desirable that proposition be presented in an alternative form, for in that way you will gain time and be able to have both plans considered. Otherwise, rejection of another separate proposition tomorrow may cause Chile to declare that good offices are no longer desired; furthermore, if matter is presented in alternative form, discussion here may follow and opportunity be given for expression of the powerful opinion which favors a cession to Bolivia. I am told by former Prime Minister Mardones that he favors Edwards' plan and thinks that it may be accepted when better understood, but I am very doubtful. I think it should be brought up, however, and should be presented either first or along with cession plan, for criticism of it that is sure to follow will strengthen sentiment in favor of cession. . . . A United Press despatch today from Arica gives plan in detail but does not attribute it to Edwards. It seems to me that this affords Department an opportunity to tell press quietly that Edwards is the author and was the advocate of it. If press will show his active efforts in

favor of it, he will be put on defensive and opposition he now offers will be greatly minimized, and much of the talk here about our having forced good offices on Chile will be silenced. Result will be either acceptance of plan or else a great impetus will be given movement for cession, although sentiment here is now strong against anything but the plebiscite.

COLLIER

723.2515/2123 : Telegram

The Consul at Arica (Von Tresckow) to the Secretary of State

[Extracts—Paraphrase]

ARICA, April 11, 1926—5 p. m.

[Received April 12—8:17 a. m.]

From Lassiter. Your telegram April 10, 11 a. m. If Peru were now told to proceed with plebiscite, I am sure she would demand the cancelation of all registration to date and the postponement of further registration until such reform had been made in conditions here that Peru would have reasonably fair chance of taking part in a plebiscite. . . .

If told to proceed without cancelation of present registrations and without postponement for reforms, it is almost certain that Peru would withdraw. . . .

[I am aware] that the Arbitrator has ruled that he is unable to neutralize territory during the plebiscite, but we shall be faced with very grave situation if negotiations fail. In years to come we should be in position to show that we have exhausted every possible means of healing this breach between Chile and Peru. We could defer action until Commission had done all that is possible to carry out plebiscite with the territory under the control of one of the contending parties and until Department had done all it could to obtain solution by negotiation; but if we stopped there and allowed these proceedings to end in a confused wrangle, we shall certainly not occupy very enviable position. I think that we ought to make one more vigorous effort, namely, to offer Chile choice either to neutralize the territory during plebiscite, removing from it all her officials and allowing us to assume full charge so that we can carry out real plebiscite, or else to recognize that plebiscite must be terminated with blame for its frustration placed on her. A definite, clear issue could thus be raised whereon we could take our final stand before the world. The Arbitrator, in view of the very definite information which General Pershing and I have given him on impossibility of carrying on fair plebiscite with Chile in con-

Annex 245

Telegram 723.2515/2143a from the U.S. Secretary of State, Frank B. Kellogg, to the U.S. Consul at Arica, Von Tresckow, 15 April 1926

(Original in English)

Department of State of the United States, *Papers relating to the Foreign Relations of the United States* (1926), Volume I, pp. 384 - 385

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723.2515/2135 : Telegram

The Secretary of State to the Ambassador in Chile (Collier)

[Paraphrase]

WASHINGTON, April 15, 1926—7 p. m.

50. On January 27, the day that General Pershing left Arica, Edwards made proposition of neutralization to him. Pershing wrote it down in pencil. Edwards refused to sign it, but said that he had talked it over with Alessandri and that he and Alessandri were agreed upon it and that he thought Chilean Government would favor it. Later he told Mr. Stabler, secretary general of the Commission, that he favored it, and I am informed that within the week just past that he told Freyre the same thing.

Of course we have no written statement from Edwards. He suggested that Pershing present the proposition to me, and it may be that he was trying to get us to make a proposition which he could oppose. In view of facts do you think that General Pershing should give out an interview, or should we give an intimation to the press to be carried to all South America?

KELLOGG

723.2515/2143a : Telegram

The Secretary of State to the Consul at Arica (Von Tresckow)

[Paraphrase]

WASHINGTON, April 15, 1926—8 p. m.

For Lassiter. The Plenipotentiaries met this afternoon at 3 o'clock and I laid the following proposition before them:⁵⁷

"The Secretary of State has the honor to suggest that in the interest of international peace and a cordial *rapprochement* between the parties they consider the advisability of a mutual and joint sacrifice whereby either, (1) the territory of Tacna and Arica shall be constituted a neutralized state, either independent or under the protectorate of South American States, as may be agreed, or, (2) the provinces of Tacna and Arica shall be transferred (upon an apportionment of equitable compensation, and appropriate economic arrangements, to be agreed upon) to a South American State not a party to these negotiations.

As neither party is willing to surrender the territory in question to the other, and as the proposal for a division of the territory between them has been rejected, the remaining opportunity for a solution of the long-standing controversy would appear to be found in one of the suggestions above made or in a modification thereof if such is deemed to be advisable."

⁵⁷ Quoted passage not paraphrased.

Ambassador Velarde accepted the first proposition for Peru. Chile has not yet accepted, but Ambassador Cruchaga is consulting Chilean Government. In view of fact that proposition of neutralization first came to Pershing and in statements made by Edwards to Stabler, and within last week I have understood from the latter that Edwards made the same statement to the Peruvian Commissioner, can you suggest, discreetly, to Edwards that he urge Chilean Government to accept?

KELLOGG

723.2515/2138b : Telegram

The Secretary of State to the Ambassador in Peru (Poindexter) ⁵⁸

[Paraphrase]

WASHINGTON, April 15, 1926—8 p. m.

44. The Plenipotentiaries met this afternoon at 3 o'clock, and I laid the following proposition before them:

[Here follows text of proposition quoted in the telegram to the consul at Arica for General Lassiter, *supra*.]

After it was explained that first proposition contemplated that if there were to be a protectorate of South American States it was to be one by agreement of Chile and Peru and might be simply a guarantee by those two powers and no others, Ambassador Velarde accepted this proposition as basis of adjustment. He raised objection to second proposition on ground that it proposed to turn the territory over to a third State, Bolivia, he supposed, without the consent of the inhabitants. I said that both Chile and Peru had been negotiating with Bolivia to turn over portion of the territory, and public statements had been made to that effect; that I was unable to perceive any greater objection to turning over a part than the whole; and that in any event my second proposition was subject to such modifications as the parties might agree to.

Ambassador Cruchaga promised to consult Chilean Government and to let me know at earliest possible moment.

KELLOGG

723.2515/2145 : Telegram

The Ambassador in Chile (Collier) to the Secretary of State

[Extract]

SANTIAGO, April 16, 1926—noon.

[Received 2:25 p. m.]

76. Your 50, April 15, 7 p. m. Wednesday night I addressed a note to the Foreign Office as to injustice of accusations and insinuations

⁵⁸ Similar telegram sent on the same date to the Ambassador in Chile as Department's No. 51.

Annex 246

Letter from the President of Bolivia, Hernando Siles, to the President of the United States, Calvin Coolidge, 19 April 1926

(Original in English)

Department of State of the United States, *Papers relating to the Foreign Relations of the United States* (1926), Volume I, p. 396

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723.2515/2183 : Telegram

The President of Bolivia (Siles) to President Coolidge[Translation ⁶⁵]

LA PAZ, April 19, 1926.

[Received April 21.]

It is my duty to express to Your Excellency the satisfaction of the Government and people of Bolivia at the suggestion of the Secretary of State of the great Republic to the most excellent Governments of Chile and Peru, to the effect that in the dispute over Tacna and Arica or in its results the desire of Bolivia for a port be taken into account.

That high inspiration agrees with the offer made to my Government by the Government of Chile of the port of Arica, or some other port under Chilean sovereignty, in order that Bolivia may have it for customs or pecuniary compensations and furthermore agrees with the generous announcement by which the most excellent Government of Lima offered to La Paz a port in the disputed territory itself, subject to the power of the Arbitrator.

This plausible action of Chile, which would in part atone for the unjust and shameful outrage suffered by Bolivia, could not be in keeping with the obstacle opposed by Chile to Bolivia in the deliberations at Washington. If Chile manifests a disposition to give to my country the port of Arica, which is not the exclusive property of Chile, and depends on the insoluble dispute with Peru, and if it offers that port, it is clear that it binds Bolivia to the outcome of the dispute referred to the consideration of the Arbitrator. There surely would be contradiction in speaking of Arica and discussing the subject without at the same time taking in the one international jurisdiction that will decide as to the fate of that port, that which is instituted in the Capital of the Union. Being so convinced, I have declared to the most excellent Government of Santiago that my Government insists that the conversations begun along that line immediately determine that Bolivia shall be present in Washington, as there is no object in carrying on any direct negotiations.

The great Republic which has a directing influence in the destinies of America will thus contribute in bringing about a solution of the old-standing question of the Pacific which concerns three and not two peoples, of which none suffered more painfully from the war than the one over which I have the honor to preside suffered through its maritime mutilation.

I present to Your Excellency for the above-mentioned proposition of the Department of State to Chile and Peru, the assurance of my thankful consideration.

H. SILES

⁶⁵ File translation revised.

Annex 247

Minutes of the Meeting of the Plenipotentiaries of Peru and Chile, Under the Extension of Good Offices of the U.S. Secretary of State, Frank B. Kellogg, 4 June 1926

(Original in English)

Department of State of the United States, *Papers relating to the Foreign Relations of the United States* (1926), Volume I, pp. 462 - 465

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723.2515/24324

*Minutes of Meeting of the Plenipotentiaries, Under the Extension of
Good Offices of the Secretary of State, June 4, 1926*

[Extract]

The Secretary opened the meeting in the Tacna-Arica negotiations at 10:30 a. m., on June 4. All the persons who attended the previous meetings were present and in addition Mr. Wade Ellis, counsel for Peru.

The Secretary stated that negotiations were getting nowhere by his putting up proposals only to be rejected categorically by first one and then the other of the parties. However, the Secretary was going to suggest a basis of discussion to see if he could get an intimation from either that this proposal or a modification thereof would be acceptable. The Secretary stated that in making this proposal it should not be thought that he had withdrawn the proposals already made. The proposals already made by him were still open should they be acceptable later to the parties. The Secretary then read his proposal as follows:

"The Secretary of State has the honor to refer to the proposal made by him to the Plenipotentiaries of Peru and Chile on April 15, 1926, reading as follows:

'The Secretary of State has the honor to suggest that in the interest of international peace and a cordial *rapprochement* between the parties they consider the advisability of a mutual and joint sacrifice whereby either

'(1) the territory of Tacna and Arica shall be constituted a neutralized state, either independent or under the protectorate of South American States, as may be agreed, or

'(2) the provinces of Tacna and Arica shall be transferred (upon an apportionment of equitable compensation, and appropriate economic arrangements, to be agreed upon) to a South American State not a party to these negotiations.

'As neither party is willing to surrender the territory in question to the other, and as the proposal for a division of the territory between them has been rejected, the remaining opportunity for a solution of the longstanding controversy would appear to be found in one of the suggestions above made or in a modification thereof if such is deemed to be advisable.'

"Without withdrawing any of the proposals already made by him, the Secretary now desires to suggest as an additional proposal to the Plenipotentiaries of the two Governments concerned the following modification of Part 2 of said proposal:

'That both Governments accept in principle as a basis of adjustment of their differences concerning the provinces of Tacna and

Arica, reserving all details for consideration in the course of the ensuing negotiations:

“(a) The delimitation of a corridor extending from the Bolivian frontier to the Pacific Ocean, said corridor to be transferred to Bolivia upon the apportionment of equitable compensation, appropriate economic arrangements and such other terms and conditions as may be agreed upon between Chile and Peru.

“(b) All territory in the disputed area lying to the north of the northern boundary of the corridor so delimited to be and become a part of Peru.

“(c) All territory in the disputed area lying to the south of the southern boundary of the corridor so delimited to be and become a part of Chile.

“(d) The foregoing territorial dispositions to be effected with due regard for the principle of just compensation for public improvements and all other matters as to which compensation may be deemed appropriate or necessary.

“(e) No government not now a party to these negotiations to be admitted to participation therein, except by agreement between Peru and Chile.”

The Peruvian Ambassador stated that the formula proposed was acceptable. Peru, he said, desired to facilitate good offices and to arrive at a settlement agreeable to both to terminate a situation which is equally inconvenient to both. Peru finds this proposal acceptable and considers it opens the way for discussions to bring about a settlement.

The Chilean Ambassador stated that he would desire the Secretary to make the proposal more concrete and not in such general terms. The parties do not know what they are turning over to Bolivia, what are the boundaries of the territory so turned over nor what goes to Chile nor what to Peru. True it is that the details are reserved for further negotiations. He desired to inquire however what is a corridor? This is not a detail. What does the Secretary mean by a corridor and what does Bolivia mean by a corridor as it would be useless for Peru and Chile to agree if Bolivia does not. Chile, he said, cannot accept the proposal in the form presented because it is not definite and clear but vague.

The Secretary stated that he realized of course that if any corridor was to be transferred under any arrangement with Bolivia the arrangement must be arrived at and defined. The Secretary's suggestion was merely a basis for discussion. He hoped that both parties would say that they would consider it and state how they would be willing to divide the territory and make a corridor. The Secretary repeated that it was impossible to arrive anywhere by rejections and he inquired whether either party had any suggestion or statement as to what it will do so that negotiations may be carried on. The Secretary then inquired of the Peruvian Ambassador if he had any suggestions to make.

The Peruvian Ambassador replied in the negative. He stated that Peru had accepted the Secretary's proposal as made as according to the Secretary's statement it was a proposal in principle and not a proposal in detail. The Ambassador was not prepared to discuss the details but accepted the proposal as made in principle. He felt that the Secretary's statement opens the way for negotiations.

The Chilean Ambassador replied that he had no suggestion to make. It is, he said, a question of judgment as to the best way to arrive at a settlement. A vague suggestion of a corridor to Bolivia the limits of which are not established is not in Chile's opinion the right way to make a settlement. Chile hopes that the Secretary after the meeting can make a more definite proposal.

The Secretary replied that he would be willing to do so if he knew what Chile and Peru would agree to but there is no use in making proposals of division or of a corridor unless he has some idea what will be agreed to. As to Bolivia the Secretary stated that he had made it plain that unless both parties wanted Bolivia included the Secretary will not discuss the matter with Bolivia. To do so there must be an agreement on this point first between Chile and Peru.

The Secretary stated that if each party would give to the Secretary personally any definite suggestions as to what they will consider that he would make a suggestion in greater detail.

The Chilean Ambassador stated that in the logical order of ideas, as Peru has accepted in principle the suggestion of the Secretary, it would be Peru's part to make a suggestion.

The Peruvian Ambassador replied that to do this it would be necessary for Chile to give the proposal the same acceptance that Peru had given and so have a starting point for discussion. He added that he felt that proposals should be made by both and not by one only.

The Secretary stated that he considered this reply technical rather than meritorious. He did not understand that Chile had rejected a corridor but wanted more details regarding it and he inquired whether both would submit to the Secretary their ideas in detail as to a corridor, the part to go to Peru and the part to go to Chile, et cetera. If they will do so he will do his best to try to harmonize the views of the two parties.

The Chilean Ambassador stated that he would cable his Government regarding the situation and would advise the Secretary as soon as possible of his Government's definite position in the matter. The Peruvian Ambassador made the same reply.

The Secretary then inquired whether the two parties wished to continue the good offices. The Peruvian Ambassador replied in the

affirmative and stated that he would make all possible personal efforts to arrive at a satisfactory solution. The Chilean Ambassador made the same reply.

The Secretary then stated that the negotiations had been going on for two months or more and the plebiscite also going on. If anything was to be done in Washington it must be done soon. A meeting had been called in Arica for four o'clock Saturday afternoon. The Secretary did not know whether they would press for a definite determination at that time or not. He understood that under the rules the question might go over if objected to. He wanted to urge both parties however to try to come together in agreement. From his private conversations with both Ambassadors he did not think they were far apart and he hoped that they would reach an agreement.

The Secretary then inquired whether there were any suggestions as to the next meeting and inquired whether the following day, Saturday, June 5, would be satisfactory. The Chilean Ambassador said that that would be impossible, there would not be time to receive a reply to his cable. The Peruvian Ambassador was of the same opinion. The Secretary suggested Monday morning, the Peruvian Ambassador 3:30 Monday afternoon which the Chilean Ambassador agreed to. The meeting was then adjourned until 3:30 Monday, June 7.

FRANCIS WHITE¹⁷

723.2515/2406a : Telegram

The Secretary of State to the Consul at Arica (Von Tresckow)

[Paraphrase]

WASHINGTON, June 4, 1926—6 p. m.

For Lassiter. Peruvian and Chilean Ambassadors met with me this morning and a further basis of settlement was formally submitted and discussed. Basis was accepted in principle by Peru but was objected to by Chile as not yet concrete enough. Both parties then undertook to communicate with their respective Governments so as to elicit definite suggestions on the matter. Both parties affirmed desire to continue the negotiations. Today I also received urgent request from Collier¹⁸ for postponement of action in Arica for week or little longer in order to give time for influences at Santiago in favor of settlement by Chile to become effective. Political situation in Chile is very complicated; and, though Government may not be in position to instruct Edwards to withdraw his motion at Satur-

¹⁷ Chief of the Division of Latin American Affairs.

¹⁸ Telegram No. 193, June 4, noon; not printed.

Annex 248

Telegram 723.2515/2415 from the U.S. Secretary of State, Frank B. Kellogg, to the Ambassador of the United States in Chile, W. Miller Collier, 9 June 1926

(Original in English)

Department of State of the United States, *Papers relating to the Foreign Relations of the United States* (1926), Volume I, pp. 475 - 476

Papers Relating to the
Foreign Relations
of the
United States

1926

(In Two Volumes)
Volume I



United States
Government Printing Office
Washington : 1941

GENERAL

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adjournment can not be effected. Here is situation: From Chilean point of view Edwards can not afford to have it said that he has agreed to a postponement; it is not necessary to ask him to do so; all that he is required to do is for him to cease for the time being to force issue on plebiscite; and he can even vote against a motion for postponement or adjournment in order to keep his own record straight.

As I pointed out in my earlier message to you today, your resolution should not be introduced until and unless issue is crowded to that point by Edwards and no other course is left open to you. I am counting upon you to exercise utmost discretion, introducing your resolution only through absolute necessity. A great deal may depend upon a few days' delay.

KELLOGG

723.2515/2415 : Telegram

The Secretary of State to the Consul at Arica (Von Tresckow)

[Paraphrase]

WASHINGTON, June 8, 1926—11 p.m.

For Lassiter. My telegram June 8, 7 p.m. After further reflection and consideration of latest advices from Santiago, I am disposed to allow you to use your own judgment and proceed with introduction of your resolution unless Edwards relieves you of embarrassment by consenting to maintain *status quo* for such further period as may be agreed upon. Of course we are anxious to save every possible chance for settlement by negotiation. It is only because Ambassador Cruchaga insists that such a chance exists that we have urged you to find some way for a further postponement, but we do not wish you to construe these messages as a direction to you to postpone it in face of further protests from Chilean Commissioner.

KELLOGG

723.2515/2415 : Telegram

The Secretary of State to the Ambassador in Chile (Collier)

[Paraphrase]

WASHINGTON, June 9, 1926—6 p.m.

107. Since your No. 201, June 8, 1 p.m., was received I have had conference with Ambassador Cruchaga and have also held meeting of the Plenipotentiaries this morning. Late yesterday afternoon Cruchaga presented to me Chile's specific proposals based on conclusions reached at meeting in Santiago, and this morning laid same proposals before meeting of the Plenipotentiaries.

Substance of proposals is that Chile reiterates her preference for fulfillment of Arbitrator's award; then follows this by expression of willingness to divide territory, present Department of Tacna to go to Peru and present Department of Arica to go to Chile; third proposition is that of a Bolivian corridor four kilometers wide extending from Bolivian boundary to village of Palos on the Pacific Ocean, this corridor to follow present boundary between Departments of Tacna and Arica so that one-half of the corridor strip would be on each side of it. A proviso is added that at no point shall corridor approach the line of the Arica-La Paz railroad nearer than 10 kilometers. Ambassador Velarde made no reply except to say that he would submit these proposals to Peruvian Government. Meeting then adjourned subject to call of Secretary of State.

Lassiter has full authority to handle situation in his discretion at this afternoon's meeting of Plebiscitary Commission; I do not doubt that he will give Chilean Commissioner full opportunity to consent to further postponement, but if latter insists upon forcing issue then fate of plebiscite will be met and decided as far as the Commission is concerned.

I shall be glad to have you report any additional information you may obtain on conclusions reached at meeting of notables in Santiago on Monday. I should be especially interested to know if these conclusions were influenced by any representations or recommendations that may have been made from here by Alessandri. It should be understood, in this connection, that Alessandri's talk with me last Friday was at his request, made through Ambassador Cruchaga. I have reported substance of interview in my No. 105, June 7, 11 a. m., to you. If Alessandri made any recommendation based upon his conversation with me, it could not in any conceivable way have encouraged Chilean Government to take decisions it reached on Monday, except by deliberate misrepresentation of the facts. I did not in slightest manner encourage idea that if negotiations failed and Chile insisted on plebiscite that the plebiscite would go through; the tenor of my remarks was precisely the opposite.

KELLOGG

723.2515/2428 : Telegram

The Consul at Arica (Von Tresckow) to the Secretary of State

[Paraphrase]

ARICA, June 9, 1926—8 p. m.

[Received 10:40 p. m.]

From Lassiter. At meeting of the Plebiscitary Commission this afternoon I made a statement indicating desirability of postponing

Annex 249

Note from the Minister Plenipotentiary of Bolivia in Peru, Alberto Ostria Gutierrez, to the Minister of Foreign Affairs of Bolivia, Enrique Baldivieso, N° 169, 11 June 1936

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

Lima, 11 de junio de 1936.

RESERVADO

N° 169-

RESERVADO.

Asunto: Instrucciones reservadas de fecha 25 de abril.

Señor Ministro:

Con referencia a mi nota N° 152, de fecha 26 del mes ppdo., y a mi cablegrama N° 96, de 4 del corriente mes, me cumple informar a Ud. que, después de una extensa exposición verbal, entregué al Ministro de Relaciones Exteriores, doctor Alberto Ulloa, las bases o temas -cuya copia acompaño- de un plan de aproximación entre Bolivia y el Perú, en conformidad con las instrucciones que recibí de esa Cancillería (Nota N° 67, de fecha 25 de abril, confirmada por cable N° 1028, de 25 de mayo de 1936).

El Ministro de RR.EE. acogió con vivo interés el referido plan, prometiendo estudiarlo y, después de cambiar ideas con el Presidente de la República, presentarme a su vez un proyecto, coordinado ya, que recogiera los temas propuestos, dándoles la forma de un Convenio.

Desde el primer momento, eso sí, el doctor Ulloa puso reservas al párrafo 1), relativo al asentimiento del Perú establecido como condición en el art. 1° del Protocolo complementario de 3 de junio de 1929.

Me expresó el Canciller peruano, tanto en esa oportunidad como en una conversación posterior, que la declaración proyectada significaría en el fondo una coerción moral contra Chile, pudiendo crear, al Perú como a Bolivia, una tirante situación diplomática con aquél. Añadió que, por esa razón, sea con carácter público, sea con carácter reservado, no podía el Perú adelantar nada al respecto. Me dijo finalmente que, a su juicio, no se concebía siquiera que Gobierno alguno del Perú negara su asentimiento para la cesión de Arica cuando Chile y Bolivia llegaran a un acuerdo.

Al señor doctor Enrique Baldivieso,
Ministro de Relaciones Exteriores,
LA PAZ.

LEGATION OF BOLIVIA

Lima, 11 June 1936

Nº 169

CLASSIFIED

Subject: Classified instructions
dated 25 April

Mr. Minister,

With regard to my Note Nº 152, dated the 26th of the past month, and my cablegram Nº 96, of the 4th of this month, I hereby comply with the duty of informing you that, following a lengthy oral address, I submitted to the Minister, Mr. Alberto Ulloa, the bases or topics –a copy of which I am appending– for a rapprochement plan between Bolivian and Peru, in accordance with the instructions I received from that Foreign Ministry (Note Nº 67, dated 25 April, and confirmed by cable Nº 1028, of 25 May 1936).

The Minister of Foreign Affairs welcomed said plan with keen interest and promised to study it and, after exchanging views with the President of the Republic, submit a draft –which will have been agreed to already– containing all the topics proposed and giving them the form of a Covenant.

From the begging, however, Mr. Ulloa put forward observations to paragraph 1), which relates to Peru's consent, prescribed as a condition under Article 1 of the Complementary Protocol of 3 June 1929.

The Peruvian Foreign Minister said, on that occasion and in a subsequent conversation held, that the declaration planned would entail, in the substance, a moral coercion against Chile, and that it could create, for both Peru and Bolivia, a tense diplomatic situation with that country. He added that, for that reason, Peru could not, be publically or confidentially, anticipate anything in relation to the matter. He finally said that, in his view, the fact that any Peruvian Government could refuse its consent to the cession of Arica when Chile and Bolivia come to an understanding was inconceivable.

To Mr. Enrique Baldivieso
Minister of Foreign Affairs,
LA PAZ.

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Aprovecho la oportunidad para reiterar a Ud. las seguridades de mi más alta y distinguida consideración.

Arthur L.

The response given by Mr. Ulloa is thus summarized as follows: Peru cannot, for the time being, anticipate its consent, prescribed under Article 1 of the Complementary Protocol of 3 June 1929. It thus must express that consent once the Bolivian-Chilean agreement is reached.

The observations I made on that regard were fruitless, although I first explained that any consent by Peru would be subject to a prior, friendly and loyal understanding with Chile.

In the substance, there can be no doubt that Peru, in light of the understanding –mainly commercial– it has reached with Chile, does not wish the latter to find any grounds for distrust, independently of whether it is unfounded, in relation to the attitude it follows in the face of Bolivia's port longing and also wishes to, at the same time, preserve its –though nominal to the present– quality as third party to take part in a future agreement between Bolivia and Chile.

As far as other matters are concerned –and particularly free transit– Mr. Ulloa expressed to me his determined willingness, which he ultimately set forth in the following terms: "I would regard myself an unsuccessful Foreign Minister if I failed to conclude an agreement with you, as complete as possible, to secure a better and definite rapprochement between Peru and Bolivia".

As soon as Mr. Ulloa submits the draft he promised, I will immediately submit it for your consideration, so you may impart the corresponding instructions.

I take this opportunity to reiterate to you the assurances of my highest and most distinguished consideration.

[Signature]

1) DECLARACION

Bolivia declara que no tiene ni pretende tener derecho alguno sobre el territorio del sur del Perú, reconocido y delimitado ya por tratados vigentes entre ambos países.

En consecuencia, Bolivia deja expresa constancia de que su anhelo nacional de obtener una salida propia al Océano Pacífico no busca ni buscará satisfacción por ninguna sección de costa ^{la} sur peruana, cuya propiedad territorial respetará siempre de la manera más absoluta.

El Perú declara a su vez que no tiene ni pretende tener derecho alguno sobre el territorio de Bolivia, reconocido y delimitado ya por tratados vigentes entre ambos países.

Al mismo tiempo, declara que, con relación al Artículo 1º del Protocolo complementario de 3 de junio de 1929, suscrito entre el Perú y Chile, el Perú no se opone a la satisfacción del anhelo portuario de Bolivia, ni por consiguiente a la cesión que, como resultado de un amistoso, leal y recíproco entendimiento, pudiera en el futuro hacer Chile a Bolivia de la totalidad o de parte del territorio que conforme al Tratado de 3 de junio de 1929 quedó bajo la soberanía de Chile.

2) CONFIRMACION DEL ACUERDO SOBRE LIBRE TRANSITO ESTABLECIDO YA POR EL TRATADO DE COMERCIO, DE 1905, Y POR LA CONVENCION DE LIBRE TRANSITO POR MOLLENDO, DE 1917.

En confirmación del Tratado de Comercio, de 1905, y de la Convención de libre tránsito por Mollendo, de 1917, así como para su correcta observancia, puesta ya realmente en práctica por el Perú, el Gobierno del Perú garantiza el más absoluto libre tránsito por su territorio para las personas, mercaderías y materiales básicos de cualquier naturaleza que lleguen al puerto de Mollendo con destino a Bolivia y de los productos que salgan de Bolivia para ser embarcados por Mollendo u otro puerto peruano.

1) STATEMENT

Bolivia hereby declares that it does not have, and does not intend to have, any right over the territory found to the south of Peru, which has been recognized and delimited already under Treaties in force between both countries.

As a result, Bolivia hereby places on record that its national longing to obtain an own access to the Pacific Ocean does not seek and will not seek satisfaction through any of the portions of Peru's southern coastline, the territorial proprietorship of which it shall always categorically respect.

Peru hereby declares for its part that it does not have nor intends to have any right over the territory of Bolivia, which has been recognized and delimited already under Treaties in force between both countries.

At the same time, Peru hereby declares, with regard to Article 1 of the Complementary Protocol to the Lima Treaty of 3 June 1929, entered into between Peru and Chile, that it does not oppose to the satisfaction of Bolivia's port longing, nor, consequently, to the cession of the entirety or part of the territory falling under Chilean sovereignty pursuant to the Treaty of 3 June 1929 which, resulting from a friendly, loyal and reciprocal understanding, Chile might make in the future in benefit of Bolivia.

[...]

Annex 250

Treaty of Peace, Friendship and Boundaries between Bolivia and Paraguay,
signed at Buenos Aires on 21 July 1938 (Ratifications exchanged on
29 August 1938)

(Original in Spanish, English translation)

www.latinamericanstudies.org/paraguay/chaco-treaty.pdf

BOLIVIA-PARAGUAY

TREATY OF PEACE, FRIENDSHIP AND BOUNDARIES¹

*Signed at Buenos Aires, July 21, 1938; ratifications exchanged Aug. 29, 1938*²

The Republics of Bolivia and Paraguay with the intention of consolidating peace definitively and to put an end to the differences which gave rise to the armed conflict of the Chaco; inspired by the desire to prevent future disagreements; keeping in mind that between states forming the American community there exist historical brotherly bonds which must not disappear by divergencies or events which must be considered and solved in a spirit of reciprocal understanding and good will; in execution of the undertaking to concert the definitive peace which both republics assumed in the Peace Protocol of June 12, 1935, and in the Protocolized Act of January 21, 1936; represented:

The Republic of Bolivia by His Excellency Dr. Eduardo Diez de Medina, Minister for Foreign Affairs, and His Excellency Dr. Enrique Finot, President of the delegation of that country to the Peace Conference;

And the Republic of Paraguay by His Excellency Dr. Cecilio Baez, Minister for Foreign Affairs; His Excellency General José Félix Estigarribia, President of the delegation of that country to the Peace Conference, and the delegates their Excellencies Doctors Luis A. Riart and Efraim Cardozo;

Present in Buenos Aires and duly authorized by their Governments have agreed to concert under the auspices and moral guarantee of the six mediatory governments, the following definitive treaty of peace, friendship and boundaries.

ARTICLE ONE. Peace between the Republics of Paraguay and Bolivia is reestablished.

ARTICLE TWO. The dividing line in the Chaco between Bolivia and Paraguay will be that determined by the Presidents of the Republics of Argentina, Chile, United States of America, United States of Brazil, Peru and Uruguay in their capacity as arbitrators in equity, who acting *ex aequo et bono* will give their arbitral award in accordance with this and the following clauses.

A. The arbitral award will fix the northern dividing line in the Chaco in the zone comprised between the line of the Peace Conference presented May 27, 1938, and the line of the Paraguayan counter-proposal presented to the consideration of the Peace Conference June 24, 1938, from the meridian of Fort 27th of November, *i.e.*, approximately meridian 61° 55' west of Greenwich, to the eastern limit of the zone, excluding the littoral on the Paraguay River south of the mouth of the River Otuquis or Negro.

B. The arbitral award will likewise fix the western dividing line in the Chaco between the Pilcomayo River and the intersection of the meridian of

¹ Department of State Press Release, No. 351, July 21, 1938.

² *Ibid.*, No. 407, Aug. 30, 1938.

Fort 27th of November, *i.e.*, approximately 61° 55' west of Greenwich, with the line of the award in the north referred to in the previous paragraph.

C. The said line will not go on the Pilcomayo River more to the east than Pozo Hondo, nor to the west farther than any point on the line which, starting from D'Orbigny, was fixed by the Neutral Military Commission as intermediary between the maximum positions reached by the belligerent armies at the suspension of fire on June 14, 1935.

ARTICLE THREE. The arbitrators will pronounce, having heard the parties and according to their loyal knowledge and understanding taking into consideration the experience accumulated by the Peace Conference and the advice of the Military Advisers to that organization.

The six Presidents of the Republics mentioned in Article Two have the faculty of giving the award directly or by means of plenipotentiary delegates.

ARTICLE FOUR. The arbitral award will be given by the arbitrators within a maximum of two months counting from the ratification of the present treaty, obtained in the way and form stipulated in Article Eleven.

ARTICLE FIVE. The award being given and the parties notified, these will immediately name a mixed commission composed of five members, two named by each party, and the fifth designated by common agreement of the six mediatory governments, in order to apply on the ground and set the bournes of the dividing line given by the arbitral award.

ARTICLE SIX. Within thirty days after the award, the Governments of Bolivia and Paraguay will proceed to accredit their respective diplomatic representatives in Asunción and La Paz and within ninety days will fulfill the award in its principal aspects, under the vigilance of the Peace Conference, to whom the parties recognize the faculty of resolving definitely the practical questions which may arise in this connection.

ARTICLE SEVEN. The Republic of Paraguay guarantees the amplest free transit through its territory and especially through the zone of Puerto Casado, of merchandise arriving from abroad destined to Bolivia and of the products which issue from Bolivia to be embarked for abroad through the said zone of Puerto Casado; with the right for Bolivia to install customs agencies and construct depots and stores in the zone of the said port.

The regulations of this article will be the object of a later commercial convention between both Republics.

ARTICLE EIGHT. The arbitral award having been executed through the application and setting of bournes of the dividing line, the Governments of Bolivia and Paraguay will negotiate directly, government to government, the other economic and commercial conventions they deem proper to develop their reciprocal interests.

ARTICLE NINE. The Republics of Bolivia and Paraguay reciprocally renounce all action and claim deriving from the responsibilities of the war.

ARTICLE TEN. The Republics of Bolivia and Paraguay, renewing the

non-aggression pact stipulated in the Protocol of June 12, 1935, solemnly obligate themselves not to make war on each other nor to use force, directly or indirectly, as a means of solution of any present or future difference.

If in any event these were not resolved by direct diplomatic negotiations, they obligate themselves to have recourse to the conciliatory and arbitral procedures offered by international law and especially the American conventions and pacts.

ARTICLE ELEVEN. The present treaty will be ratified by the National Constitutional Convention of Bolivia and by a national plebiscite in Paraguay; in both cases ratification must take place within twenty days counting from the date of signature of this treaty. Ratifications shall be exchanged in the briefest period possible in the Peace Conference.

ARTICLE TWELVE. The parties declare that in case ratification referred to in the preceding article were not obtained, the text and content of this treaty cannot be invoked to found upon them allegations nor proofs in future occasions or procedures of arbitration or international justice.

In faith of which the representatives of Bolivia and Paraguay, together with the plenipotentiary delegates representing the mediatory countries in the Peace Conference, sign and seal the present treaty in double copy at Buenos Aires on the twenty-first day of the month of July, Nineteen hundred and thirty-eight.

DENMARK-FINLAND-ICELAND-NORWAY-SWEDEN

DECLARATION REGARDING SIMILAR RULES OF NEUTRALITY ¹

Signed at Stockholm, May 27, 1938

The Governments of Denmark, Finland, Iceland, Norway and Sweden,
Considering that it is highly desirable that the rules of neutrality applied by them in case of war between foreign Powers should be similar,

Have formulated, on the basis of the Declaration of December 21, 1912, between Denmark, Norway and Sweden, relative to the matter, the texts of rules of neutrality annexed hereto to be established by the said Governments, each as concerns itself,

And have agreed, in case that, as a result of its experiences, one of them should desire to modify the said rules, conforming to what is provided by the Convention Concerning the Rights and Duties of Neutral Powers in Naval War, signed at The Hague, October 18, 1907, it shall not proceed to such modification without having, if possible, previously notified the other four Governments in time to allow an exchange of views upon the matter.

In faith whereof the undersigned, duly authorized for this purpose by their

¹Translated from *Finlands Författningssamlings Fördragsserie Overenskommelser Med Främmande Makter*, 1938, No. 17, pp. 93-94.

Annex 251

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez,
to the Minister of Foreign Affairs of Bolivia, Pedro Zilveti Arce,
N° 280, 7 May 1943

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

N°280- RESERVADO-

Santiago, 7 de mayo de 1943.

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Asunto: Declaracion del
Canciller chileno.

Anexos: Varios recortes.

ANEXO

16 hojas

RESERVADO

Ministerio de Relaciones
Exteriores

MAY 17 1943

REGISTRO No. 5016
202

Señor Ministro:

El día de ayer el Ministro de Relaciones Exteriores de Chile entregó a la prensa la siguiente declaración, que por su importancia transmití a Ud. por cable:

"Con referencia a ciertas declaraciones aparecidas en la prensa sudamericana y atribuidas al Canciller boliviano, Dr. Tomás Elío, relativas a las aspiraciones del país vecino de obtener lo que se ha dado en llamar su reintegración territorial y marítima, el Ministerio de Relaciones Exteriores de Chile cree oportuno declarar que el Gobierno de la República considera que no hay cuestiones pendientes de orden territorial entre Chile y Bolivia, las que fueron definitivamente zanjadas en el Tratado de Paz y Amistad de 1904.

"Toda campaña que tienda a hacer revivir un asunto que está totalmente resuelto desde hace cerca de cuarenta años por la libre y espontánea voluntad de ambos Gobiernos, encontrará un enérgico repudio de parte de nuestro país y sólo servirá para dividir dos naciones vecinas y amigas y debilitar los esfuerzos que los Estados Unidos y demás Estados americanos están realizando en pro de la defensa continental y de la causa de la democracia en el mundo".

Las declaraciones del Canciller Elío, a que se refiere este comunicado oficial y que se publicaron en Santiago, fueron en sentido de que Bolivia anhelaba la revisión de sus líneas fronterizas y que para ello confiaba en el apoyo de los pueblos de América.

Aprovechando la audiencia semanal de ayer, conversé al respecto con el Ministro de Relaciones Exteriores, señor

Al señor
Don Pedro Zilveti Arce,
Ministro interino de Relaciones

Ingresó al Archivo en
27 MAY 1943

LA PAZ-

*Quiero por favor que
entregue la nota
al Sr. Elío
As.*

*Entregada el
13 de mayo
1943
Archivo*

N° 280 – RESERVED

Santiago, 7 May 1943

Subject: Statement by the Chilean Foreign Minister.

Attachments: Several newspaper clippings.

ANNEX

16 Pages

RESERVED

Mr. Minister:

Yesterday the Minister of Foreign Affairs of Chile presented the following statement to the press, which, because of its importance, was transmitted to you by cable:

“With reference to certain statements that appeared in the South American press and attributed to the Bolivian Foreign Minister, Dr. Tomas Elio, concerning the aspirations of the neighboring country to obtain what has been called its territorial and maritime reintegration, the Ministry of Foreign Affairs of Chile believes it appropriate to state that the Government of the Republic considers that there are no pending territorial issues between Chile and Bolivia, which were definitively settled in the Treaty of Peace and Friendship of 1904. Every campaign that tries to revive an issue that has been totally resolved for nearly forty years by the free and spontaneous will of both Governments, will find our country’s strong repudiation and will only serve to divide two neighboring and friendly nations and will weaken the efforts that the United States and other American States are making in favor of the continental defense and the cause of democracy in the world.”

The statements made by Foreign Minister Elio, referred to in this official communiqué that was published in Santiago, were in the sense that Bolivia longed for the revision of its boundary lines and that, to that end, it relied on the support of the peoples of the Americas.

Taking advantage of yesterday’s weekly audience, I discussed the matter with the Minister of Foreign Affairs,

To Mr. Pedro Zilveti Arce,

Acting Minister of Foreign Relations – La Paz

Fernández, a quien no oculté mi contrariedad y mi extrañeza por el violento comunicado que dió a la publicidad, manifestando sobre todo que lo lógico y lo elemental habría sido pronunciarse sobre el pensamiento oficial de la Cancillería de Bolivia y no sobre "declaraciones aparecidas en la prensa sudamericana y atribuidas al doctor Elío", como decía el propio comunicado.

Con tal motivo, el señor Fernández me expresó a su vez que la actitud del Canciller Elío había provocado una seria contrariedad en el Gobierno chileno, sobre todo porque envolvía "una propaganda hostil" contra este país en el resto de América y precisamente en vísperas del viaje del Presidente Ríos a los Estados Unidos.

agf Agregó el señor Fernández que todo asunto chileno-boliviano debía arreglarse entre ambas naciones, directamente, y que su país no aceptaría jamás imposiciones extrañas.

-¿Por qué no nos hablan directamente a nosotros, con franqueza y con lealtad, respecto de su ideal y de sus aspiraciones? -dijo.

Y luego se expresó más o menos en estos términos:

-No hay cuestión que no pueda arreglarse en un terreno de conveniencias recíprocas, pero lo primero que hay que hacer es crear un ambiente propicio de comprensión y de afecto, en vez de provocar desconfianzas y resentimientos.

Derivando después la conversación hacia el tema general de la vinculación entre Bolivia y Chile, más necesaria que nunca en esta hora grave para el mundo y para América,

Mr. Fernandez, to whom I did not hide my annoyance and my surprise at the violent communiqué he had published, stating above all that the logical and the elemental course of action would have been to utter a statement on the official thinking of the Chancellery of Bolivia and not on “statements that appeared in the South American press and attributed to Dr. Elio,” as the communiqué itself stated.

For that reason, Mr. Fernandez told me that the attitude of Chancellor Elio had provoked a serious setback in the Chilean Government, especially since it involved “a hostile propaganda” against this country in the rest of America and precisely on the eve of President Rios’ trip to the United States.

Mr. Fernandez added that every Chilean-Bolivian affair had to be settled directly between the two nations, and that his country would never accept foreign impositions.

- Why don’t you speak directly to us, frankly and with loyalty, about your ideal and your aspirations? –he said.

And then he expressed himself more or less in these terms:

- There is no question that cannot be settled in a field of reciprocal conveniences, but the first thing to do is to create an environment conducive to understanding and affection, instead of provoking mistrust and resentment.

The conversation then drifted to the general issue of the link between Bolivia and Chile, more necessary now than ever in this critical hour for the world and for America.

el Canciller chileno hizo protestas de su afecto a Bolivia, "inclusive por el hecho de tener una hija que llevaba sangre boliviana", y sugirió la conveniencia de que cesen las declaraciones del Canciller Elfo, que calificó de perjudiciales para el buen entendimiento y la cordialidad entre ambas naciones.

De mi parte, una vez más insistí en lo que había manifestado al iniciarse nuestra conversación y subrayé, como siempre, que el ideal portuario de Bolivia era un ideal nacional que sólo podría desaparecer con la nación misma.

Refiriéndose finalmente a la campaña de prensa contra Bolivia, que se ha acentuado en los últimos días, el señor Fernández prometió espontáneamente reunir a los periodistas y llamarlos a la reflexión para detenerla.

Cal

Tan to con relación a esa campaña como con respecto a la actitud del Gobierno chileno, he tenido una actitud serena y prudente, a la vez que digna siempre, animado del convencimiento de que una polémica en los diarios o una actitud violenta y destemplada podrían provocar situaciones graves para el país, que a mi juicio conviene evitar por todo motivo.

Al rogar a usted que esta información sea llevada a conocimiento del Gobierno, porque si bien las expresiones del Canciller chileno difieren de su propia declaración pública, no deben ser desechadas de plano, inclusive por el fondo de razón que encierran en lo que toca al planteamien-

He made reference of his affection for Bolivia, “even for having a daughter with Bolivian blood,” and suggested the desirability of ceasing Chancellor Elio’s statements, which he described as detrimental to a good understanding and cordiality between the two nations.

For my part, I once again insisted on what I had said at the outset of our conversation and emphasized, as always, that Bolivia’s port ideal was a national ideal that could only disappear with the nation itself.

Finally, referring to the press campaign against Bolivia, which has become more pronounced in recent days, Mr. Fernandez has spontaneously promised to bring journalists together and appeal to them to make them stop.

In relation to both this campaign and the attitude of the Chilean Government, I have had a calm and prudent attitude, while always dignified, encouraged by the conviction that a confrontational attitude in newspapers or a violent and disruptive conduct could provoke serious situations for the country, which in my opinion should be avoided at all costs.

In requesting that this information be brought to the Government’s persuasion, because although the expressions of the Chilean Chancellor differ from his own public declarations, they should not be flatly dismissed, even by the substance of reason that they contain in regard to the proposal

to de una negociación directa, envío a Ud. varios recortes
de prensa relacionados con este asunto y aprovecho la
oportunidad para reiterarle las seguridades de mi más alta
consideración.

Arturo Escobar

-4-

for a direct negotiation, I send to you several press clippings related to this matter and I take the opportunity to reiterate the assurances of my highest consideration.

[Signature]

Annex 252

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez,
to the Minister of Foreign Affairs of Bolivia, Pedro Zilveti Arce,
N° 369, 11 June 1943

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

ARAJADA DE BOLIVIA

N°369-RESERVADO-

Asunto: Entrevista con el
Ministro de Relaciones Exteriores.

730
Santiago, 11 de junio de 1943.

RESERVADO

Señor Ministro:

Tengo el agrado de referirme a su nota P.y D.423, de 1° del corriente mes, que me fué entregada personalmente por el Subsecretario de Relaciones Exteriores, señor Humberto Palza.

De acuerdo con las instrucciones que contiene su referida nota, conversé ayer con el Ministro de Relaciones Exteriores, señor Joaquín Fernández, exponiéndole la disposición del Gobierno boliviano para iniciar negociaciones directas con el Gobierno chileno "al margen del Tratado de 1904", como él mismo me propuso en dos entrevistas sucesivas. En respuesta, el Canciller chileno se limitó a decirme que ~~vería~~ con complacencia esa actitud del Gobierno de Bolivia y que se apresuraría a ponerla en conocimiento del Presidente de la República.

A eso se reduce, por el momento, lo que tengo que informar a Ud. acerca de tan importante asunto.

Reitero a Ud. las seguridades de mi más alta consideración.



Al señor
Don Pedro Zilveti Arce,
Ministro interino de Relaciones Exteriores,

LA PAZ-

EMBASSY OF BOLIVIA

Nº 369 – RESERVED

Santiago, 11 June 1943

Subject: Meeting with the
Minister for Foreign Affairs

Mr. Minister:

I am pleased to refer to your Note *P. y D. 423*, dated the 1st of this month, which was delivered to me personally by the Undersecretary of Foreign Affairs, Mr. Humberto Palza.

In accordance with the instructions contained in the above-mentioned Note, I spoke yesterday with the Minister of Foreign Affairs, Mr. Joaquin Fernandez, explaining the willingness of the Bolivian Government to initiate direct negotiations with the Chilean Government “independently of the Treaty of 1904,” as he himself proposed to me in two successive meetings. In response, the Chilean Chancellor merely told me that he was pleased to see that attitude in the Bolivian Government and that he would hurry to inform the President of the Republic.

That, for the moment, is what I have to inform you about such an important matter.

I reiterate to you the assurances of my highest consideration.

[Signature]

To Mister
Pedro Zilveti Arce,
Acting Minister of Foreign Affairs,

LA PAZ-

Annex 253

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez,
to the Minister of Foreign Affairs of Bolivia, Pedro Zilveti Arce,
N° 386, 18 June 1943

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

GOBIERNO DE BOLIVIA

N°386-RESERVADO-

ANEXO

2 hijos

170

Santiago, 18 de junio de 1943.

Asunto: Nueva entrevista con
el Canciller chileno.

RESERVADO

Señor Ministro:

Ministerio de Relaciones
Exteriores
JUN 25 1943
MINISTRO No. 6823 ✓
334

Con referencia a su nota número P.y D.423, de 1° del corriente mes, y a la mía de 11 del mismo mes, así como al cablegrama número 212 que enviamos ayer conjuntamente con el Subsecretario de Relaciones Exteriores, señor Humberto Palza, tengo el agrado de informar a Ud. que, habiendo visitado al Canciller de Chile para presentar a ese alto funcionario de la Cancillería de Bolivia, el señor Fernández nos expresó a ambos lo siguiente:

1).-Que ratificaba su invitación de iniciar negociaciones directas con el Gobierno de Bolivia acerca del ideal portuario de nuestro país, pero "al margen del Tratado de 1904".

2).-Que al declarar eso interpretaba también el pensamiento del Presidente de la República, señor Ríos.

3).-Que se complacía vivamente de que el Gobierno de Bolivia entrara al camino de las conversaciones directas, dejando de buscar soluciones en Ginebra, Washington u otro lugar del mundo, lo que a su juicio sólo provocaba una adversa reacción en la opinión pública chilena.

4).-Que a su juicio las conversaciones podrían ini-

Al señor
Don Pedro Zilveti Arce,
Ministro interino de Relaciones Exteriores,

LA PAZ-

Presó al Archivo en
2-21-1943

Santiago, 18 June 1943

Subject: New meeting with the Chilean Foreign Minister.

Mr. Minister:

With reference to your Note *P. y D. 423*, of the 1st of the current month, and mine of the 11th of the same month, as well as the cablegram Nº 212 that we sent yesterday jointly with the Undersecretary of Foreign Relations, Mr. Humberto Palza, I have the pleasure of informing you that, having visited the Chancellor of Chile to introduce that high official of the Chancellery of Bolivia, Mr. Fernandez expressed to both of us the following:

1).- That he ratified his invitation to begin direct negotiations with the Government of Bolivia regarding the port ideal of our country, but “independently of the Treaty of 1904.”

2).- That, in declaring that, he also interpreted the thinking of the President of the Republic, Mr. Rios.

3).- That he was very much pleased that the Bolivian Government was on the path of direct talks, stopping to seek solutions in Geneva, Washington or elsewhere in the world, which in his view only provoked an adverse reaction in the Chilean public opinion.

4).- That in his opinion the talks could

To Mr. Pedro Zilveti Arce,
Acting Minister of Foreign Affairs,

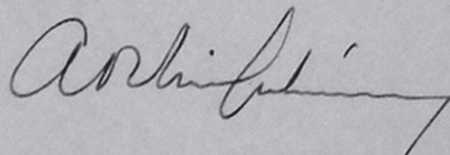
La Paz-

ciarse "cuando terminara el Presidente Peñaranda su gira por América y cuando por consiguiente hubieran concluido sus declaraciones a la prensa de los distintos países del continente".

Como Ud. podrá ver, lo expresado por el Canciller chileno al Subsecretario de Relaciones Exteriores, señor Palza, y a mí, confirma en absoluto lo que al respecto informé a Ud. anteriormente por cable y por correo.

En esta situación y de acuerdo con las instrucciones de Ud., que verbalmente me transmitió el señor Palza, propondré al Canciller chileno oficializar mediante nota esa negociación inicial, todavía inconcreta, pero encaminada hacia un entendimiento directo entre los dos países.

Reitero a Ud. las seguridades de mi más alta consideración.



begin “when President Peñaranda finishes his tour of America and, consequently, when his statements to the press of the different countries of the continent conclude.”

As you can see, what the Chilean Foreign Minister expressed to the Undersecretary of Foreign Affairs, Mr. Palza, and to me, absolutely confirms what I previously informed you by cable and by mail.

In this situation, and in accordance with your instructions, verbally transmitted to me by Mr. Palza, I will propose to the Chilean Foreign Minister to formalize through a note the beginning of that initial negotiation, which has not yet materialized, but aimed at a direct understanding between the two countries.

I reiterate to you the assurances of my highest consideration.

[Signature]

ANEXO A LA NOTA No: 386

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"LOS RECORTES"

Agustinas 1038 — Teléfono 80172

EL DIARIO ILUSTRADO

Moneda 1158
Santiago

17 JUN 1943

**Embajador de Bolivia
en la Cancillería**

El Embajador de Bolivia Excmo. señor Alberto Ostria Gutiérrez visitó ayer tarde al Ministro de Relaciones Exteriores señor Fernández a quien presentó al Subsecretario de Relaciones de Bolivia señor Humberto Palza el que se encuentra de paso en Santiago, por asuntos particulares.

También el Excmo. señor Ostria Gutiérrez y Palza visitaron al Subsecretario de Relaciones Exteriores señor Gajardo, a quien presentaron sus saludos.



“LOS RECORTES”

Agustinas 1038 – Phone 80172

***EL DIARIO ILUSTRADO* NEWSPAPER**

Moneda 1158

Santiago

17 JUNE 1943

The Ambassador of Bolivia in the Foreign Ministry

The Ambassador of Bolivia, His Excellency, Mr. Alberto Ostria Gutierrez, visited yesterday the Minister of Foreign Affairs, Mr. Fernandez, to whom he introduced to the Undersecretary of Foreign Affairs of Bolivia, Mr. Humberto Palza, who is visiting Santiago, to address personal matters.

His Excellency Ostria Gutierrez and Mr. Palza also visited the Undersecretary of Foreign Affairs, Mr. Gajardo, to whom they presented their greetings.

Annex 254

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez,
to the Minister of Foreign Affairs of Bolivia, Pedro Zilveti Arce,
N° 403, 25 June 1943

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

REPUBLICA DE BOLIVIA

N°403-RESERVADO-

203
Santiago, 25 de junio de 1943.

Asunto:Proposición al Canciller chileno.

RESERVADO

Señor Ministro:

Ministerio de Relaciones
Exteriores

Jul 6 - 1943

7161
REGISTRO No. 349

De acuerdo con el pensamiento de esa Cancillería, que el Subsecretario de Relaciones Exteriores, señor Humberto Palza, me hizo conocer con carácter general, verbalmente, y que he visto confirmado en la nota Circular N°P.yD.491 -la que recién me ha hecho conocer el texto escrito de instrucciones especiales, aunque sólo sea en parte, pero manteniendo por tanto mi desconocimiento del resto de ellas-, propuse al Canciller chileno, señor Joaquín Fernández, oficializar mediante notas la proposición que me hizo en varias conversaciones y después en presencia del señor Palza, como consta en nuestro cable N°212, de 17 de junio de 1943, de iniciar conversaciones directas, al margen del Tratado de 1904, respecto del problema portuario de Bolivia.

En contestación, el Canciller Fernández me expresó que consultaría el asunto con el Presidente de la República, señor Ríos, y que ~~le~~ comunicaría el resultado correspondiente.

En su oportunidad, si mi proposición es aceptada, someteré a la aprobación de esa Cancillería el proyecto de

Al señor
Don Pedro Zilveti Arce,
Ministro interino de Relaciones Exteriores,

LA PAZ-

EMBASSY OF BOLIVIA

Nº 403 – RESERVED

Santiago, 25 June 1943

Subject: Proposal to the Chilean Chancellor

Mr. Minister:

In accordance with the thinking of that Foreign Ministry, the Undersecretary of Foreign Affairs, Mr. Humberto Palza, informed me in a general manner, verbally, and which I have seen confirmed in Circular Note Nº *P. y D. 491* –from which I just learned the written text of special instructions, although only in part, but maintaining my ignorance of the rest of them– I proposed to the Chilean Foreign Minister, Mr. Joaquin Fernandez, to formalize through notes the proposal he made in several conversations and thereafter in the presence of Mr. Palza –as recorded in our cable Nº 212, dated 17 June 1943– to initiate direct talks independently of the Treaty of 1904, regarding the port issue of Bolivia.

In reply, Chancellor Fernandez told me that he would consult the issue with the President of the Republic, Mr. Rios, and that he would communicate the corresponding result.

In due course, if my proposal is accepted, I will submit for the approval of that Ministry the draft of the

To Mr.
Pedro Zilveti Arce,
Acting Minister of Foreign Affairs .

LA PAZ.-

nota respectivo.

Reitero a Ud. las seguridades de mi más alta consideración.

Arturo...

EMBASSY OF BOLIVIA

-2-

respective note.

I reiterate to you the assurances of my highest consideration.

[Signature]

Annex 255

Memorandum of the Bolivian Ambassador to the United States, Luis Fernando Guachalla, submitted to the U.S. Secretary of State, Cordell Hull, 15 September 1943

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

RESERVADO



MEMORANDUM

El Gobierno de los Estados Unidos ha sido informado por S. E. el Presidente de Bolivia y su Ministro de Relaciones Exteriores, con ocasión de las conversaciones realizadas en la Casa Blanca el 5 de Mayo próximo pasado, acerca del criterio con que su Gobierno encara el problema de la mediterraneidad de Bolivia. Este criterio puede resumirse en los siguientes enunciados:

1. Bolivia, fiel a su tradición de respeto a los pactos internacionales, no desconoce la legalidad del dominio territorial que Chile ejerce sobre la costa del Pacifico de conformidad con los tratados públicos que tiene suscritos.

2. De otra parte, Bolivia mantiene sus legítimas aspiraciones a una salida soberana al Oceano Pacifico por territorio que posee Chile y las fundamenta en razones de orden político, económico y de justicia internacional.

3. Bolivia propicia un entendimiento directo con Chile sobre bases que consulten las recíprocas conveniencias y los altos intereses de los dos países, sin propósito alguno de perturbar la armonía continental en la consecución de una salida soberana al mar.

Washington, D. C.
Septiembre 15 de 1943.

Embassy of Bolivia
Washington, D. C.

CONFIDENTIAL

MEMORANDUM

The Government of the United States has been informed by H. E. the President of Bolivia, and his Minister of Foreign Affairs, on occasion of the talks held at the White House this past 5 May, of his Government's criterion with regard to Bolivia's landlocked condition. Such criterion can be summarized as follows:

1. Bolivia, faithful to its tradition of respect for international pacts, does not disown the legality of the territorial dominion Chile exercises over the Pacific coast in accordance with the public treaties it has entered into.

2. However, Bolivia maintains its legitimate aspirations for a sovereign outlet to the Pacific Ocean through territory owned by Chile and it supports them due to political, financial and international justice related reasons.

3. Bolivia fosters a direct understanding with Chile on basis that take into account both countries' advantages and high interests and does not wish to disturb continental harmony in its pursuit for a sovereign outlet to the sea.

Washington, D. C.
15 September 1943.

Annex 256

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez, to
the Minister of Foreign Affairs of Bolivia, Adolfo Costa du Rels,
N° 455/325, 2 June 1948

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

(Submitted by Bolivia as Annex 61 to its Memorial)

unto: Negociaciones portua-
s con el gobierno de Chile.

RESERVADO

Santiago, 2 de junio de 1948.

RESERVADO

Señor Ministro:

Oportunamente recibí la nota N° G.S.6, de 19 de abril del corriente año, conteniendo las instrucciones suscritas por S.E. el Presidente de la República y por Ud., para iniciar una negociación directa con el gobierno de Chile, encaminada a resolver el problema portuario de Bolivia.

Sin entrar a analizar esas instrucciones, que abren una nueva era en la historia de nuestras relaciones diplomáticas con Chile y a las que me referí ya en la carta personal que dirigí a Ud. el 30 de abril, tengo el agrado de informarle acerca de la conversación que, considerando aquéllas, sostuve ayer con el Presidente de la República, señor Gabriel González Videla, y de la cual adelanté a Ud. una síntesis en mi cablegrama N° 116, de carácter estrictamente confidencial.

Desde luego, el señor González Videla me preguntó si había recibido ya instrucciones del gobierno de Bolivia relacionadas con las conversaciones que habíamos tenido anteriormente.

Al contestarle en sentido afirmativo, el Presidente de Chile me pidió que le concretara, clara y francamente, el pensamiento de Bolivia.

- Bolivia necesita tener una salida propia al mar, - le dije francamente. - Y a continuación le expresé que el ideal portuario estaba arraigado en lo más hondo de la conciencia nacional boliviana, que el problema mientras no fuera resuelto duraría lo que dure la existencia de la nación y que si desaparecieran todos los bolivianos quedando vivo uno solo, ese boliviano jamás dejaría de reclamar una salida propia al mar para su país. Le hice notar también que, aunque en la forma de plantear el problema portuario hubiera habido alguna vez discrepancias de carácter interno, en el fondo el pueblo boliviano se mantenía firme y unido alrededor de su ideal portuario. Además, le subrayé que mientras esa cuestión de vital importancia para Bolivia no fuera resuelta satisfactoriamente, nada se podría construir entre ambos países y que su vecindad con Chile carecería de sentido, llevando más bien a Bolivia a realizar una obra con otros de sus vecinos, tal como se había hecho ya con la Argentina.

Con gran nobleza, el Presidente González Videla me declaró entonces que no sólo comprendía la significación de nuestro problema, sino que éste le inspiraba la más viva simpatía y que él, si hubiera sido boliviano, habría

Al señor don Adolfo Costa du Rels,
Ministro de Relaciones Exteriores y Culto.
La Paz, Bolivia.

EMBASSY OF BOLIVIA

CONFIDENTIAL

N°455/325

Santiago, 2 June 1948

Subject: Port negotiations with the Government of Chile

Distinguished Minister:

I have received the Note N° G.S.6 of 19 April of the present year, containing the instructions submitted by His Excellency the President of the Republic and by you, in order to begin a direct negotiation with the Government of Chile aimed at solving the port issue of Bolivia.

Without analyzing these instructions, which open a new era in the history of our diplomatic relations with Chile and to which I referred already in the personal letter that I addressed to you on 30 April, I am pleased to inform you about the conversation that—considering those instructions— I held yesterday with the President of the Republic, Mr. Gabriel Gonzalez Videla, and from which I forwarded to you a synthesis in my cablegram N° 116, strictly confidential.

Mr. Gonzalez Videla, of course, asked me if I had already received instructions from the Government of Bolivia regarding the conversations we previously had.

In replying to him in the affirmative, the President of Chile asked me to clarify to him in a clearly and frankly way the thinking of Bolivia.

Bolivia needs to have its own outlet to the sea—I frankly stated—. And then I said that the port ideal was rooted deep within the Bolivian national consciousness, that the problem, until it was resolved, would last for the duration of the nation's existence and that if all Bolivians disappeared, leaving only one, that Bolivian would never stop claiming an own outlet to the sea for his country. I also noted that, although the port problem had been raised in the past, there had been some internal discrepancies, and the Bolivian people remained firm and united around their port ideal. In addition, I stressed that as long as this vitally important issue for Bolivia was not satisfactorily resolved, nothing could be built between the two countries and that their neighborliness with Chile would be meaningless, leading Bolivia to work with other countries of its neighborhood, as had already been done with Argentina.

With great nobility, President Gonzalez Videla told me that he not only understood the significance of our problem, but that it inspired him with the most sympathy and that he, if he had been a Bolivian,

To Mr. Adolfo Costa du Rels,
Minister of Foreign Relations and Worship,
La Paz, Bolivia.

- Nota confidencial N°325, pag. 2-

pensado y sentido al igual que nosotros. "Hay que reconocer que es una aspiración legítima, más todavía si se considera que Bolivia tuvo una salida al mar", concluyó diciendo.

El señor González Videla me propuso después que tratáramos el asunto desde un punto de vista concreto, realista, e insistió en que le hiciera una proposición basada en las instrucciones que había yo recibido.

- Esa proposición forzosamente tiene que depender, conocido ya el pensamiento fundamental de Bolivia en el sentido de obtener una salida propia al mar, de la medida en que Chile esté dispuesto a satisfacer el ideal portuario boliviano, - repuse.

Entonces el Presidente de la República me dijo, prosiguiendo la conversación en un terreno de gran franqueza, que su gobierno estaba dispuesto:

1°, a ceder a Bolivia una faja de territorio de aproximadamente cinco kilómetros al norte de Arica;

2°, a aceptar que Bolivia construya hasta el puerto boliviano un desvío de la línea del ferrocarril Arica-La Paz;

3°, a negociar con Bolivia el arrendamiento o traspaso de la sección chilena de dicho ferrocarril.

Al referirse a la zona situada al norte de Arica, me dijo que la marina chilena había hecho algunos estudios y que de las informaciones que él tenía se deducía la posibilidad de construir allí un puerto. Manifestó también que llegado el caso de ejecutar la obra no sería difícil obtener un empréstito del gobierno de los Estados Unidos, lo mismo que para la construcción del desvío del ferrocarril, y que Chile cooperaría con Bolivia para obtener dicho empréstito.

Mencionó después la aspiración boliviana de obtener Arica y me declaró que a su juicio no habría quien la acepte en Chile.

- Hay muchos chilenos eminentes que la aceptan, - le interrumpí, citando luego la opinión del señor Juvenal Hernández. Por otra parte, recalqué el hecho de que, como alguna vez había expresado el escritor boliviano Sánchez Bustamante, "Arica no podía ser materia de un litigio pero sí de una negociación".

Me contestó el señor González Videla que Arica era un santuario de las glorias guerreras de Chile y que a su juicio el ejército no aceptaría su cesión a otro país. Se refirió con tal motivo al sentimiento nacionalista de Chile acrecentado por la incorporación de la Antártida, y me expresó que así como el pueblo chileno le había dado todo su apoyo en ese asunto, podría negarle su adhesión ante la transferencia de aquél puerto.

would have thought and felt just like us. “It has to be recognized that it is a legitimate aspiration, even more so if it is considered that Bolivia had an outlet to the sea,” he concluded.

Mr. Gonzalez Videla later proposed that we treat the matter from a concrete, realistic point of view and insisted that I submit a proposal based on the instructions I had received.

- That proposal necessarily has to depend –already known the fundamental thinking of Bolivia in the sense of obtaining its own outlet to the sea– of the extent to which Chile is willing to satisfy the Bolivian port ideal, I said.

Then the President of the Republic said to me, continuing the conversation in a field of great frankness, that his Government was willing:

1 ° To cede to Bolivia a territorial strip about five kilometers north of Arica;

2 ° To accept that Bolivia builds a detour of the Arica-La Paz railway line up to the Bolivian port;

3 ° To negotiate with Bolivia the lease or transfer of the Chilean section of said railway.

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 as the construction of the detour of the railway, and that Chile would cooperate with Bolivian to obtain that loan.

He then mentioned the Bolivian aspiration to obtain Arica and declared that in his opinion there would be no one who would accept this in Chile.

There are many prominent Chileans who accept it –I interrupted him–, then quoting the opinion of Mr. Juvenal Hernandez. On the other hand, I emphasized the fact that, as the Bolivian writer Sanchez Bustamante had once said, “Arica could not be a matter of dispute, but a matter of negotiation.”

Gonzalez Videla replied that Arica was a sanctuary of the warlike glories of Chile and that in his opinion the Army would not accept its cession to another country. He referred to the nationalist sentiment of Chile, which was reinforced by the incorporation of Antarctica, and he said that, as the Chilean people had given him their full support in this matter, they could deny their acceptance to the transfer of that port.

RESERVADO

- Nota confidencial N° 325, pag. 3-

- Distinto sería el caso de una faja de territorio al norte de Arica, -me declaró.- El ejército no haría oposición, porque significaría la supresión de una frontera. Por otra parte, yo estoy dispuesto a dar la batalla y a ganarla durante mi gobierno, no sólo porque es un acto de justicia con Bolivia sino porque conviene al futuro de nuestros dos países.

Al mencionar el punto relativo al ferrocarril de Arica a La Paz, me preguntó si realmente nos interesaba hacernos cargo de esa línea férrea, como parte de una solución gradual y mediante las compensaciones respectivas.

Le repuse que su cesión aislada no nos interesaba, porque sólo crearía problemas económicos y aun sociales (en Arica) para Bolivia; pero agregué que aceptaríamos considerarla dentro de una solución de conjunto, o sea como parte integrante de la salida al mar para Bolivia. En cuanto a las compensaciones, recalqué rotundamente que con referencia a cualquiera de los aspectos a negociarse Bolivia no aceptaría dar nada en el orden territorial, limitando su asentimiento a compensaciones que, después de ser consideradas justas, como la relativa a la línea férrea o al material rodante, por ejemplo, fueran exclusivamente de orden económico o comercial.

Me habló también el Presidente de Chile de la posición del Perú y de la posibilidad de que surgiera una injustificada oposición dadas las complicaciones de la política interna peruana. Me dijo, además, que a su juicio debía oportunamente informarse al Perú - tal como lo establecía el tratado chileno-peruano de 1929, - acerca de la negociación con Bolivia, pero coincidió conmigo en la conveniencia de mantener la reserva en esta etapa meramente preliminar de nuestras conversaciones. Finalmente, me pidió que sobre las bases por él señaladas, se pronunciara el gobierno de Bolivia o hiciera su contraposición para estudiarla detenidamente.

En cuanto a la posibilidad de formalizar por escrito las negociaciones, el señor González Videla me dijo que no tenía inconveniente alguno, pero que se haría en el momento en que yo recibiera la respuesta del gobierno boliviano.

Concluyó la entrevista, que se caracterizó por una gran cordialidad y confianza recíprocas, sugiriéndome el Presidente González Videla que lo visitara nuevamente cuando me llegara la contestación de La Paz.

Visité también, hoy, al Ministro de Relaciones Exteriores, señor Germán Vergara Donoso, quien se mostró muy interesado por conocer el resultado de mi conversación con el Presidente de la República, al cual no había tenido aún la oportunidad de ver.

Lealmente, expuse al señor Vergara Donoso la parte fundamental de mi conversación con el Presidente González Videla.

Después de escucharme, el señor Vergara Donoso me

That would not be the case –he told me– for a territorial strip north of Arica. The Army would not oppose to this, because it would mean the suppression of a boundary. On the other hand, I am ready to fight for this and win that fight during my Government, not only because it is an act of justice towards Bolivia, but because it is convenient for the future of our two countries.

When I mentioned the point concerning the railway from Arica to La Paz, he asked me if we were really interested in taking charge of that railway, as part of a gradual solution and with the respective compensations.

I told him that its isolated transfer was not of interest to us, because it would only create economic and even social problems (in Arica) for Bolivia; but I added that we would accept it as part of an overall solution, or as an integral part of the outlet to the sea for Bolivia. With regard to compensations, I strongly emphasized that, with regard to any of the aspects to be negotiated, Bolivia would not accept giving anything in the territorial nature, limiting its assent to compensations that, after being considered fair, such as that relating to the railway line or to rolling stock, for example, were exclusively of an economic or commercial nature.

The President of Chile also spoke of the Peruvian proposal and of the possibility of an unjustified opposition arising from the complications of Peruvian domestic politics. He also told me that in his opinion, Peru should be informed in due course –as was established in the Chilean-Peruvian Treaty of 1929– as regards the negotiation with Bolivia, but he agreed with me on the desirability of maintaining this merely preliminary stage of our conversations as confidential. Finally, he asked me –on the bases indicated by him– that the Government of Bolivia pronounces in this regard or to make its contraposition, in order to study it in detail.

As for the possibility of formalizing the negotiations in writing, Mr. Gonzalez Videla told me that he had no objection, but that he would do so when I received the Bolivian Government's reply.

The meeting concluded, which was characterized by great cordiality and mutual trust, and President Gonzalez Videla suggested that I visit him again when I received the reply from La Paz.

Today, I also visited the Minister of Foreign Affairs, German Vergara Donoso, who was very interested in the outcome of my conversation with the President of the Republic, whom I had not yet had the opportunity to see.

Sincerely, I explained to Mr. Vergara Donoso the fundamental part of my conversation with President Gonzalez Videla.

After listening to me, Mr. Vergara Donoso asked me

preguntó si en realidad habíamos tratado del aspecto gradual de la negociación, concretado en su primera etapa al ferrocarril Arica-La Paz.

Aproveché entonces la oportunidad para manifestarle lo que había ya expresado al Presidente de la República, o sea que el ferrocarril, aisladamente considerado, no interesaba a Bolivia. Por otra parte, le hice notar que el asunto que tratábamos tenía dos aspectos diferentes: el del tránsito, de secundaria importancia, y el de la salida al mar para Bolivia, que era el fundamental, el que precisamente había encarado el propio Presidente González Videla y el que debíamos resolver asentando la base de una gran obra de aproximación entre nuestros dos países.

El señor Vergara Donoso se mostró especialmente preocupado de la necesidad de informar al Perú acerca de las negociaciones con Bolivia y me preguntó si habíamos hecho algún sondeo ante el gobierno de ese país y cual creía yo que sería la reacción del Presidente Bustamante y Rivero.

De acuerdo a la verdad, le referí que hace años, en 1936, había yo gestionado, cuando ocupaba el puesto de Ministro en Lima, por instrucciones del gobierno de Bolivia, el asentimiento del gobierno del Perú para el caso de la transferencia de un puerto chileno a Bolivia, y que el Canciller Ulloa no había rechazado la idea, limitándose a considerar que su planteamiento era prematuro y que la aceptación en aquel instante equivaldría a ejercitar una presión sobre Chile. Adivertí, además, que posteriormente no se había reiterado esa gestión y que la información al Perú de cualquier arreglo territorial en la zona de Arica correspondía no a Bolivia sino a Chile, que tenía un acuerdo expreso con el Perú en ese sentido. Por lo que toca a la opinión del Presidente Bustamante y Rivero, dije que no tenía elementos de juicio para pronunciarme al respecto, pero que consideraba a aquél un verdadero estadista y un noble amigo de Bolivia, capaz por tanto de demostrar, tal como lo hacía el Presidente González Videla, una comprensión cabal del problema portuario boliviano.

El Canciller chileno me hizo notar que las negociaciones con Bolivia debían en cierto momento ser consultadas a la comisión diplomática del Senado y que, como es natural, la reserva podía desaparecer, por lo cual a su juicio debía informarse al Perú, apenas fueran formalizadas aquellas, después de llegada la respuesta del gobierno de Bolivia.

Insistió también el señor Vergara Donoso en que la negociación sería larga y que tropezaría con serios obstáculos.

- Los obstáculos se vencen cuando hay la voluntad de resolver el fondo del problema, -le dije yo.

- Es evidente, pero por el éxito mismo de la solución debemos ir despacio, muy despacio, - me contestó, repitiendo así lo que expresara ya en Rio de Janeiro al Canciller Luis Fernando Guachalla.

whether we had actually dealt with the gradual aspect of the negotiation, concretizing the Arica-La Paz railroad in its first stage.

I then took the opportunity to express what the President of the Republic had already expressed, that is, the railroad, considered in isolation, was of no interest for Bolivia. On the other hand, I pointed out that the matter we were dealing with had two different aspects; the one regarding transit, which was of secondary importance, and the one of the outlet to the sea for Bolivia, which was the fundamental one, the one that President Gonzalez Videla himself had address and that we had to resolve, laying the foundations for a great work of rapprochement between our two countries.

Mr. Vergara Donoso was especially concerned about the need to inform Peru about the negotiations with Bolivia and asked me if we had done any survey before the Government of that country and what I thought would be the reaction of President Bustamante and Rivero.

According to the truth, I told him that years ago, in 1936, when I had held the position of Minister in Lima, by instructions of the Government of Bolivia, I had negotiated the assent of the Government of Peru in the case of the transfer of a Chilean port to Bolivia, and that Chancellor Ulloa had not rejected the idea, merely considering that the approach was premature and that acceptance at that moment would amount to putting pressure on Chile. I further noted that this negotiation had not subsequently been repeated and that the information to Peru of any territorial arrangement in the Arica area corresponded not to Bolivia but to Chile, which had an express agreement with Peru in that regard. As far as the opinion of President Bustamante and Rivero was concerned, I said that I had no evidence to pronounce on this, but that I considered him to be a true statesman and a friend of Bolivia, capable of demonstrating, as President Gonzalez Videla did, a thorough understanding of the Bolivian port issue.

The Chilean Foreign Minister pointed out to me that the negotiations with Bolivia had to be consulted, at a certain point, to the Diplomatic Committee of the Senate, and that, of course, the reservation could disappear, so that in his opinion Peru should be informed, as soon as those negotiations were formalized, after the arrival of the response of the Bolivian Government.

Mr. Vergara Donoso also insisted that the negotiations would be long and that it would face serious obstacles.

Obstacles are overcome when there is the will to solve the problem, I told him.

It is evident, but for the very success of the solution we must go slowly, very slowly, he replied, repeating what he had already expressed in Rio de Janeiro to Chancellor Luis Fernando Guachalla.

Por lo que toca a formalizar las negociaciones, abriendo esa etapa mediante cambio de notas, por ejemplo, el señor Vergara Donoso manifestó también su plena conformidad.

En síntesis, si bien el Canciller chileno no se mostró tan expresivo como el Presidente González Videla y por el contrario se presentó excesivamente cauteloso, no descartó en ningún momento la negociación sobre el aspecto fundamental del problema boliviano, o sea el de la salida al mar para nuestro país, manifestándose su deseo y su esperanza de llegar a un entendimiento y de hacer una obra realmente constructiva entre las dos naciones.

Antes de regresar a La Paz, el Embajador de Chile en Bolivia, señor Jorge Saavedra Agüero, me dijo a su vez, confidencialmente, refiriéndose a la posición del Perú frente a las negociaciones de Chile con Bolivia, que si era negativa revelaría a Chile que el Perú proyectaba la reivindicación de Arica, recogiendo aquí tan grave advertencia, y que de otro lado podría tender a conseguir ventajas de Bolivia, para sólo después de obtenerlas dar su asentimiento. En todo caso, el Embajador chileno consideraba que la oposición peruana se vencería con el concurso del gobierno de los Estados Unidos, el cual con sobrada razón podría decir al Perú: "No fastidie oponiéndose a la cesión de un territorio que no es suyo".(sic)

Al terminar esta información rigurosamente confidencial, que ruego a Ud. llevar a conocimiento de S.E. el Presidente de la República, doctor Hertzog, me permito hacer notar que con la negociación iniciada con el Presidente de Chile, aunque sólo sea en forma verbal, sobre la cuestión portuaria de Bolivia, se ha abordado por primera vez de un modo concreto- desde que el Perú y Chile resolvieron el pleito de Tacna y Arica -el problema fundamental de nuestro país, frente al cual habíamos encontrado antes en Chile unas veces el rechazo airado y otras la evasiva discreta..

Toca ahora al gobierno de Bolivia asumir su responsabilidad histórica, estudiar las bases señaladas por el Presidente de Chile y hacer la contraposición que considere conveniente para los intereses nacionales.

De mi parte, si las bases concretadas por el Presidente González Videla se consideran aceptables en principio, me permito sugerir que en la contraposición de Bolivia se amplíe la faja que cedería Chile a una extensión que comprenda la propia línea del ferrocarril, hasta la zona anterior a Arica, o sea hasta aquella de donde partiría el desvío de la línea al puerto boliviano, y que la solución misma, o sea la salida propia para Bolivia esté condicionada a la posibilidad de construir un verdadero puerto en el territorio cedido.

Reitero a Ud. las seguridades de mi más alta consideración.

Arturo Escobar

With regard to formalizing the negotiations, opening that stage by means of exchange of notes, for example, Mr. Vergara Donoso also expressed his full agreement.

In summary, although the Chilean Foreign Minister was not as expressive as President Gonzalez Videla and on the contrary he was excessively cautious, he did not at any time discard the negotiation on the fundamental aspect of the Bolivian issue, that is to say, the outlet to the sea for our country, manifesting his desire and his hope of reaching an understanding and of carrying out a really constructive work between the two nations.

Before returning to La Paz, the Chilean Ambassador to Bolivia, Mr. Jorge Saavedra Agüero, confidentially told me, referring to Peru's position regarding Chile's negotiations with Bolivia, that if it was negative, it would reveal to Chile that Peru projected the vindication of Arica, noting here this serious warning, and that on the other hand it might tend to obtain advantages from Bolivia, to only after obtaining them to give its assent. In any case, the Chilean Ambassador considered that the Peruvian position would be defeated with the assistance of the United States Government, which could reasonably say to Peru: "Do not bother by opposing to the cession of a territory that is not yours." (sic)

In concluding this strictly confidential information, which I ask you to bring to the attention of His Excellency the President of the Republic, Dr. Hertzog, I would like to point out that with the negotiation initiated with the President of Chile –albeit only in a verbal form– regarding the port issue of Bolivia, the fundamental problem of our country has been addressed –in a concrete way– for the first time since Peru and Chile settled the dispute over Tacna and Arica, in relation to which we had previously found in Chile sometimes angry rejections and others discreet evasions.

It is now up to the Bolivian Government to assume its historical responsibility, to study the bases indicated by the President of Chile and to make the counterproposal it deems appropriate for the national interests.

For my part, if the foundations laid down by President Gonzalez Videla are considered acceptable in principle, I would suggest that in Bolivia's counterproposal the territorial strip that Chile would cede be extended to an extension that includes the railway line itself, to the area before Arica, that is to say, from where the detour of the railway line to the Bolivian port would take place, and that the solution itself, that is to say, Bolivia's own outlet to the sea is conditioned on the possibility of building a real port in the ceded territory.

I reiterate to you the assurances of my highest consideration.

[Illegible Signature]

Annex 257

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez, to
the Minister of Foreign Affairs of Bolivia, Adolfo Costa du Rels,
Nº 515/375, 28 June 1948

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

(Submitted by Bolivia as Annex 62 to its Memorial)

N° 515/375

Asunto: Negociaciones
con Chile.

Santiago, 28 de junio de 1948.

RESERVADO

Señor Ministro:

Posteriormente al envío de mi nota N° 455/325, de 2 del corriente mes, en la que dí a Ud. cuenta de mis conversaciones con el Presidente de Chile, señor Gabriel González Videla, y con el Ministro de Relaciones Exteriores, señor Germán Vergara Donoso, recibí las nuevas instrucciones contenidas en la carta de fecha 4, suscrita por S.E. el Presidente de la República, Doctor Enrique Hertzog, y por Ud., como resultado de las informaciones que transmití en mi cablegrama cifrado N° 116, del día 1°.

De inmediato me entrevisté con el Ministro de Relaciones Exteriores, quien me había pedido adelantarle los puntos principales que, de acuerdo con las instrucciones que recibiera, debía expresar al Presidente de la República. Francamente, hice saber al señor Vergara Donoso en qué consistía la contraposición del gobierno de Bolivia.

El Canciller chileno me escuchó en silencio y después sólo hizo una observación, en estos términos:

-¿ Acaso el Presidente de la República no le adelantó la imposibilidad de ceder Arica?

- Así fué, - repuse; - pero al mismo tiempo me invitó a que, después de hacer la respectiva consulta a la Cancillería de La Paz, le expusiera clara y lealmente el pensamiento del gobierno de Bolivia. I es eso lo que me propongo hacer.

Nada agregó el señor Vergara Donoso frente a ese argumento y, dentro de la excesiva cautela que le caracteriza, únicamente coincidió conmigo en la conveniencia de acelerar las negociaciones, prometiéndome a la vez obtener una audiencia del Presidente de la República.

El jueves 17 del presente mes, a las 12 1/2 p.m., me fué concedida esa audiencia, en la que el Presidente González Videla me recibió con la gran cordialidad de siempre. Luego, correspondiendo a su propia invitación y tal como había yo expresado al Ministro de Relaciones Exteriores, le hice conocer lealmente el pensamiento del gobierno de Bolivia, proponiendo "la cesión del puerto de Arica y de la faja costera al norte hasta la frontera peruana", conforme a las instrucciones de S.E. el Presidente de la República y de Ud., fechadas el 4 de junio (letra a). Además, propuse la transferencia "del tramo chileno del ferrocarril Arica-La Paz, con sus dependencias, almacenes, etc." (letra b) y expliqué

Señor don Adolfo Costa du Rels,
Ministro de Relaciones Exteriores.

A P A Z .

EMBASSY OF BOLIVIA

STRICTLY CONFIDENTIAL

N° 515/375

Subject: Negotiations
with Chile

Santiago, 28 June 1948.

Mr. Minister:

Following the dispatch of my note N° 455/325, dated 2 June, in which I inform you of 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, sent by H.E. the President of the Republic, Dr. Enrique Hertzog, and by you, as a result of the information I transmitted in my encrypted cablegram N° 115, of the first of this month.

Immediately thereafter, I met with the minister of Foreign Affairs, who had requested me to provide him information on the main points which, in accordance with the instructions I would receive, I was to communicate to the President of the Republic. I informed Mr. Vergara Donoso about the content of the Bolivian counterproposal in frank terms.

The Chilean Foreign Minister heard me silently and then made the following observation:

-Has the president of the Republic not told you about the impossibility of transferring Arica?

-Yes, he did, I replied, but he also invited me to, after making the respective consultation with the Foreign Ministry of La Paz, communicate to you, in clear and faithful terms, the view of the Government of Bolivia. And that is what I am determined to do.

Mr. Vergara Donoso said nothing in response to this assertion and, with the extreme caution that characterizes him, only agreed on the advisability of moving forward with the negotiations, and also promised to schedule a meeting with the President of the Republic.

On Thursday 17 of this month, at 12:30 p.m., I was granted that meeting and President Gonzalez Videla received me with much cordiality, as always. Then, consistently with his very invitation and just as I had told the Foreign Minister, I faithfully informed him of the view of the Government of Bolivia, proposing "the cession of the port of Arica and of the coastal strip to the north, up to the Peruvian border" -following the instructions issued by H.E. the President of the Republic and yours, on 4 June (letter a). I also proposed the transference of the "Chilean section of the Arica-La Paz railway, including its dependencies, warehouses, etc.", (letter b) and I explained

To Mr. Adolfo Costa du Rels
Minister of Foreign Affairs
LA PAZ.

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que las compensaciones respectivas, tanto por aquella cesión como por ésta, serían objeto de un acuerdo posterior, dentro del plazo de quince días (letra c). Finalmente, sugerí que el gobierno de Chile informara en su oportunidad al gobierno del Perú, -tal como se halla establecido en el protocolo complementario suscrito entre ambos países el año 1929,- acerca de los acuerdos a que se llegue con Bolivia, porque nuestro país "no deseaba que la solución de su problema portuario entrañara una alteración de su amistad con la República hermana del Perú" (letra d).

Al hacer aquella proposición, expuse también al Presidente González Videla diversas consideraciones de orden geográfico y económico que aconsejaban la cesión de Arica a Bolivia, puerto que en realidad sólo constituía para Chile "una portería onerosa", según la cabal expresión de un eminente político e intelectual chileno.

Después de escucharme con gran atención, el Presidente González Videla volvió sobre los argumentos que me había adelantado en nuestra entrevista del día 1º de junio y acerca de los cuales informé a Ud. en mi nota N° 455/325, del día siguiente. Después agregó, en la forma más rotunda, que la cesión de Arica era imposible, cualesquiera que fueran las condiciones que se propusieran, e insistió en que esa ciudad era un verdadero santuario de las glorias guerreras de Chile y que por tanto las fuerzas armadas no aceptarían de ninguna manera dicha cesión.

Me dirá Ud. que no tengo por qué pedir el asentimiento de las fuerzas armadas, -agregó.- Eso es cierto. Pero como jefe del Estado estoy en el deber de conocer su opinión y sé que ésta es adversa.

Propuse entonces, de acuerdo con las instrucciones de fecha 4 de junio, (letra e) que como lo que interesaba a Bolivia era el puerto de Arica, se excluyera de la cesión, mediante un modus vivendi, el Morro, donde en realidad debía considerarse situado "el santuario de las glorias guerreras de Chile".

Sin embargo, nada pude adelantar en nuestro objeto, porque el Presidente González Videla se mantuvo inflexible en su punto de vista contrario a la cesión de Arica.

-Aun en el caso de que yo aceptara esa cesión, -me dijo,- el Congreso la rechazaría por unanimidad. Verdaderamente, no habría un solo voto en su favor. ¿Para qué, pues, ir a un seguro fracaso? Si yo no obrara de buena fe, fácil me sería aceptar la proposición boliviana y limitarme a esperar que el Congreso la rechace. Pero no es ni puede ser ésta mi intención. Al contrario, precisamente deseo llevar las cosas a un terreno realista para que Chile y Bolivia se entiendan. Más todavía: comprendo la necesidad que Bolivia tiene de una salida al Océano Pacífico. Nací en la Serena, soy hombre de mar y me doy cuenta de lo que significa para un país no poseer una salida al océano, mayormente cuando ese país la ha tenido, como es el caso de Bolivia. Si yo fuera boliviano, mantendría el mismo ideal de ustedes.

to him that the respective compensations, both for the cession as for the transfer, would be subject to a subsequent agreement to be entered into within a term of fifteen days (letter c). Finally, I suggested that the Government of Chile should inform the government of Peru –as prescribed under the additional protocol concluded between both countries in 1929– of 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 I made that proposal, I also explained to President Gonzalez Videla the geographic and financial aspects that made advisable the cession of Arica to Bolivia –port which in reality was nothing but an “onerous port” for Chile, according to the categorical statements of an eminent Chilean intellectual and politician.

After hearing me with great attention, President Gonzalez Videla addressed the arguments that he had put forward in the meeting we held on 1 June and about which I informed you in my Note^o 455/325, dated 2 June. After that, he added firmly that ceding Arica was impossible, regardless of 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 its cession.

–You will tell me that I ought not to request consent from the Army –he added– That is true. But as the Head of the State it is my duty to give an ear to their opinion, and I know the Army opposes to that idea.

I then proposed, in accordance with the instructions imparted on 4 June, (letter e) that, since what mattered to Bolivia was the port of Arica, the Morro of Arica, where the “warlike glories of Chile” were actually located, should be excluded from the transfer by means of a modus vivendi.

However, I could not make any progress with our purpose, because President Gonzalez Videla remained inflexible in his view opposing to the cession of Arica.

–Even if I accepted this transfer –he said– the Congress would reject it unanimously. To be honest there would not be a single vote in favor of it. Why head towards a forced failure then? Were I not acting in good faith, it would be easy to accept the Bolivian proposal and limit myself to expect the Congress to reject it. But that is not and it cannot be my intention. On the contrary, I want to take things to a realistic field so 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 La Serena, I am a seaman and I realize what not having an access to the ocean means for a country, all the more when this country did have, as in the case of Bolivia, one. If I were Bolivian, I would keep the same ideal you do.

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Luego, insistiendo en el rechazo de nuestra contraproposición, me declaró que él podía sí aceptar la cesión de una faja de territorio, "pero no de una población". Por otra parte, me hizo la observación de que la resistencia del Perú sería inevitable en el caso de que Arica pasara a poder de Bolivia, lo que a su juicio no ocurriría ante la simple cesión de un territorio semidesierto al norte de esa ciudad. "Sin lugar a duda -concluyó diciendo- en el primer caso se despertaría la más profunda animadversión del Perú no sólo contra Chile sino también contra Bolivia."...

Volvió después a su empeño de llevar las negociaciones a un terreno realista, hacederero y señaló una vez más la posibilidad de ceder una faja de territorio al norte de Arica.

En esa situación, cerrado todo camino a la posibilidad de obtener su asentimiento para la cesión de Arica, procediendo de acuerdo con lo expuesto por S.E. el Presidente de la República, Doctor Enrique Hertzog, en la nota dirigida a usted, en fecha 17 de abril de 1948 (letra a), y con la expresa autorización que contiene el cablegrama de Ud., N° 77, de fecha 10 del corriente mes, ("si esto fuera imposible, puede usted continuar negociaciones en sentido indicado por usted en último párrafo su oficio 325"), propuse que la cesión de la faja de territorio al norte de Arica tuviera dos bases fundamentales: 1ª, la inclusión, en la zona cedida hasta la frontera peruana, de la propia línea del ferrocarril Arica-La Paz; 2ª, la posibilidad de construir en dicha faja un verdadero puerto que sirva a las necesidades comerciales de Bolivia.

Por otra parte, reiteré lo que había ya expresado al Presidente González Videla en mi entrevista de fecha 1° del corriente mes; es decir, que las compensaciones que Bolivia diera en cambio de aquella cesión no serían jamás de carácter territorial, porque la nación boliviana había llegado al máximo del sacrificio al ceder a Chile, como consecuencia de la derrota, su extenso y rico litoral sobre el Océano Pacífico, debiendo por tanto ser esas compensaciones exclusivamente de carácter económico o comercial.

El Presidente González Videla aceptó, sin reticencia alguna, las dos bases fundamentales a que me refiero y por lo que toca a las compensaciones convino conmigo en que serían solamente financieras o comerciales. "El ferrocarril podrá fácilmente ser sujeto a tasación", subrayó al exponer su pensamiento.

Aceptado así aquel aspecto básico, al referirse al asentimiento peruano el Presidente de Chile me dijo que, llegada la oportunidad, él se encargaría de llamar al Embajador del Perú para formalizar la negociación relativa a la restricción impuesta en el Protocolo chileno-peruano de 1929.

Then, insisting on his rejection to our counterproposal, he declared that he could accept the transfer of a strip of territory, "but not of a town". On the other hand, he noted that Peru's reluctance would be unavoidable in case Arica were transferred to Bolivia, which would not happen, according to him, if such transfer merely concerned a semi deserted territory to the north of that city. "With no doubt" –he finally said– "the first transfer mentioned [that of Arica] 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 strip of territory north of Arica.

In light of that situation, with the impossibility of securing his consent with regard to transferring Arica, and proceeding in accordance with 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 were not possible, you may move on with the negotiations as expressed in the last paragraph of your note N° 325"), I proposed that the transfer of a strip of territory to the north of Arica should have the following fundamental bases: 1st, the inclusion, in the zone transferred up to the Peruvian border, of the Arica-La Paz railway; 2nd, the possibility of building a true port that satisfies Bolivia's trade needs in the said strip.

I also reiterated what I had already told President Gonzalez Videla in the meeting we had held on 1 June; namely, that the compensations that Bolivia was to give in return for said transfer could never be territorial in nature, because the Bolivian Nation had reached the maximum of sacrifices by transferring to Chile, as a result of defeat, its large and wealthy coastal territory on the Pacific Ocean, and that, in consequence, only financial compensations had to be considered.

President Gonzalez accepted, with no reluctance, the two fundamental bases to which I referred and, with regard to the compensations, he agreed with me on the fact that they would only be financial or commercial in nature. "The railway could easily be subjected to an appraisal", he highlighted when expressing his view.

Thus, after having accepted that basic aspect and referring to Peru's consent, the President of Chile told me that, in due course, he would call the Ambassador of Peru to formalize the negotiation, in keeping with the restriction imposed under the Chilean-Peruvian protocol of 1929.

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En cuanto a la manera de llevar a efecto lo convenido verbalmente, el Presidente González Videla me dijo que, para cambiar las notas respectivas, me enteraría con el Ministro de Relaciones Exteriores, a quien daría las instrucciones del caso.

Al final de nuestra entrevista, el Presidente González Videla mostró el legítimo anhelo de vincular su nombre a una solución histórica, no sólo desde el punto de vista de nuestros dos países, sino también en su gran trascendencia americana, lo que de mi parte elogí en justicia.

Posteriormente, me entrevisté con el Ministro de Relaciones Exteriores, con el principal objeto de acordar la redacción de las notas que debíamos suscribir.

El señor Vergara Donoso me pidió, ante todo, que le informara acerca de mi última conversación con el Presidente de la República, a fin de precisar nuestras ideas. Así lo hice, aunque subrayando la circunstancia de que él conocía ya aquella conversación, pues supe que ese mismo día se había entrevistado, por largo espacio de tiempo, con el Presidente González Videla.

El Canciller Vergara Donoso estuvo de acuerdo conmigo en la conveniencia de concretar, mediante notas, el resultado de la negociación llevada a cabo con el Presidente de la República. Eso sí, al entrar a analizar el posible contenido de tales notas, me sugirió que en ellas apareciera como proposición nuestra no sólo la de la cesión de Arica, sino también la de la faja de territorio al norte de dicha ciudad en reemplazo de aquella, punto acerca del cual manifesté mi más rotunda discrepancia, en primer término por no corresponder a la verdad histórica y en segundo lugar por la significación adversa que una proposición así, presentada como boliviana, tendría frente a la opinión nacional.

Ante esa actitud, el Canciller Vergara Donoso me sugirió que preparara yo un proyecto de notas, que a mi vez sugerí dividir en dos etapas: una para acordar en principio la cesión a Bolivia de una salida propia al mar y otra para concretar el aspecto territorial.

En la misma oportunidad, el Ministro de Relaciones Exteriores me expresó su temor de que el proyectado arreglo con Bolivia tropezara con la oposición del sector de la extrema derecha chilena y para neutralizarlo me dijo que tenía la idea de sugerir que, al ser repatriados los restos del Mariscal Santa Cruz, concurren a la ceremonia respectiva, en representación de Chile, el nieto del vencedor de Yungay, señor Manuel Bulnes Sanfuentes, quien a la vez era un predilecto amigo del Presidente González Videla. Con tal motivo, me pidió que consultara discretamente la opinión del gobierno boliviano, lo que en efecto me permito someter a la consideración de usted.

Conforme a lo convenido con el Ministro de Relaciones Exteriores, redacté cuidadosamente, basándome en

With regard to the way to put into effect what has been agreed upon verbally, President Gonzalez Videla told me that, in order to exchange the respective notes, I was to approach the Foreign Minister, to whom he was going to give new instructions to that end.

At the end of our meeting, President Gonzalez Videla expressed his legitimate desire to link his name to a historical solution, not only as viewed by our two countries but also on account of its great American transcendence, which rightfully I praised.

Thereafter, I met the Foreign Minister with the main purpose of agreeing on the wording of the notes we were to exchange.

Mr. Vergara Donoso asked me to inform him about the most recent conversation I had held with the President of the Republic, so as to define our ideas. I did so, although I noted that he was already aware of that conversation, because he had held a lengthy meeting with President Gonzalez Videla on that very day.

Chancellor Vergara Donoso agreed with me in regard to the advisability of specifying, by means of notes, the results of the negotiation carried out with the President of the Republic. However, when analyzing the possible content of the notes, he suggested that the transfer of Arica ought to appear as proposed by Bolivia as well as the transfer of the strip of territory in replacement for the latter, aspect to which I firmly opposed, first, because it was not consistent with the historical reality and, second, because of the adverse meaning that a proposal like that one, presented as though Bolivia had put it forward, would receive in the national public opinion.

Upon that request, Chancellor Vergara Donoso suggested that I prepared a draft note; which I suggested to divide in two stages; one to agree upon, in principle, the transfer 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 upon the opposition of 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 close friend of President Gonzalez Videla, ought to attend the respective ceremony on behalf of Chile. To that end, he asked me to ask the Bolivian Government for its opinion, which I am hereby submitting to your consideration.

Pursuant to what agreed upon with the Foreign Minister, I carefully prepared, on basis of

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Nota estrictamente
confidencial N°515/40
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los antecedentes de las instrucciones de fecha 19 de abril
(Nota N° G.S.6), el proyecto de una primera nota, que en-
tregué al señor Vergara Donoso, en una nueva entrevista, y
la cual dice así:

"Proyecto de nota"

"Señor Ministro:

"El Gobierno de Chile, en distintas
"oportunidades y concretamente en el Tratado de 18
"de mayo de 1895 y en el Acta Protocolizada de 10
"de enero de 1920, suscritos con Bolivia, aunque no
"ratificados por los respectivos poderes Legislati-
"vos, aceptó la cesión a mi país de una salida pro-
"pia al Océano Pacífico.

"Posteriormente, con ocasión de la
"demanda que Bolivia presentó, el 1° de noviembre de
"1920, en la Primera Asamblea de la Sociedad de las
"Naciones, el Delegado de Chile, Excmo. Señor Agus-
"tín Edwards, expresó lo siguiente: "Bolivia puede
"buscar satisfacción en negociaciones directas libre-
"mente consentidas. Chile no le ha cerrado jamás esa
"puerta a Bolivia, y estoy en situación de declarar
"que nada nos será más agradable que contemplar direc-
"tamente con ella los mejores medios para ayudar a
"su desarrollo. Lo que Chile quiere es su amistad;
"nuestro ardiente deseo es que sea feliz y próspera.
"Es también nuestro interés, puesto que es nuestra ve-
"cina y su prosperidad se reflejará sobre la nuestra".

Así.
"Más tarde, S.E. el Presidente de Chi-
"le, señor Arturo Alessandri, en el Mensaje enviado
"al Congreso chileno del año 1922, manifestó también
"lo siguiente: "Que en Bolivia se afiance la convic-
"ción de que, dentro de un ambiente de fraternidad y
"de armonía, no encontrará en nuestro país sino un
"cordial deseo de buscar fórmulas que consultando nues-
"tros legítimos derechos, satisfagan en cuanto sea po-
"sible sus aspiraciones."

"A su vez, el 6 de febrero de 1923, el
"Excmo. Ministro de Relaciones Exteriores de Chile,
"señor Luis Izquierdo, expuso en nota dirigida al Mi-
"nistro de Bolivia, señor Ricardo Jaimes Freire, que
"el Gobierno de Chile "mantiene el propósito de oír,
"con el más elevado espíritu de conciliación y equidad
"las proposiciones que quiera someterle el Gobierno
"boliviano para celebrar un nuevo Pacto que consulte
"la situación de Bolivia, sin modificar el Tratado de
"Paz y sin interrumpir la continuidad del territorio
"chileno".

"Por otra parte, frente a la proposi-
"ción del Secretario de Estado de los Estados Unidos,
"Excmo. Sr. Frank B. Kellogg, para que Chile y el Pe-
"rú cedan a Bolivia "todo derecho, título o intereses
"que ellos tengan en las provincias de Tacna y Arica",
"el Excmo. Señor Jorge Matte, Ministro de Relaciones
"Exteriores de Chile, expresó que "el Gobierno de Chi-
"le no ha rechazado la idea de conceder una faja de
"territorio y un puerto a la Nación Boliviana" y que
"acepta "considerar, en principio, la proposición".

the precedents of the instructions imparted on 19 April (note N° G.S.6), the draft for a first note, which I submitted to Mr. Vergara Donoso in a new meeting and which reads as follows:

“Draft note”

“Mr. Minister.

The Government of Chile, on different occasions and specifically in the Treaty of 18 May 1895 and in the Act of 10 January 1920 entered into with Bolivia, although not ratified by the respective Legislative Powers, accepted the cession to my country of its 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 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 on, His Excellency the President of Chile, Mr. Arturo Alessandri, in a Message addressed to the Chilean Congress of 1922, also declared the following: “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.”

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 “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.”

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 “all 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.

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" Al iniciar su Gobierno, S.E. el
"Presidente de la República, señor Gabriel
"González Videla, manifestó igual disposición
"en sus conversaciones con el Ministro de Relac-
"ciones Exteriores de Bolivia, Excmo. Señor Aní-
"ceto Solares, quien concurrió a la transmisión
"del mando presidencial, en noviembre de 1946,
"así como en diversas audiencias que se dignó
"conceder al suscrito Embajador de Bolivia en Chi-
"le.

" Con tan importantes antecedentes, que
"al respecto señalan una clara orientación de la
"política internacional seguida por la República
"chilena, tengo a honra proponer a Vuestra Exce-
"lencia que los gobiernos de Bolivia y de Chile
"ingresen formalmente a una negociación directa
"para satisfacer la fundamental necesidad bolivia-
"na de obtener una salida propia y soberana al
"Océano Pacífico, resolviendo así el problema de
"la mediterraneidad de Bolivia sobre bases que
"consulten las recíprocas conveniencias y los ver-
"daderos intereses de ambos pueblos.

" En la certidumbre de contar con la
"aceptación del Gobierno de Vuestra Excelencia,
"dando así comienzo a una obra de grandes proyec-
"tos futuras tanto para Bolivia como para Chile, le
"reitero las seguridades de mi más alta y distingui-
"da consideración.

"Al Excmo. Señor don Germán Vergara Donoso,
"Ministro de Relaciones Exteriores.
"Presente."

Después de leer este proyecto de nota,
con detenida atención, el Ministro de Relaciones Exterio-
res me preguntó si estaría dispuesto a hacer algunas modifi-
caciones de detalle, a lo que contesté afirmativamente, pe-
ro agregando la condición de que tales modificaciones no
llegaran a cambiar en ningún caso los conceptos fundamen-
tales que contiene la proposición del gobierno de Bolivia.

El Canciller Vergara Donoso me declaró en-
tonces que estaba de acuerdo "en principio" con los térmi-
nos de mi nota, pero que para contestar afirmativamente ne-
cesitaba consultar ese proyecto con el Presidente de la Re-
pública y con sus asesores en la Cancillería.

Encontré justificada su respuesta y pasan-
do a referirme al aspecto territorial, me limité a expresar-
le que, de acuerdo a nuestra última conversación, prepara-
ría un proyecto de Protocolo para someterlo igualmente a su
consideración.

Con tal motivo, el señor Vergara Donoso me
hizo la observación de que un Protocolo requería la aproba-
ción del Congreso y agregó que, a su juicio, por el momento
sería más conveniente dar al acuerdo la forma de notas rever-
sales.

Con todo, el Canciller chileno no dejó de

Upon taking office, His Excellency the President of the Republic, Mr. Gabriel González Videla, demonstrated the same willingness in his conversations with the Minister of Foreign Affairs of Bolivia, His Excellency Mr. Aniceto Solares—who attended his presidential inauguration, in November 1946, as well as in the numerous meetings granted to the undersigned Ambassador of Bolivia to Chile.

With such important precedents, which reveal a clear orientation of the international policy followed by the Chilean Republic concerning this issue, I have the honor of proposing to Your Excellency that the Governments of Bolivia and Chile formally enter into a direct negotiation to satisfy the fundamental need of Bolivia to obtain its own and sovereign access to the Pacific Ocean, thus solving the problem of the landlocked condition of Bolivia on bases that take into account the mutual benefits and true interests of both peoples.

Confident that the Government of Your Excellency will express its acceptance, and thus begin a work of great future projections for Bolivia as well as for Chile, I reiterate the assurances of my highest and most distinguished consideration.

To His Excellency Mr. Germán Vergara Donoso
Minister of Foreign Affairs
Hand delivered”

After reading this draft note with careful attention, the Minister of Foreign Affairs asked me if I would be willing to make some modifications of detail, to which I agreed, but added that those modifications should not change the fundamental bases contained in the Bolivian proposal.

Chancellor Vergara Donoso then declared that he agreed “in principle” with the terms of my note, but that in order to reply in the affirmative he needed to examine that project with the President of the Republic and with his counsels of the Chancellery.

I thought his reply was just and, moving on to address the territorial aspect, I limited myself to tell him that, in accordance with our most recent conversation, I would prepare a draft Protocol in order to submit it to his consideration.

With that purpose in mind, Mr. Vergara Donoso pointed to the fact that any Protocol required the approval of the Congress and added that, in his view, it would be convenient to give the agreement the form of an exchange of notes.

Yet, the Chilean Minister continued

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insistir en su punto de vista de que la proposición de cesión de una faja de territorio la hiciera el gobierno de Bolivia y aún propuso el cambio de dos notas más aparte del proyecto presentado; pero de mi parte reiteraré mi discrepancia al respecto y acepté solamente que se hiciera una segunda nota (reversal), buscando la forma adecuada para que ni Bolivia ni Chile aparecieran proponiendo aquella solución.

Otro punto que el Ministro de Relaciones Exteriores propuso fué el de que en el proyecto presentado el gobierno de Bolivia concretara su pensamiento, sea respecto de Arica, sea con relación a la faja situada al norte; pero hice yo notar al señor Vergara Donoso que, en estricta lógica, debían preceder la proposición boliviana de orden general y la aceptación chilena respectiva a cualesquiera concreciones como las que sugería y que sólo podían ser consecuencia del acuerdo principal.

En definitiva quedó convenido, acerca del proyecto de nota presentado, que el señor Vergara Donoso haría las consultas correspondientes y que me contestaría a la brevedad posible, reiterando eso sí que su respuesta sería favorable "en principio" y que constituiría igualmente un proyecto sujeto a nuestra consideración.

Posteriormente, la situación política dió origen a una crisis ministerial, que se halla aún en gestación, y el señor Vergara Donoso se apresuró a decirme que en esas condiciones y mientras no se definiera su permanencia en el Ministerio, le serían imposible asumir ninguna responsabilidad, debiendo diferir, por tanto, la contestación que se proponía redactar.

No dejé de hacer notar al Canciller el antecedente de mis conversaciones con el Presidente de la República, lo cual daba carácter permanente a lo convenido, pese a un posible cambio ministerial, y le pedí que de todos modos consultara con aquél; pero el viaje a La Serena del señor González Videla, quien está todavía ausente, hizo imposible adelantar nada hasta hoy.

De todos modos, el Ministro de Relaciones Exteriores me ha prometido, en nuestra última entrevista, conversar con el Presidente González Videla apenas regrese de la Serena y hacerme llamar de inmediato para adelantar la negociación en marcha.

Entre tanto, para el caso de que el proyecto de mi nota fuera aceptado, adelanté también la redacción de un proyecto de Protocolo, al que en vista de la observación de forma hecha por el Canciller Vergara Donoso sólo habría que dar la redacción de nota reversal, pero cuyas bases fundamentales se hallan concretadas en estos términos:

insisting on his view that the proposal for the cession of a strip of territory should be made by the Government of Bolivia and he even proposed the exchange of two additional notes besides from the draft submitted; I, however, told him anew that I disagreed with that and agreed only with the idea that a second note should be exchanged, seeking a proper way to show that neither Bolivia nor Chile proposed that solution.

Another point that the Foreign Minister proposed was that, in the draft submitted, the Government of Bolivia should specify its view either with regard to Arica or to the strip of territory to the north, but I pointed to Mr. Vergara Donoso that, in strict logic, the Bolivian general proposal ought to come first, followed by the Chilean acceptance to whichever concretion, as the ones he had suggested, and which could only be the result of the main agreement.

It was categorically agreed, in regard to the draft note submitted, that Mr. Vergara Donoso would make the corresponding consultations and that he would respond to me the soonest possible, although he reiterated that his reply would be favorable "in principle" and that it would also entail a draft that would be subject to our consideration.

Thereafter, the political situation gave rise to a ministerial crisis which is still in place and Mr. Vergara Donoso rushed to tell me that, in these conditions and so long as his permanence in the Ministry was not defined, it would be impossible to assume any responsibility and that, as a result, the response he was to prepare would have to be delayed.

I emphasized to the Minister the precedents of the conversations I held with the President of the Republic, which gave a permanent nature to what had been agreed upon, despite any possible changes in the Ministry, and I asked him to ask the President anyways; but the trip to La Serena made by Mr. Gonzalez Videla, who is still absent, made it impossible to make any progress to date.

Anyhow, the Minister of Foreign Affairs promised, in our most recent meeting, to talk to President Gonzalez Videla as 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 put forward the wording of a draft Protocol, to which on account of the observation of form made by Minister Vergara Donoso, I was to give the wording of an exchange of notes, but whose fundamental bases were concretized in the following terms:

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PROYECTO DE PROTOCOLO.

"Convenida entre los gobiernos de Bolivia y de Chile la negociación directa para satisfacer la fundamental necesidad boliviana de obtener una salida propia y soberana al océano Pacífico, mediante notas de fechas..., y habiendo propuesto el gobierno de Bolivia la cesión del puerto de Arica, proposición que el gobierno de Chile se negó a considerar, ambos gobiernos han acordado lo siguiente:

"Primero.—El gobierno de Chile cede al gobierno de Bolivia una faja de territorio al norte de la ciudad de Arica hasta la actual frontera con el Perú, en una extensión que incluya la línea del ferrocarril Arica-La Paz y sobre la base de que en dicha faja exista una porción de costa apropiada para la construcción de un verdadero puerto que pueda servir las necesidades comerciales de Bolivia.

"Segundo.— El gobierno de Chile transfiere al gobierno de Bolivia la sección chilena del F.C. Arica-La Paz, hasta una distancia próxima a la ciudad de Arica, de donde Bolivia extenderá una prolongación al puerto que construya.

"Tercero.— Los gobiernos de Bolivia y de Chile se pondrán de acuerdo sobre las compensaciones comerciales o financieras que Bolivia deba dar a Chile por las cesiones a que se refieren los puntos primero y segundo.

"Cuarto.— El gobierno de Chile se compromete a gestionar el asentimiento del gobierno del Perú para las referidas cesiones a que se refieren los puntos primero y segundo, conforme al protocolo complementario al tratado de 1929, suscrito entre ambos países.

"Quinto.— La nueva frontera al sur del territorio cedido a Bolivia será objeto de un estudio técnico hecho en forma que salve los intereses de ambos países.

"Sexto.— Este convenio no comprende ninguna cláusula secreta, política ni militar. Se inspira en el espíritu de solidaridad continental y en los propósitos que animan a ambas partes de intensificar sus fraternales relaciones con todos los países vecinos. Será registrado en la Organización de los Estados Americanos y en las Naciones Unidas."

Este proyecto, que está dentro de las instrucciones que he recibido y que pensaba presentar al Ministro de Relaciones Exteriores de Chile sólo después de acordada la firma de la primera nota, queda sometido a la consideración de S.E. el señor Presidente de la República de Bolivia y de usted, sea para mantenerlo en tal forma, sea para darle la redacción de nota reversal, y espero al respecto las nuevas instrucciones que se dignen impartirme.

En conclusión, está así abierta la negociación del problema más importante para Bolivia, dentro de alcances que significarían no únicamente la obtención de una salida soberana al mar y la propiedad de un ferro-

DRAFT PROTOCOL.

“Given that the direct negotiation entered into to fulfill Bolivia’s fundamental need to obtain an own and sovereign access to the Pacific, which had been agreed to between the Governments of Bolivia and Chile, through notes dated..., that the Government of Bolivia has proposed the cession of the port of Arica, and that the Government of Chile has refused to consider that proposal, both Governments have agreed to the following:

First. –The government of Chile cedes to the government of Bolivia a strip of territory to the north of Arica, up to the current border with Peru, and including within its area the Arica-La Paz railway, on basis of the fact that this strip has an appropriate coastal area for the construction of a proper port that may serve the trade needs of Bolivia.

Second. –The Government of Chile transfers 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 will build a prolongation stretching towards the port that will be built.

Third. –The Governments of Bolivia and Chile shall agree on commercial or financial compensations which Bolivia shall give Chile in return for the cessions to which the first and second points refer.

Fourth. –The Government of Chile undertakes to carry out demarches to obtain the consent of the Government of Peru for the cessions referred to in the first and second points, pursuant to the additional protocol to the Treaty of 1929, concluded between both countries.

Fifth. –The new border to the south of the territory ceded to Bolivia shall be subject to a technical study carried out in a way that takes both countries’ interests into account.

Sixth. –This agreement does not include any secret, political or military clauses. It is inspired in the spirit of continental solidarity and in the purposes that encourage both parties to intensify their brotherly relations with all neighboring countries and will be registered in the Organization of American States and in the United Nations.”

This draft, which abides by the instructions I received and which I had intended to submit to the Foreign Minister of Chile after the signing of the first note was agreed to, is hereby submitted to the consideration of His Excellency, the President of the Republic of Bolivia, and to yours, to whether keep it as it is, or give it the wording of an exchange of notes. In this connection, I am expecting the new instructions that you may impart.

In conclusion, the negotiation concerning Bolivia’s most essential problem has been open, within scopes that could entail not only obtaining of a sovereign access to the sea and ownership over a

E BOLIVIA

-9-

Nota estrictamente con-⁴⁰⁸
fidencial N° 515/375.

RESERVADO

carril en toda su extensión, sino también el acrecentamiento del territorio nacional, objetivo que jamás se alcanzó a lo largo de nuestra infortunada historia.

Reitero a Ud., señor Ministro, las seguridades de mi más alta y distinguida consideración.

Arturo Salas

Strictly confidential
note No. 515/375

railway in all its extent, but also the growth of the national territory –a purpose that had never been achieved before in the course of our unfortunate history.

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

[Signature]

Annex 258

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez,
to the Minister of Foreign Affairs of Bolivia, Adolfo Costa du Rels,
N° 598/424, 15 July 1948

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

Santiago, 15 de julio de 1948.

N°598/424.

Estrictamente confidencial.

Asunto: Negociaciones
portuarias con Chile.

RESERVADO

Señor Ministro:

Mis notas Nos. 455/325 y 515/375, de fechas 2 y 28 de junio, contienen una completa información de las negociaciones portuarias llevadas a cabo tanto con el Presidente de la República, señor Gabriel González Videla, como con el Ministro de Relaciones Exteriores, señor Germán Vergara Donoso, y a ellas me refiero como indispensable antecedente de lo que expreso a continuación.

Habiéndose prolongado la crisis ministerial, lo que dió motivo al Canciller Vergara Donoso para excusarse de suscribir la respuesta al proyecto de nota que le entregué, sólo se formó un nuevo ministerio el día 7 del corriente mes, siendo designado Ministro de Relaciones Exteriores el señor Germán Riesco Errázuriz.

De inmediato traté de continuar las negociaciones con el nuevo Canciller, quien me pidió un breve plazo tanto para hablar con el Presidente de la República como para estudiar los antecedentes del asunto, y sólo ayer pude conversar con él.

Ans.
Desde luego, el señor Germán Riesco Errázuriz me dijo que había estudiado el asunto y que su opinión era favorable, pero que, desgraciadamente, la situación política del país se había complicado en tal forma que el propio Presidente de la República consideraba indispensable aplazar las negociaciones por un término prudencial, tal vez hasta que se llevaran a cabo las elecciones parlamentarias que deben efectuarse el primer domingo de marzo del próximo año. Se refirió después a la situación de beligerancia creada por los dirigentes del partido conservador, señores Horacio Walker y Eduardo Cruz Cocke, y a la oposición que, sobre la base de la cesión territorial a Bolivia, harían esos políticos, comprometiendo la posición electoral de los partidos de gobierno.

Ante este último argumento hice notar al señor Riesco que la oposición a toda obra internacional de trascendencia era inevitable y que seguramente se produciría también en algunos sectores políticos de Bolivia.

--Si, eso es siempre posible, --me dijo;-- pero el caso es diferente, porque al gobierno de Bolivia lo atacarían por no obtener mucho, en cambio que el go-

El señor don Adolfo Costa du Reis,
Ministro de Relaciones Exteriores.
P a z .

Santiago, 15 July 1948

N° 598/424.
Subject: Port negotiations
with Chile.

Strictly confidential.

Mr. Minister:

My Notes N° 455/325 and 515/375, dated 2 and 28 June, contain complete information on the port negotiations carried out both with the President of the Republic, Mr. Gabriel Gonzalez Videla, and with the Minister of Foreign Affairs, Mr. German Vergara Donoso, and I refer to them as an indispensable antecedent of what I express below.

With the ministerial crisis having extended, which caused Chancellor Vergara Donoso to excuse himself from subscribing the response draft of the note that I gave him, only a new Ministry was formed on the 7th of this month, and Mr. German Riesco Errazuriz was appointed Minister of Foreign Affairs.

I immediately tried to continue the negotiations with the new Chancellor, who asked me for a short time both to speak with the President of the Republic and to study the antecedents of the matter, and only yesterday I was able to talk to him.

Certainly, Mr. German Riesco Errazuriz told me that he had studied the matter and that his opinion was favorable, but that, unfortunately, the political situation of the country had been complicated in such a way that the President of the Republic considered it essential to postpone the negotiations for a prudential period of time, perhaps until the parliamentary elections, which shall be held on the first Sunday of March next year. He then referred to the situation of belligerence created by the leaders of the conservative party, Mr. Horacio Walker and Eduardo Cruz Cocke, and the opposition that, based on the territorial cession to Bolivia, those politicians would put forward, compromising the electoral position of the governmental parties.

Faced with this last argument, I pointed out to Mr. Riesco that the opposition to any international work of transcendence was inevitable and that it would certainly occur in some political sectors of Bolivia as well.

—Yes, that is always possible —he said— but the case is different, because the Bolivian Government would be attacked for not obtaining much, instead the

To Mr. Adolfo Costa du Rels,
Minister of Foreign Affairs.
La Paz.

RESERVADO

Nota estrictamente confidencial N° 598/424.

Pág. 2.

bierno de Chile sería atacado por dar mucho...

Me hizo notar también que la negociación planteada formalmente hace seis meses o un año, habría podido alcanzar una solución sin mayores dificultades, teniendo en cuenta la tranquilidad de la política interna durante el primer tiempo del gobierno actual.

Por otra parte, me recalco, con especial énfasis, que el Presidente González Videla mantenía todo lo convenido conmigo y que únicamente pedía un aplazamiento para la concreción respectiva en un instrumento internacional.

Desde el primer momento, adelantándome a lo que después ha expresado Ud. en su cablegrama N° 98, hice ver al Canciller chileno la profunda decepción que esa actitud causaría en el gobierno de Bolivia y subrayé la necesidad de dar por lo menos un primer paso, de carácter general, en las negociaciones, suscribiendo el proyecto de nota aceptado ya "en principio" por su antecesor, señor Vergara Donoso. Para convencerlo, agregué diversas consideraciones relacionadas con la actual situación internacional de Bolivia, principalmente respecto de la Argentina.

Observé también al señor Riesco que la calidad de los dirigentes conservadores, señores Walker Larraín y Cruz Cocke, hacía suponer que llevarían el asunto relativo a Bolivia con gran elevación y patriotismo y que, inclusive, tal vez su opinión sería favorable a la solución alcanzada. Pero el Canciller chileno me declaró que su impresión era distinta, sobre todo después de una conversación que al respecto había tenido con el presidente de la Comisión diplomática del Senado, señor José Maza.

En conclusión, el señor Riesco no aceptó ni rechazó la suscripción del proyecto de nota entregado por mí a su antecesor, el señor Vergara Donoso, y se limitó a decirme que consultaría con el Presidente de la República, expresándome además que el señor González Videla deseaba conversar conmigo y que me recibiría al día siguiente, a las 12 1/2 p.m.

Efectivamente, hoy tuve una larga entrevista con el Presidente González Videla, quien se adelantó a presentarme sus excusas por el hecho de tener que aplazar las negociaciones iniciadas. Luego me explicó que la situación interna era muy grave, que el sector conservador presidido por los senadores Horacio Walker Larraín y Eduardo Cruz Cocke había hecho prácticamente causa común con los comunistas y que inclusive se había descubierto una conspiración en la que estaban comprometidos seis oficiales del regimiento Buin. Me declaró que en esas circunstancias él no podía dar un arma a la intransigente oposición conservadora, que llegaría a hacer un resonante escándalo de la cesión territorial a Bolivia, sin reparar en los verdaderos intereses de Chile y quizá llegando has-

Government of Chile would be attacked for giving too much...

He also pointed out that the negotiation formally proposed six months or a year ago would have been able to achieve a solution without major difficulties, given the tranquility of domestic politics during the first half of the current Administration.

On the other hand, he pointed out to me, with special emphasis, that President Gonzalez Videla maintained everything that had been agreed to with me and that he only requested a deferment for the respective concretion of an international instrument.

From the first moment, in anticipation of what you have expressed in your cablegram N° 98, I made the Chilean Foreign Minister see the profound disappointment that this attitude would cause in the Bolivian Government and stressed the need to take at least a first step, of a general nature, in the negotiations, subscribing the draft note already accepted "in principle" by his predecessor, Mr. Vergara Donoso. In order to convince him, I added several considerations related to the current international situation of Bolivia, mainly in relation to Argentina.

I also pointed out to Mr. Riesco that the quality of the conservative leaders, Mr. Walker Larrain and Cruz Cocke, suggested that they would address the issue of Bolivia with great elevation and patriotism, and that even their opinion would be favorable to the solution reached. But the Chilean Chancellor told me that his impression was different, especially after a conversation he had with the President of the Senate's Diplomatic Commission, Mr. Jose Maza.

In conclusion, Mr. Riesco neither accepted nor rejected the signing of the draft note delivered by me to his predecessor, Mr. Vergara Donoso, and merely told me that he would consult with the President of the Republic. Further expressing to me that Mr. Gonzalez Videla wanted to talk to me and that he would receive me the next day at 12:30 pm.

Indeed, today I had a long meeting with President Gonzalez Videla, who went ahead and presented his excuses for having to postpone the negotiations that had begun. He then explained to me that the internal situation was very serious, that the conservative sector presided over by Senators Horacio Walker Larrain and Eduardo Cruz Cocke had practically made common cause with the Communists and that even a conspiracy had been discovered in which six Officers of Regiment Buin were involved. He told me that under those circumstances he could not give a weapon to the intransigent conservative opposition, which would make a resounding scandal for the territorial cession to Bolivia, without regard for the true interests of Chile and perhaps going so far as

ta el extremo de acusar al Presidente de la República de ser traidor a la patria.

--No crea Ud. que busco un pretexto para salir de mi compromiso y le ruego muy especialmente decirse así al Presidente de Bolivia -me manifestó.- Más todavía: mantengo inquebrantable mi resolución de llegar al objetivo verbalmente acordado con usted, porque creo que beneficia tanto a Chile como a Bolivia. Pero en bien de la misma negociación, es decir de su éxito, deseo que se aproveche un momento oportuno, a fin de que el acuerdo con su país no se vaya a "mosquear" (1), como ha ocurrido con el Tratado con la Argentina. Está Ud. seguro de que después de las elecciones de marzo, en las que el gobierno ganará la mayoría camarál, llevaremos a término el convenio proyectado, que por lo que a mí toca sólo una cosa podría evitarme de concluirlo: mi muerte.

El señor González Videla me declaró también que después de las elecciones parlamentarias no le importaría ya cualquier oposición que se hiciera a lo convenido con Bolivia, porque él contaría con el respaldo político necesario para vencerla. "No temo la lucha -me dijo-, inclusive me agrada que exista, pero a condición de poder vencer, lo que no ocurre ahora. Además, yo también fui jefe de la oposición y no puedo dejar de tener en cuenta el peligro que significaría entregar un arma poderosa a los elementos demagogos del ultranacionalismo, como son los jefes intransigentes del partido conservador."

En cierto momento se refirió también a la delicada situación política del Perú y manifestó que tampoco por ese lado parecía oportuno el momento para gestionar el asentimiento peruano; pero yo le observé que precisamente acababa de ser sofocado el cuartelazo de Puno y Juliaca, y que ese hecho fortalecía la posición del Presidente Bustamante y Rivero.

Por otra parte, cumpliendo las instrucciones de usted, hice notar al Presidente González Videla "la profunda decepción" que había causado en el gobierno de Bolivia lo que ayer me había adelantado ya el Ministro de Relaciones Exteriores y llegué a leerle las partes principales del cablegrama No. 98, de usted, recalcoándole que ponía así las cartas sobre la mesa.

--Comprendo perfectamente ese estado de ánimo en el gobierno de Bolivia --repuso;-- pero vuelvo a decirle: por el propio éxito de la negociación mi resolución es indeclinable en el sentido de postergarla.

En esa situación, señalé la necesidad de dar por lo menos el primer paso en las negociaciones, suscribiendo el proyecto de nota presentado por mí y acerca del cual hice varias reflexiones, subrayando sobre todo que

(1) Término que se emplea en Chile para referirse a una cosa que se malogra a fuerza de ser manoseada.

to accuse the President of the Republic of being a traitor to the country.

–Do not believe that I am looking for a pretext to get out of my commitment and I beg you to say so in particular to the President of Bolivia –he told me.– Even more: I maintain my unwavering determination to reach the goal verbally agreed with you, because I believe it benefits Chile as much as Bolivia. But for the sake of the negotiation itself, that is to say of its success, I wish to take advantage of an opportune moment, so that the agreement with your country is not going to “mosquear,” (1) as has happened with the Treaty with Argentina. Be certain that after the March elections, in which the Government will win the majority in the Congress, we will conclude the proposed agreement, which in my opinion could only be obstructed by a single event: my death.

Mr. Gonzalez Videla also told me that after the parliamentary elections he would not mind any opposition to the agreement with Bolivia, because he would have the necessary political support to overcome it. “I’m not afraid of a fight – he said– I am even waiting for it, but on condition of being able to win, which currently is not the case. In addition, I was also head of the opposition and I cannot fail to take into account the danger that would mean giving a powerful weapon to the demagogic elements of the ultra-nationalism, as are the intransigent leaders of the conservative party.”

At one point he also referred to the delicate political situation in Peru, and stated that it wasn’t the appropriate moment to negotiate Peru’s consent; however, I pointed out that the coup d’état of Puno and Juliaca had just been suppressed, and that this fact strengthened the position of President Bustamante y Rivero.

On the other hand, following your instructions, I pointed out to President Gonzalez Videla “the deep disappointment” that had caused in the Bolivian Government what the Foreign Minister had already advanced to me yesterday and I was able to read to him the main parts of the cablegram N° 98, of you, stressing that you were putting the cards on the table.

–I fully understand that state of mind in the Government of Bolivia –he said– but I say again: for the success of the negotiation, my resolution is unwavering in the sense of deferring it.

In that situation, I pointed out the need to take at least the first step in the negotiations, by subscribing the draft note presented by me and about which I made several reflections, emphasizing above all

(1) Term that is used in Chile to refer to a thing that is broken by force or by being manipulated.

se trataba de algo que en el fondo había sido ya aceptado, en diversas oportunidades, por la Cancillería chilena.

Tuve entonces la sorpresa de comprobar que el Presidente González Videla no había leído el texto de dicho proyecto de nota y me apresuré a hacérselo conocer, entregándole una copia que había llevado por previsión.

Después de leerla detenidamente, el Presidente González Videla me dijo que no le parecía existir ningún inconveniente para que se firmara ese documento, pero que antes de pronunciarse lo consultaría con las comisiones diplomáticas de la Cámara de Diputados y del Senado y que si encontraba oposición se vería igualmente obligado a aplazar la suscripción correspondiente, de todo lo cual me informaría por intermedio del Ministro de Relaciones Exteriores.

A pesar de esa declaración, que abre una posibilidad a la firma de la referida nota y que me fué hecha al concluir nuestra entrevista, y aunque tengo fe en los propósitos del señor González Videla, no abrigo ya optimismo acerca de un resultado favorable inmediato, pues lo evidente es que la política interna de este país ha interferido en las negociaciones, si no frustrándolas, aplazándolas para la época señalada por el Presidente de Chile.

Frente a una realidad así, que no podemos modificar por la sola voluntad nuestra, creo que no nos toca otra cosa que esperar lealmente el plazo señalado, sin perjuicio, eso sí, de ir trazando, entre tanto, un plan de acción para el caso de que las negociaciones portuarias con Chile fracasaran definitivamente, plan de acción sea en el sentido de llevar a cabo una política determinada con otros países vecinos, como de desviar el tránsito por Arica y de dar, durante un plazo muy largo, las espaldas al Pacífico, en espera de que la nación alcance mejor su destino mediante las nuevas vías de comunicación que se van construyendo hacia la Argentina y el Brasil.

Reitero a Ud. las seguridades de mi consideración más alta y distinguida

that it was something that had already been basically accepted, on several occasions, by the Chilean Foreign Ministry.

I was then surprised to corroborate that President Gonzalez Videla had not read the text of the draft note, and I hastened to let him know of it by giving him a copy I had with me for precaution.

After reading it carefully, President Gonzalez Videla told me that he did not think there was any inconvenience for the signing of that document, but that before pronouncing on it he would consult the Diplomatic Commissions of the Chamber of Deputies and the Senate and that, if he found opposition, he would also be forced to defer the corresponding subscription, all of which would be informed to me through the Minister of Foreign Affairs.

Despite this declaration, which opens a possibility to the signing of said note and that was made at the conclusion of our interview, and although I have faith in the intentions of Mr. Gonzalez Videla, I do not have any optimism about an immediate favorable outcome, for the obvious thing to expect is that the domestic policy of this country has interfered in the negotiations, if not by frustrating them, by postponing them for the time indicated by the President of Chile.

Faced with a reality like this, which we cannot modify by our own will, I think we have nothing to do but to wait faithfully for the deadline indicated, without prejudice, however, to outline, in the meantime, a plan of action for the case that the port negotiations with Chile definitely fail; an action plan that must regard the implementation of a determined policy with other neighboring countries, such as to divert traffic from Arica and to turn, for a very long time, our backs to the Pacific, hoping that the nation will better reach its destination through the new channels of communication that are being built towards Argentina and Brazil.

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

[Signature]

Annex 259

Note from the Bolivian Ambassador in Chile, Alberto Ostria Gutierrez,
to the Minister of Foreign Affairs of Bolivia, Adolfo Costa du Rels,
N° 648/460, 28 July 1948

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

(Submitted by Bolivia as Annex 63 to its Memorial)

Estrictamente confidencial

Santiago, 28 de julio de 1948.

Nº 648/460

Asunto: Negociaciones
portuarias con Chile.

RESERVADO

Señor Ministro:

Me refiero, ante todo, a mis notas Nos. 455/325, 515/375 y 598/424, de fechas 2 y 28 de junio y 15 del corriente mes, que contienen una información completa acerca de las negociaciones portuarias llevadas a cabo con el Presidente de la República y el Ministro de Relaciones Exteriores de Chile.

Posteriormente al envío de dichas notas, tal como informé a Ud. en varios telegramas cifrados y concretamente en los que llevan los Nos. 162 y 165, de fechas 21 y 23 del corriente mes, me entrevisté nuevamente tanto con el Presidente González Videla como con el Canciller Riesco, para tratar del mismo asunto.

El Canciller Riesco me declaró que, desgraciadamente, en sus conversaciones con los presidentes de las Comisiones diplomáticas del Senado y de la Cámara de Diputados, señores José Maza y Enrique Cañas Flores, había encontrado objeciones para adelantar las negociaciones iniciadas, pero que esas objeciones se hallaban fundadas exclusivamente en motivos de oportunidad, respetando el fondo mismo del asunto. Agregó que ambos habían manifestado la certidumbre de que una solución como la que se consideraba serviría de bandera política a los adversarios del gobierno y que de ninguna manera convenía hacerla pública antes de la realización de las elecciones parlamentarias, en marzo del próximo año.

De mi parte, insistí en que, aunteniendo en cuenta las objeciones formuladas por los presidentes de las Comisiones diplomáticas del Senado y de la Cámara de Diputados, se adelantara la suscripción del proyecto de nota que abría oficialmente las negociaciones directas y sugerí inclusive la presentación de un contra-proyecto con algunas variaciones de forma, lo que el señor Riesco me prometió estudiar con especial atención.

Posteriormente, el día 25, fui llamado al Palacio de la Moneda por el Presidente de la República, quien me confirmó lo que me había expresado ya el Ministro de Relaciones Exteriores, insistiendo en que los presidentes de las Comisiones diplomáticas del Congreso no hacían oposición a la solución portuaria boliviana aceptada por él, objetándola solamente por razones de oportunidad, frente a las elecciones parlamentarias. Me refirió, con tal motivo, que el senador Maza le había expresado que una negociación de esa índole no debía hacerse jamás en vísperas de un plebiscito popular como en el que en el fondo constituirán las próximas elecciones, porque equivalía a dar un arma poderosa a la oposición, comprometiendo así la posición electoral de las fuerzas políticas gubernamentales.

Al Señor Don Adolfo Costa du Rels,
Ministro de Relaciones Exteriores y Culto.
La Paz, Bolivia.

Embassy of Bolivia's

Strictly confidential

Santiago, 28 July 1948

Note N° 648/460

Subject: Port negotiations
with Chile

Distinguished Minister,

I refer to, specifically, my Notes N° 455/325, N° 515/375 and N° 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 met again with President Gonzalez Videla and Foreign Minister Riesco to address the matter.

Foreign Minister Riesco told me that, unfortunately, in his conversations with the Presidents of the Senate and Chamber of Deputies Diplomatic Commissions, Mr. Jose Maza and Mr. Enrique Cañas Flores, he had met objections to the commencement of negotiations, but said that these objections were based exclusively on grounds of convenience, respecting the very substance of the matter. He added they had both expressed their confidence that a solution, as the one being considered, would serve as a political flag for those who oppose the Government and that it should, in no way, be made public before the parliamentary elections to be held in March next year.

For my part, I insisted that, even taking into account the objections made by the Presidents of the Diplomatic Commissions of the Senate and the Chamber of Deputies, the signing of the draft note that officially opened the direct negotiations would be pushed forward, and I even suggested that a counter-project including some formal amendments should be submitted, idea that Mr. Riesco promised me to study with special attention.

Later, on the 23rd, I was called to La Moneda Palace by the President of the Republic, who confirmed to me what the Foreign Minister had already said, insisting that the Presidents of the Congressional Diplomatic Commissions did not oppose to the Bolivian port solution accepted by him, and that objections had been put forward only owing to grounds of convenience, in the face of the parliamentary elections. He told me that Senator Maza had told him that a negotiation of this kind should never be made on the eve of a popular plebiscite, as is the case of the coming elections, because that would be tantamount to giving a powerful weapon to the opposition, and would thus compromise the electoral position of the governmental political forces.

To Mr. Adolfo Costa du Rels,
Minister of Foreign Relations and Worship
La Paz, Bolivia

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- Comprendo la decepción que el aplazamiento de las negociaciones ha podido producir al gobierno de Bolivia, -me declaró el Presidente González Videla.- Más todavía: es posible que yo haya perdido la confianza de éste. Pero en el dilema de perder tal confianza o de perder las elecciones, prefiero lo primero, porque después de ganadas éstas podré recobrar aquélla con la suscripción de los convenios, en tanto que lo segundo sería irremediable y haría fracasar también definitivamente las negociaciones iniciadas.

A pesar de todo, creí conveniente insistir, tal como lo había hecho ya con el Ministro Riesco, para que por lo menos se suscribiera la primera nota, que en realidad no contenía detalle territorial alguno y que por consiguiente, en estricta lógica, no podía servir de arma política a la oposición; pero el Presidente González Videla me replicó que frente a las opiniones adversas de los presidentes de las Comisiones diplomáticas del Congreso, le era imposible adelantar paso ninguno en ese sentido y que, por otra parte, al iniciarse esa primera etapa consideraba un deber informar igualmente a aquellas Comisiones de todo lo que se hallaba proyectado, a la vez que dar noticia al gobierno del Perú, lo que acabaría con la reserva mantenida hasta hoy alrededor de ese asunto.

- Eso sí, - me declaró enfáticamente el Presidente González Videla, - una vez más debo decirle que mantengo mi palabra acerca de lo que en anteriores oportunidades he expresado a Ud. Lo acordado verbalmente es como si estuviera ya escrito. Después de las elecciones, en el mismo mes de marzo, terminaremos la negociación. ¿qué quiere Ud!... Yo no podía prever las complicaciones internas que han surgido. Hay que considerar también la circunstancia de que el nuevo Canciller es un político y que tiene que actuar como tal, cuidando la posición de su partido.

El Presidente de Chile se refirió después a la invitación hecha a Ud. para que visitara este país al regresar a Bolivia y manifestó especial interés de conversar con Ud. para explicarle con franqueza la situación y para convencerle de la sinceridad de sus propósitos, a la vez que para cambiar ideas sobre diversos puntos que consideraba de utilidad para la política internacional de ambos países.

Naturalmente, me adelanté a hacerle notar que las visitas oficiales de los Jefes de Estado o de los Ministros de Relaciones Exteriores debían tener un objetivo determinado, como él sabía por propia experiencia, y que en el caso de Ud. su visita sólo se justificaría si se hubiera firmado, por ejemplo, el proyecto de nota, pues así se abriría un nuevo período en las relaciones de nuestros países.

Terminó nuestra entrevista con las reiteradas expresiones formuladas por el Presidente González Videla en el sentido de concluir las negociaciones después del paréntesis electoral, confirmándose así la impresión pesimista que transmití a Ud. al concluir mi nota N° 528/424, de fecha 15 del co-

I understand the disappointment that the postponement of the negotiations might have produced in the Bolivian Government, President Gonzalez Videla told me. What's more, I myself might have lost confidence in them. However, faced with the dilemma of either losing this confidence or losing the election, I prefer the former, because after winning latter, the former could be resumed with the signing of the agreements, whereas the other, losing the elections, would have been irremediable and would have also resulted in the failure of the commenced negotiations.

In spite of everything, I thought it advisable to insist, as I already had done with Minister Riesco, on signing the first note at least, inasmuch as it actually did not contain any details on territorial aspects and therefore, in strict logic, it could not serve as a political weapon for the opposition; but President Gonzalez Videla replied that, in the face of the adverse opinions of the Presidents of the Congressional Diplomatic Commissions, it was impossible for him to take any steps in this direction and that, on the other hand, at the beginning of that first stage, he considered it a duty to inform those Commissions of everything that was being projected and to also inform the Government of Peru [of any progress], which would put an end to the reticence Peru preserved until that day.

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 has to act like one, looking after the position of his party."

The President of Chile then referred to the invitation made to you to visit Chile once you are back in Bolivia and expressed his special interest in talking to you to explain in frank terms what the situation is, to convince you of the sincerity of his purposes, and to exchange ideas on different matters which he considered useful for the international policy followed by both countries.

Of course, I went on to point out that the official visits of Heads of State or Foreign Ministers must have a specific purpose, as he was aware from his own experience, and that in your case, your visit would be justified only if the draft note were signed, for this would open a new period in the relations between our countries. Our meeting ended with the reiterated statements made by President Gonzalez Videla in order to complete the negotiations after the electoral digression, and thus confirmed the pessimistic impression that I transmitted to you, at the end of my Note N° 598/424, dated 15th of the current

- 3 -

rriente mes, acerca de la posibilidad de suscribir el proyecto de nota que abría oficialmente las negociaciones directas "para satisfacer la fundamental necesidad boliviana de obtener una salida propia y soberana al Océano Pacífico."

Sin embargo, confirmando lo que expuse también en dicha nota, debo manifestar a Ud. que mantengo mi confianza en los buenos propósitos del Presidente González Videla, a quien sería absurdo atribuir mala fé en la conducción de este asunto, porque con rechazar cualquier intento nuestro de negociaciones directas le habría sido suficiente para definir su posición desde el primer momento, y lo más que se debe pensar es que haya podido proceder con cierta precipitación inherente a su carácter personal...

Por otra parte, aunque no se hayan protocolizado nuestras conversaciones, éstas han existido y en realidad han significado un reconocimiento de la necesidad portuaria boliviana, sin que, en cambio, pueda invocarse antecedente alguno contrario a las aspiraciones de nuestro país, porque lo único que se presentó a la Cancillería chilena fué el proyecto de nota destinado a abrir las negociaciones directas "para resolver el problema de la mediterraneidad de Bolivia sobre bases que consultan las reciprocas conveniencias y los verdaderos intereses de ambos pueblos", a la vez que en aquellas conversaciones la concreción territorial quedaba condicionada a la concesión "de un verdadero puerto que pueda servir las necesidades comerciales de Bolivia".

Reitero a Ud. las seguridades de mi más alta y distinguida consideración.

- 3 -

month, in regard to the possibility of signing the draft note that officially opened direct negotiations “to satisfy the fundamental Bolivian need to obtain a proper and sovereign outlet of the Pacific Ocean.”

However, confirming what I also stated in that note, I must tell you that I maintain my confidence in the good intentions of President Gonzalez Videla and that it would be absurd to attribute bad faith to him in the dealings related to this matter, because it would have been enough for him to reject any of our attempts to hold direct negotiations to define his position from the outset, and, at most, what could be thought of his current attitude is that he might have rushed a little –which is inherent to his personal character.

On the other hand, although our conversations have not been formalized (in a protocol), they have existed and in reality they entail an acknowledgement of Bolivia’s need for a port, and no precedent opposing to our country’s aspirations has arisen out of these circumstances, because the only thing that has been submitted to the Chilean Foreign Ministry is the draft note intended to enter into direct negotiations “to solve the Bolivian landlocked condition on grounds that take into consideration both countries’ interests” and, furthermore, in those conversations, the concretion of territorial aspects was subjected to the granting [by Chile] of a “real port to serve Bolivia’s commercial needs”.

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

[Signature]

Annex 260

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez,
to the Minister of Foreign Affairs of Bolivia, Pedro Zilveti Arce,
N° 457/310, 25 May 1950

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

COPIA

Santiago, 25 de mayo de 1950.

RESERVADO.

Nº 457/310.

Asunto: Negociaciones
portuarias.

Anexo: Copia de un
proyecto de nota.
(Por avión).

RESERVADO

Señor Ministro:

En confirmación de mi cablegrama Nº 113 de ayer, tengo el agrado de informar a Ud. que entregué al Ministro de Relaciones Exteriores, señor Horacio Walker Larraín, un proyecto de nota en el cual, después de rememorar diversos antecedentes, se propone que "los gobiernos de Bolivia y Chile ingresen formalmente a una negociación directa para satisfacer la fundamental necesidad boliviana de obtener una salida propia y soberana al Océano Pacífico, resolviendo así el problema de la mediterraneidad de Bolivia sobre bases que consulten las recíprocas conveniencias y los verdaderos intereses de ambos pueblos".

Como Ud. podrá comprobar, ese texto es el mismo que fué consultado y aprobado previamente por esa Cancillería, y que reproduce en mi oficio reservado Nº 375, de fecha 29 de junio de 1948.

La entrega de esta nota, -cuya copia acompaño, - fué convenida con el Subsecretario de Relaciones Exteriores, señor Manuel Trucco, y tiene por objeto sacar la negociación portuaria del terreno de las simples conversaciones personales, -que podrían prolongarse indefinidamente, como ha sucedido ya desde agosto de 1946- para sí formalizarla y documentarla.

El Ministro de Relaciones Exteriores, tal como informé a Ud. en mi cablegrama Nº 113, me dijo que estudiaría el proyecto de nota y que probablemente en esta semana podríamos suscribir las respectivas notas reversales, pues el Presidente de la República tiene ya adelantadas algunas de sus consultas con los jefes de los partidos políticos y con las comisiones del Congreso.

Si así fuere y llegáramos a suscribir dichas notas, se daría un paso de singular trascendencia, aunque solamente en el sentido general de la negociación, o sea en el de reconocer "la fundamental necesidad boliviana de obtener una salida propia y soberana al Océano Pacífico".

Para ingresar al detalle de la negociación, me atenderé estrictamente, como es lógico, a las instrucciones que me dió esa Cancillería, -sobre todo a la última, de fecha 27 de febrero del presente año- y a las que se digna Ud. anunciarme en su cablegrama Nº 60, que acabo de recibir.

Reitero a Ud. las seguridades de mi más alta y distinguida consideración.

Al señor Dr. D. Pedro Zilveti Arce,
Ministro de Relaciones Exteriores, LA PAZ.

EMBASSY OF BOLIVIA

COPY

Santiago, 25 May 1950

CLASSIFIED.

N° 457/310

Subject: Port negotiations

Annex: Copy of a
draft note.

(Sent by plane).

Mr. Minister,

Confirming my cablegram N° 113, sent yesterday, I have the honor to inform you that I have just given Minister of Foreign Affairs, Mr. Horacio Walker Larrain, a draft note in which, after recalling different precedents, it is proposed that “the Governments of Bolivia and Chile formally enter into a direct negotiation to satisfy the fundamental need of Bolivia to obtain its own and sovereign access to the Pacific Ocean, thus solving the problem of the landlocked condition of Bolivia on bases that take into account the mutual benefits and true interests of both peoples.”

As you will be able to confirm, this text is the same one that was consulted upon and approved of earlier by that Foreign Ministry and which I transcribed in my classified note N° 375 of 28 June 1948.

The submission of this note –a copy of which I am enclosing– was agreed to with the Under-Secretary of Foreign Affairs, Mr. Manuel Trucco, and has the aim of taking the port negotiation out of the field of mere personal talks –which could prolong indefinitely, as has already happened since August 1946– to formalize it and place it on due record.

The Minister of Foreign Affairs, as I have already informed you in my Cablegram N° 113, told me he would examine the draft note and that, probably this week, we might be able to conclude the respective exchange of notes, for the President of the Republic has already made progress in some of his consultations with the heads of the political parties and with the Congress commissions.

If this were to happen and we were to manage to conclude the exchange of the said notes, we would be taking a particularly transcendental step, even if it would only probably be in the general terms of the negotiation, namely, to acknowledge “the fundamental need of Bolivia to obtain its own and sovereign access to the Pacific Ocean”.

Logically, to enter into the details of the negotiation, I will strictly abide by the instructions imparted by the Foreign Ministry –particularly to the most recent ones, i.e. those of 27 February this year– and to the ones you have given to me in your cablegram N° 60, which I have just received.

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

[

Signature]

To Mr. Pedro Zilveti Arce
Minister of Foreign Affairs, LA PAZ.

COPIA

Proyecto de nota.

Santiago, 24 de mayo de 1950.

Señor Ministro:

El Gobierno de Chile, en distintas oportunidades y concretamente en el Tratado de 18 de mayo de 1895 y en el Acta Protocolizada de 10 de enero de 1920, suscritos con Bolivia, aunque no ratificados por los respectivos Poderes Legislativos, aceptó la cesión a mi país de una salida propia al Océano Pacífico.

Posteriormente, con ocasión de la demanda que Bolivia presentó, el 1° de noviembre de 1920, en la Primera Asamblea de la Sociedad de las Naciones, el Delegado de Chile, Excmo. Señor Agustín Edwards, expresó lo siguiente:

"Bolivia puede buscar satisfacción en negociaciones directas libremente consentidas. Chile no le ha cerrado jamás esa puerta a Bolivia, y estoy en situación de declarar que nada nos será mas agradable que contemplar directamente con ella los mejores medios para ayudar a su desarrollo. Lo que Chile quiere es su amistad; nuestro ardiente deseo es que sea feliz y próspera. Es también nuestro interés, puesto que es nuestra vecina y su prosperidad se reflejará sobre la nuestra".

Más tarde, S. E. el Presidente de Chile, Señor Arturo Alessandri, en el Mensaje enviado al Congreso chileno del año 1922, manifestó también lo siguiente:

"Que en Bolivia se afiance la convicción de que, dentro de un ambiente de fraternidad y de armonía no encontrará en nuestro país sino un cordial deseo de buscar fórmulas que, consultando nuestros derechos, satisfagan en cuanto sea posible sus aspiraciones".

Al Excmo. Señor don Horacio Walker Larraín,
Ministro de Relaciones Exteriores,
P r e s e n t e.

EMBASSY OF BOLIVIA

COPY

Draft Note.

Santiago, 24 May 1950.

Mr. Minister,

The Government of Chile, on different occasions and specifically in the Treaty of 18 May 1895 and in the Act of 10 January 1920 entered into with Bolivia, although not ratified by the respective Legislative Powers, accepted the cession to my country of its 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 Agustin Edwards, stated as follows:

“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 on, His Excellency the President of Chile, Mr. Arturo Alessandri, in a Message addressed to the Chilean Congress of 1922, also declared the following:

“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.”

To His Excellency Mr. Horacio Walker Larrain,
Minister of Foreign Affairs,
Hand delivered.

A su vez, el 6 de febrero de 1923, el Excmo. Ministro de Relaciones Exteriores de Chile, Señor Luis Izquierdo, expuso en nota dirigida al Ministro de Bolivia, Señor Ricardo Jaimos Freyre, que el Gobierno de Chile "mantiene el propósito de oír con el más elevado espíritu de conciliación y equidad, las proposiciones que quiera someterle el Gobierno boliviano para celebrar un nuevo Pacto que consulte la situación de Bolivia, sin modificar el Tratado de Paz y sin interrumpir la continuidad del territorio chileno".

Por otra parte, frente a la proposición del Secretario de Estado de los Estados Unidos, Excmo. señor Frank B. Kellogg, para que Chile y el Perú cedan a Bolivia "todo derecho, título o intereses que ellos tengan en las provincias de Tacna y Arica", el Excmo. Señor Jorge Matte, Ministro de Relaciones Exteriores de Chile, expresó que "el Gobierno de Chile no ha rechazado la idea de conceder una faja de territorio y un puerto a la Nación Boliviana" y que acepta "considerar, en principio, la proposición".

Al iniciar su Gobierno, S. E. el Presidente de la República, Señor Gabriel González Videla, manifestó igual disposición en sus conversaciones con el Miembro de la Junta de Gobierno de Bolivia y Ministro de Relaciones Exteriores, Excmo. Señor Aniceto Solares, quien concurrió a la transmisión del mando presidencial, en noviembre de 1948; posteriormente en sus entrevistas con el ex-Presidente de Bolivia y actual Embajador en España, Excmo. Señor Enrique Hertzog, a su paso por Santiago, en diciembre de 1949; y finalmente en las numerosas audiencias que, para tratar de este asunto, se dignó conceder al suscritor. [Con tan importantes antecedentes, que -----

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 “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.”

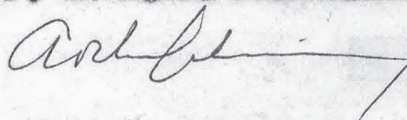
On the other hand, concerning the proposal of the Secretary of State of the United States, His Excellency Mr. Frank B. Kellogg, for Chile and Peru to cede to Bolivia “all right, title and interest which either may have in the Provinces of Tacna and Arica”, His Excellency Mr. Jorge Matte, Minister of 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.”

Upon taking office, His Excellency the President of the Republic, Mr. Gabriel González Videla, demonstrated the same willingness in his conversations with the Member of the Bolivian Government Junta and Minister of Foreign Affairs, His Excellency Mr. Aniceto Solares –who attended his presidential inauguration, in November 1946; subsequently, in his meetings with the former President of Bolivia and current Ambassador in Spain, His Excellency Mr. Enrique Hertzog, during his stay in Santiago, in December 1949; and, finally, in the numerous meetings granted to the undersigned to address this issue. With such important precedents, which ----

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al respecto señalan una clara orientación de la política internacional seguida por la República chilena, tengo a honra proponer a Vuestra Excelencia que los gobiernos de Bolivia y de Chile ingresen formalmente a una negociación directa para satisfacer la fundamental necesidad boliviana de obtener una salida propia y soberana al Océano Pacífico, resolviendo así el problema de la mediterraneidad de Bolivia sobre bases que consulten las recíprocas conveniencias y los verdaderos intereses de ambos pueblos.

En la certidumbre de contar con la aceptación del Gobierno de Vuestra Excelencia, dando así comienzo a una obra de grandes proyecciones futuras tanto para Bolivia como para Chile, le reitero las seguridades de mi más alta y distinguida consideración.



-3-

reveal a clear orientation of the international policy followed by the Chilean Republic concerning this issue, I have the honor of proposing to Your Excellency that the Governments of Bolivia and Chile formally enter into a direct negotiation to satisfy the fundamental need of Bolivia to obtain its own and sovereign access to the Pacific Ocean, thus solving the problem of the landlocked condition of Bolivia on bases that take into account the mutual benefits and true interests of both peoples.

Confident that the Government of Your Excellency will express its acceptance, and thus begin a work of great future projections for Bolivia as well as for Chile, I reiterate the assurances of my highest and most distinguished consideration.

[Signature]

Annex 261

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez,
to the Minister of Foreign Affairs of Bolivia, Pedro Zilveti Arce,
N° 470/322, 27 May 1950

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

COPIA RESERVADA.

Santiago, 27 de mayo de 1950.

N° 470/322

Asunto: Negociaciones
Portuarias.

RESERVADO

Señor Ministro:

Tengo el agrado de avisar a Ud. recibo de su nota reservada N° P. y D. 16, de 17 del corriente mes, en la que se digna Ud. transcribir la comunicación que, con fecha 19 de abril y refiriendo su conversación en Washington con el Presidente de Chile, señor Gabriel González Videla, envió el Embajador de Bolivia en los Estados Unidos a S.E. el Presidente de la República, señor Mamerto Urriolagoitia.

Con referencia a dicha comunicación, que ha llegado a mi conocimiento con retraso de más de dos meses, me permito recordar lo que ya informé a Ud. en mi nota N° 412/387, de 13 del corriente mes, o sea que el Canciller de Chile, señor Horacio Walker Larraín, la considera en cierto modo protocolizada, porque su texto le fué consultado por el Embajador de Bolivia en los Estados Unidos, antes de hacerlo conocer a S.E. el Presidente Urriolagoitia.

En cuanto al fondo mismo de dicha comunicación, es interesante subrayar la declaración del Presidente González Videla en el sentido de que "Chile no pedirá compensaciones territoriales ni económicas".

Lo primero fué establecido en todas mis conversaciones con el Presidente de Chile. No así lo segundo - las compensaciones económicas - que con aprobación del Canciller chileno aparece ahora consignado también.

Por lo que se refiere al párrafo en que el Presidente González Videla sugirió que sea Bolivia la que inicie las gestiones oficiales, -confirmando las hechas ya por él en sus entrevistas con el Presidente Truman,- ante el Gobierno de los Estados Unidos, así como ante el Gobierno del Perú, me permito recordar la observación que adelanté al Primer Mandatario de Chile -véase mi nota N° 398/277, de 9 de mayo- en el sentido de que "se trata de un asunto que Bolivia y Chile deben resolver en su primera etapa, Chile y el Perú en su segunda etapa y los Estados Unidos, como amigable mediador, en ambas".

Respecto a la pregunta hecha al Presidente de Chile por el Embajador Martínez Vargas con relación a la sección chilena del ferrocarril Arica-La Paz, debo hacer notar que era innecesaria, porque el traspaso o venta de dicha sección a Bolivia es, juntamente con la indispensable existencia de un verdadero puerto al norte de Arica, condición sine qua non de las negociaciones adelantadas en Santiago

Al señor doctor don Pedro Zilveti Arce,
Ministro de Relaciones Exteriores y Culto,
LA PAZ.

EMBASSY OF BOLIVIA

COPY

CLASSIFIED

Santiago, 27 May 1950.

N° 470/322

Subject: Port
negotiations.

Mr. Minister,

I am pleased to acknowledge receipt of your classified note N° P. y D. 16, of the 17th this month, in which you transcribe the communication that, on 19 April and referring to the conversation you held in Washington with the President of Chile, Mr. Gabriel Gonzalez Videla, was sent to the Bolivian Ambassador to the United States by the President of the Republic, Mr. Mamerto Urriolagoitia.

With reference to said communication, of which I have been informed with a delay of more than two months, I hereby allow myself to recall what I have already informed to you in my note N° 412/287, of the 13th this month, i.e. that the Chilean Foreign Minister, Mr. Horacio Walker Larraín, believes such communication is, in a sense, an official one, inasmuch as its text was consulted upon by the Bolivian Ambassador to the United States, before informing H. E. President Urriolagoitia of it.

In regard to the substance of this communication, it is interesting to underscore the statement made by President Gonzalez Videla to the effect that "Chile will demand for neither territorial nor financial compensations".

The first aspect had been established in all the conversations I held with the President of Chile, unlike the second one –financial compensation– which, with the approval of the Chilean Foreign Minister, seems to now have been enshrined as well.

Concerning the paragraph in which President Gonzalez Videla suggested that it should be Bolivia who commences the official demarches –confirming those already carried out by him in his meetings with President Truman– before the Government of the United States, as well as before that of Peru, I allow myself to recall the observation I put forward to the Head of State of Chile –see my note N° 398/277, of 9 May– in the sense that "this is a matter that had to be overcome between Bolivia and Chile in its first stage, between Chile and Peru in the second one and with the United States, as an amicable mediator, in them both".

With regard to the question put to the President of Chile by Ambassador Vargas concerning the Chilean section of the Arica-La Paz railroad, I must emphasize that this question was unnecessary because the transfer or sale of that section to Bolivia is, along with the indispensable existence of a proper port to the north of Arica, a sine-qua-non condition of the negotiations commenced in Santiago

To Mr. Pedro Zilveti Arce,
Minister of Foreign Affairs and Worship,
LA PAZ.

BOLIVIA

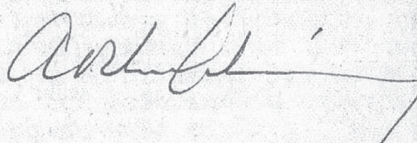
COPIA

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y concuerda con las instrucciones que recibí de S.E. el Presidente de la República y de esa Cancillería, acogiendo la sugestión que me permití hacer en tal sentido.

Por lo demás, espero con urgencia las nuevas instrucciones que se digna Ud. anunciarme en su cablegrama cifrado N° 60, de 24 del corriente mes, y que sin duda se refieren al contenido de la nota a que doy respuesta.

Reitero a Ud. las seguridades de mi más alta consideración.

A handwritten signature in dark ink, appearing to be 'Arturo Escobar', written in a cursive style with a long horizontal stroke extending to the right.

EMBASSY OF BOLIVIA

COPY

-2-

and is consistent with the instructions imparted to me by H.E. the President of the Republic and that Foreign Ministry, welcoming the recommendation I had made in that sense.

Apart from all that, I am urgently waiting for the new instructions that you anticipated to me in your encrypted cablegram N° 60, of the 24th this month, and that with no doubt referred to the content of the note to which I am hereby responding.

I reiterate to you the assurances of my highest consideration.

[Signature]

Annex 262

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez,
to the Minister of Foreign Affairs of Bolivia, Pedro Zilveti Arce,
N° 510/349, 10 June 1950

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

COPIA

Santiago, 10 de junio de 1950.

N° 510/349.

Asunto: Negociaciones
portuarias.

Anexos: Dos copias
de notas.

RESERVADO

Señor Ministro:

En confirmación de mis cablegramas reservados Nos. 128 y 129, de fechas 7 y 9 del corriente mes, tengo el agrado de informar a Ud. acerca de las negociaciones portuarias con el gobierno de Chile.

Desde luego, confirmo que el proyecto de nota aprobado por esa Cancillería, -que remití a Ud. juntamente con mi oficio N° 457/310, de 25 del mes ppdo., y del cual acompaño una nueva copia,- aunque fué motivo de algunas observaciones del Ministro de Relaciones Exteriores, señor Horacio Walker Larraín, acabó por ser aceptado en su totalidad.

En tal forma, se ha alcanzado lo que desde hace dos años se intentaba conseguir del gobierno de Chile,-recuérdese las gestiones hechas cerca del Presidente de la República, señor González Videla, y de los Cancilleres Vergara Donoso y Riesco Errázuriz,- o sea el reconocimiento implícito de "la fundamental necesidad boliviana de obtener una salida propia y soberana al Océano Pacífico", objetivo principal de las instrucciones que recibí de S.E. el Presidente de la República y de esa Cancillería, en fecha 19 de abril de 1948.

Por otra parte, acompaño a esta nota el proyecto de respuesta de la Cancillería chilena, que acaba de serme enviado por el Ministro de Relaciones Exteriores y del cual adelanté a Ud. el párrafo principal en mi cablegrama N° 129, de anoche.

Como Ud. podrá ver, en dicho proyecto de respuesta aparece eliminada la mención territorial, o sea de la zona al norte de Arica, que objeté por ser inconveniente en la iniciación de las negociaciones, inclusive porque el señalar determinado territorio envolvía para Chile la obligación de obtener previamente el asentimiento del Perú, que era mejor dejar para otra etapa de aquéllas. Además, se reproduce la frase fundamental del proyecto boliviano de nota, sin hacerle reparo alguno, lo que indudablemente da mayor significación al reconocimiento implícito que envolvía la aceptación del texto íntegro de tal proyecto.

En cuanto a la mención del Tratado de paz de 1904, que no se hace en el proyecto boliviano de nota y sí en el chileno, tiene una clara explicación: la de que desde la iniciación de las conversaciones directas, o sea desde el año 1943, el gobierno

Al señor doctor don Pedro Zilveti Arce,
Ministro de Relaciones Exteriores y Culto,
L A P A Z.

EMBASSY OF BOLIVIA

COPY

Santiago, 10 June 1950

Nº 510/349

Subject: Port negotiations

Annexes: Two note copies.

Mr. Minister,

Confirming my classified cablegrams Nº 128 and Nº 129, of the 7th and 9th this month, I am pleased to inform you of the port negotiations carried out with the Government of Chile.

Naturally, I hereby confirm that the draft note approved by that Foreign Ministry –which I sent to you along with my note Nº 457/310, on the 25th of last month, and of which I am also enclosing a new copy– although it was subject to some observations by the Minister of Foreign Affairs, Mr. Horacio Walker Larrain, was accepted in its entirety.

In this connection, we have achieved what we have been trying to achieve from the Government of Chile for two years –you might well recall the demarches carried out with the President of the Republic, Mr. Gonzalez Videla, and Foreign Ministers Vergara Donoso and Riesco Errazuriz– namely, the implicit recognition of “the fundamental need of Bolivia to obtain its own and sovereign access to the Pacific Ocean”, the main objective of the instructions I received from His Excellency the President of the Republic and that Chancellery, on 19 April 1948.

I am also, on the other hand, enclosing to this note the draft response of the Chilean Foreign Ministry, which has just been sent by the Minister of Foreign Affairs and of which I had informed you in the main paragraph of my cablegram Nº 129, sent last night.

As you will well be able to see, said draft response eliminates the reference to territory, i.e. to the area north of Arica, to which I objected because it was inconvenient for the commencement of negotiations, and even because reference to that determined territory implied for Chile the obligation to secure Peru’s consent beforehand, which was best to leave for another stage. Besides from this, the fundamental phrase of the Bolivian draft is reproduced, without any modification, which undoubtedly gives more significance to the implicit recognition that the acceptance of the whole text of that draft entailed.

In regard to the reference to the 1904 Treaty, which is not made in the Bolivian draft note, but is made in the Chilean one, this has a clear explanation: that since the commencement of direct talks, i.e. since 1943, the Chilean Government

To Mr. Pedro Zilyeti Arce
Minister of Foreign Affairs and Worship,
LA PAZ.

chileno ha establecido como condición sine-qua-non de las negociaciones el que éstas sean "al margen del Tratado de 1904", cuya revisión ha rechazado y rechazará siempre este país, inflexible y unánimemente.

Por otra parte, la mención del Tratado de 1904 en nada afecta a la posición de nuestro país, pues el propio gobierno de Bolivia, en el Memorandum entregado por el Embajador en los Estados Unidos, señor Luis Fernando Guachalla, al Secretario de Estado, señor Cordell Hull, el 15 de septiembre de 1943 - Memorandum que ahora se reproduce nuevamente tanto en la carta autógrafa del Presidente Urriolagoitia al Presidente Truman, de fecha 31 de mayo de 1950, como en la nota destinada al Secretario de Estado, señor Dean Acheson, con igual fecha- declara que "Bolivia, fiel a su tradición de respeto de los pactos internacionales, no desconoce la legalidad del dominio territorial que Chile ejerce sobre la costa del Pacífico, de conformidad con los Tratados públicos que tiene suscritos".

Hay otro aspecto importantísimo en el proyecto chileno de respuesta: aquel en que el gobierno de este país declara que "animado de un espíritu fraterno de amistad hacia Bolivia, está llano a entrar formalmente en una negociación directa destinada a buscar la fórmula que pueda hacer posible dar a Bolivia una salida propia y soberana al Océano Pacífico".

En cambio, a mi juicio merece seria objeción la frase con que se complementa esa aceptación, -"y a Chile obtener las compensaciones que consulten efectivamente sus intereses",- porque no aparece excluida la compensación territorial, compensación que desde la iniciación de las conversaciones con el Presidente González Videla hemos rechazado firmemente. A este respecto, si S.E. el Presidente de la República y Ud. me autorizan, podría proponer que dicha frase quede redactada en la siguiente forma: "y a Chile obtener la compensaciones que no tengan carácter territorial y que consulten efectivamente sus intereses".

Finalmente, la mención de la consulta que el gobierno de Chile debe hacer al del Perú, "en cumplimiento de los Tratados que tiene celebrados con este país", salva el aspecto de la buena armonía que tanto Bolivia como Chile deben mantener con el Perú y demuestra que nada secreto ni vedado hacen a espaldas de éste.

En cuanto a la oportunidad de tal consulta, el gobierno chileno considera que sólo habrá llegado cuando la negociación avance al aspecto territorial, si bien se informaría al gobierno peruano del inicial cambio de notas entre Bolivia y Chile apenas pase el actual período electoral peruano, en el momento en que el nuevo Presidente de la República del Perú se poseione del mando, o sea el 28 de julio próximo.

has established as a sine-qua-non condition for the negotiations that these be carried out “independently of the 1904 Treaty”, the revision of which has been and will always be rejected by that country, inflexibly and unanimously.

On the other hand, the reference made to the 1904 Treaty does not affect at all our country’s position, inasmuch as the Government of Bolivia itself, in a Memorandum submitted by the Bolivian Ambassador to the United States, Mr. Luis Fernando Guachalla, to the U.S. Secretary of State, Mr. Cordell Hull, on 15 September 1943 –Memorandum which is now reproduced in both the letter sent by President Urriolagoitia to President Truman on 31 May 1950 and the note addressed to the Secretary of State, Mr. Dean Acheson, on that same date– it is stated that “Bolivia, faithful to its tradition of respect for international pacts, does not disown the legality of the territorial dominion Chile exercises over the Pacific coast in accordance with the public treaties it has entered into”.

There is another highly important aspect in the Chilean draft response: that the Government of that country declares that “motivated by a fraternal spirit of friendship towards Bolivia, is willing to formally enter into a direct negotiation aimed at searching for a formula that could make it possible to give Bolivia its own and sovereign access to the Pacific Ocean”.

However, in my view, the phrase with which this acceptance is complemented ought to be objected to, namely, “and for Chile to obtain compensations that effectively take into account its interests”, inasmuch as territorial compensation does not seem to be excluded –compensation that, ever since the commencement of talks with President Gonzalez Videla, we have resolutely rejected. In this connection, if H.E. the President of the Republic and you authorize me to do so, I could propose that said phrase be drafted in the following way: “and for Chile to obtain compensation of a non-territorial character that effectively takes into account its interests”.

Finally, the reference made to the consultation that the Chilean Government must make to that of Peru, “in compliance with the Treaties concluded with that country”, is a guarantee for the good harmony that Bolivia and Chile both must maintain with Peru and evidences that they are doing nothing secret or concealed behind Peru’s back.

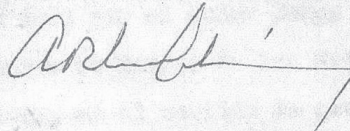
As regards the opportuneness of that consultation, the Chilean Government believes that it shall be made only when negotiations move forward in regard to the territorial aspect, independently of the fact that the Peruvian Government will indeed be informed of the initial exchange of notes between Bolivia and Chile as soon as the current election process in that country is over, and the new President of the Peruvian Republic takes office, namely, on the coming 28 July.

En conclusión, con las notas ya acordadas -salvo el punto que he señalado- considero que se da un paso histórico en las negociaciones portuarias con Chile y que este país, por primera vez desde la guerra de 1879, acepta dar a Bolivia una salida propia y soberana al Océano Pacífico, no ya por un territorio en disputa con el Perú, como hizo en el Tratado de 1895 o en el Acta protocolizada de 1920, -que no fueron ratificadas- sino por territorio neta y jurídicamente chileno.

A cambio de eso, Bolivia en su nota no avanza compromiso alguno y abre a la solución el problema fundamental de su mediterraneidad.

Para cerrar estas breves consideraciones, me permito sugerir a Ud. y por su digno intermedio a S.E. el Presidente de la República la indispensable necesidad de enviarme con urgencia y por cable sus instrucciones respecto a este cambio de notas con el Ministro de Relaciones Exteriores de Chile, pues la oportunidad actual puede variar con la situación interna, que aquí se presenta grave, -están ya paralizadas las labores obreras del cobre y del salitre, a la vez que se anuncia una huelga general para el martes 13,- e inclusive con una crisis ministerial, que alejaría de la Cancillería al señor Walker Larrain, cuya decisión y cuya autoridad moral constituyen un factor de excepcional importancia en este asunto.

Reitero a Ud. las seguridades de mi más alta consideración.



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In conclusion, with the notes that have already been agreed to –salve for the aspect I mentioned– it is my view that a historical step is being taken in the port negotiations with Chile and that this country, for the first time since the war of 1879, accepts to give Bolivia an own and sovereign access to the Pacific Ocean, no longer through territory disputed with Peru, as it did in the 1895 Treaty or the Act of 1920 –which were not ratified– but through purely and legally Chilean territory.

In return for that, in its note, Bolivia has not made any commitment and allows the solution for the fundamental problem of its landlocked condition.

To end these brief considerations, I allow myself to suggest to you and, through you, to His Excellency, the President of the Republic, the indispensable need that his instructions be sent urgently and by cable concerning the exchange of notes with the Minister of Foreign Affairs of Chile, for the current opportuneness might vary due to the internal situation, which is critical here –copper and saltpeter exploitation activities have been paralyzed and a general strike has been announced for Tuesday the 13th– and even owing to the ministerial crisis, which would cause Walker Larrain, whose decision and moral authority constitute an element of exceptional importance in this matter, to leave office as Foreign Minister.

I reiterate to you the assurances of my highest consideration.

[Signature]

PROYECTO DE NOTA

Santiago, 9 de junio de 1950.

Señor Embajador:

He tenido el honor de recibir la nota de
Vuestra Excelencia de fecha 24 del mes pasado.

En ella Vuestra Excelencia se refiere a la
orientación de la política internacional seguida por Chile
con respecto a las aspiraciones de Bolivia para obtener una
salida propia al Océano Pacífico y recuerda los términos
del Tratado y del Acta firmados, pero no ratificados por los
Poderes Legislativos, el 18 de mayo de 1895 y el 10 de enero
de 1920, respectivamente.- Recuerda, asimismo, Vuestra Ex-
celencia, expresiones vertidas por el Delegado de Chile a
la Sociedad de las Naciones, señor Agustín Edwards, en 1920;
por el Presidente de la República señor Arturo Alessandri,
dos años más tarde; y por el Ministro de Relaciones Exterio-
res, señor Luis Izquierdo, en 1923.- Se refiere, enseguida,
Vuestra Excelencia a la respuesta dada por el señor Jorge
Matte a la proposición del Secretario de Estado de los Esta-
dos Unidos de América, Señor Kellogg, en el sentido de que
Chile y Perú cedieran a Bolivia sus títulos y derechos sobre
las provincias de Tacna y Arica; y, finalmente, a la buena
disposición que, tanto Vuestra Excelencia como el ex-Canci-
ller, señor Aniceto Solares, encontraron en el actual Presi-
dente de la República, Excmo. señor Gabriel González Videla,
para considerar las aspiraciones bolivianas.

Con estos antecedentes, Vuestra Excelencia se
sirve proponerme que "los Gobiernos de Bolivia y Chile ingre-
sen formalmente a una negociación directa para satisfacer la
fundamental necesidad boliviana de obtener una salida propia

Al Excmo. Señor Alberto Ostria Gutiérrez,
Embajador de Bolivia,
P r e s e n t e.

EMBASSY OF BOLIVIA

COPY.

DRAFT NOTE

Santiago, 9 June 1950.

Mr. Ambassador,

I have had the honor of receiving the note of Your Excellency dated on the 24th of the last month.

Your Excellency refers therein to the orientation of the international policy followed by Chile concerning the aspirations of Bolivia to obtain its own access to the Pacific Ocean and recalls the terms of the Treaty and the Act, signed, although not ratified by the Legislative Powers, on 18 May 1895 and 10 January 1920, respectively. Likewise, Your Excellency recalls the statements uttered by the Delegate of Chile to the League of Nations, Mr. Agustin 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 immediately refers to the answer given by Mr. Jorge Matte to the proposal of the Secretary of State of the United States of America, Mr. Kellog (sic), in the sense that Chile and Peru cede to Bolivia their titles and rights over the provinces of Tacna and Arica; and finally, to the good willingness that, Your Excellency and the former Minister of Foreign Affairs, Mr. Aniceto Solares, found in the current President of the Republic of Chile, His Excellency, Mr. Gabriel Gonzalez Videla to consider the Bolivian aspirations.

With these precedents, Your Excellency proposes to me that “the Governments of Bolivia and Chile formally enter into a direct negotiation to satisfy the fundamental need of Bolivia to obtain its own

To H.E. Mr. Alberto Ostria Gutiérrez,
Ambassador of Bolivia
Hand delivered.

(Proyecto de nota)

"y soberana al Océano Pacífico, resolviendo el problema de la mediterraneidad de Bolivia sobre bases que consulten las recíprocas conveniencias y los verdaderos intereses de ambos pueblos".-

De las citas contenidas en la nota que contesto, fluye que el Gobierno de Chile, junto con resguardar la situación de derecho establecida en el Tratado de Paz de 1904, ha estado dispuesto a estudiar, en gestiones directas con Bolivia, la posibilidad de satisfacer las aspiraciones del Gobierno de Vuestra Excelencia y los intereses de Chile.

En la presente oportunidad, tengo el honor de expresar a Vuestra Excelencia que mi Gobierno será consecuente con esa posición y que, animado de un espíritu de fraternal amistad hacia Bolivia, está llano a entrar formalmente en una negociación directa destinada a buscar la fórmula que pueda hacer posible dar a Bolivia una salida propia y soberana al Océano Pacífico, y a Chile obtener las compensaciones que consulten efectivamente sus intereses.

Abrigo la confianza de que de esa Manera lograrán nuestros respectivos Gobiernos unir más estrechamente los destinos de nuestras dos Repúblicas y dar un elevado ejemplo en el Continente de verdadero espíritu americanista.

Réstame agregar que, oportunamente, mi Gobierno deberá hacer una consulta al del Perú, en cumplimiento de los Tratados que tiene celebrados con este país.

Reitero a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

and sovereign access to the Pacific Ocean, thus solving the problem of the landlocked condition of Bolivia on bases that take into account the mutual benefits and true interests of both peoples.”

From the quotes contained in the note I answer, it follows that the Government of Chile, together with safeguarding the legal situation established by the Treaty of Peace of 1904, has been willing to study, through direct negotiations with Bolivia, the possibility of satisfying the aspirations of the Government of Your Excellency and the interests of Chile.

At the present opportunity, I have the honor of expressing to Your Excellency that my Government will be consistent with that position and that, motivated by a fraternal spirit of friendship towards Bolivia, is willing to formally enter into a direct negotiation aimed at searching for a formula that could make it possible to give Bolivia its own and sovereign access to the Pacific Ocean, and for Chile to obtain compensation that effectively takes into account its interests.

I am fully confident that in this way our respective governments will be able to unite more tightly the destinies of our two Republics and give a high example of true Americanist spirit in the Continent.

Finally, I have to add that, opportunely, my Government will have to consult Peru, in compliance with the Treaties concluded with that country.

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

Proyecto de nota.

Santiago, 24 de mayo de 1950.

Señor Ministro:

El Gobierno de Chile, en distintas oportunidades y concretamente en el Tratado de 18 de mayo de 1895 y en el Acta Protocolizada de 10 de enero de 1920, suscritos con Bolivia, aunque no ratificados por los respectivos Poderes Legislativos, aceptó la cesión a mi país de una salida propia al Océano Pacífico.

Posteriormente, con ocasión de la demanda que Bolivia presentó, el 1º de noviembre de 1920, en la Primera Asamblea de la Sociedad de las Naciones, el Delegado de Chile, Excmo. Señor Agustín Edwards, expresó lo siguiente:

"Bolivia puede buscar satisfacción en negociaciones directas libremente consentidas. Chile no le ha cerrado jamás esa puerta a Bolivia, y estoy en situación de declarar que nada nos será mas agradable que contemplar directamente con ella los mejores medios para ayudar a su desarrollo. Lo que Chile quiere es su amistad; nuestro ardiente deseo es que sea feliz y próspera. Es también nuestro interés, puesto que es nuestra vecina y su prosperidad se reflejará sobre la nuestra".

Más tarde, S. E. el Presidente de Chile, señor Arturo Alessandri, en el Mensaje enviado al Congreso chileno del año 1922, manifestó también lo siguiente:

legítimo
"Que en Bolivia se arianza la convicción de que, dentro de un ambiente de fraternidad y de armonía, no encontrará en nuestro país sino un cordial deseo de buscar fórmulas que, consultando nuestros derechos, satisfagan en cuanto sea posible sus aspiraciones".

A su vez, el 6 de febrero de 1923, el Excmo. Ministro de Relaciones Exteriores de Chile, señor Luis Izquierdo, expuso en nota dirigida al Ministro de Bolivia, señor Ricardo Jaimes Freyre, que el Gobierno de Chile "man-

Al Excmo. Señor don Horacio Walker Larraín,

Ministro de Relaciones Exteriores,

P r e s e n t e.

Santiago, 24 May 1950.

Mr. Minister,

The Government of Chile, on different occasions and specifically in the Treaty of 18 May 1895 and in the Act of 10 January 1920 entered into with Bolivia, although not ratified by the respective Legislative Powers, accepted the cession to my country of its 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 Agustin Edwards, stated as follows:

“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 on, His Excellency the President of Chile, Mr. Arturo Alessandri, in a Message addressed to the Chilean Congress of 1922, also declared the following:

“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”.

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 “maintains

To His Excellency Mr. Horacio Walker Larrain,
Minister of Foreign Affairs,
Hand delivered.

"tiene el propósito de oír con el más elevado espíritu de conciliación y equidad, las proposiciones que quiera someterle el Gobierno boliviano para celebrar un nuevo Pacto que consulte la situación de Bolivia, sin modificar el Tratado de Paz y sin interrumpir la continuidad del territorio chileno".

Por otra parte, frente a la proposición del Secretario de Estado de los Estados Unidos, Excmo. señor Frank B. Kellogg, para que Chile y el Perú cedan a Bolivia "todo derecho, título o intereses que ellos tengan en las provincias de Tacna y Arica", el Excmo. señor Jorge Matte, Ministro de Relaciones Exteriores de Chile, expresó que "el Gobierno de Chile no ha rechazado la idea de conceder una faja de territorio y un puerto a la Nación Boliviana" y que acepta "considerar, en principio, la proposición".

Al iniciar su Gobierno, S. E. el Presidente de la República, Señor Gabriel González Videla, manifestó igual disposición en sus conversaciones con el Miembro de la Junta de Gobierno de Bolivia y Ministro de Relaciones Exteriores, Excmo. Señor Aniceto Solares, quien concurrió a la transmisión del mando presidencial, en noviembre de 1946; posteriormente en sus entrevistas con el ex-Presidente de Bolivia y actual Embajador en España, Excmo. Señor Enrique Hertzog, a su paso por Santiago, en diciembre de 1949; y finalmente en las numerosas audiencias que, para tratar de este asunto, se dignó conceder al suscrito.

Con tan importantes antecedentes, que al respecto señalan una clara orientación de la política internacional seguida por la República chilena, tengo a honra proponer

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.”

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 “all 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.”

Upon taking office, His Excellency the President of the Republic, Mr. Gabriel González Videla, demonstrated the same willingness in his conversations with the Member of the Bolivian Government Junta and Minister of Foreign Affairs, His Excellency Mr. Aniceto Solares –who attended his presidential inauguration, in November 1946; subsequently, in his meetings with the former President of Bolivia and current Ambassador in Spain, His Excellency Mr. Enrique Hertzog, during his stay in Santiago, in December 1949; and, finally, in the numerous meetings granted to the undersigned to address this issue.

With such important precedents, which reveal a clear orientation of the international policy followed by the Chilean Republic concerning this issue, I have the honor of proposing

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a Vuestra Excelencia que los gobiernos de Bolivia y de Chile ingresen formalmente a una negociación directa para satisfacer la fundamental necesidad boliviana de obtener una salida propia y soberana al Océano Pacífico, resolviendo así el problema de la mediterraneidad de Bolivia sobre bases que consulten las recíprocas conveniencias y los verdaderos intereses de ambos pueblos.

En la certidumbre de contar con la aceptación del Gobierno de Vuestra Excelencia, dando así comienzo a una obra de grandes proyecciones futuras tanto para Bolivia como para Chile, le reitero las seguridades de mi más alta y distinguida consideración.

(firmado) Alberto Ostria Gutiérrez.

to Your Excellency that the Governments of Bolivia and Chile formally enter into a direct negotiation to satisfy the fundamental need of Bolivia to obtain its own and sovereign access to the Pacific Ocean, thus solving the problem of the landlocked condition of Bolivia on bases that take into account the mutual benefits and true interests of both peoples.

Confident that the Government of Your Excellency will express its acceptance, and thus begin a work of great future projections for Bolivia as well as for Chile, I reiterate the assurances of my highest and most distinguished consideration.

(Signature) Alberto Ostria Gutierrez

Annex 263

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez,
to the Minister of Foreign Affairs of Bolivia, Pedro Zilveti Arce,
N° 544/371, 17 June 1950

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

EMBAJADA DE BOLIVIA

N° 544 / 371

ASUNTO: Negociaciones portuarias.

RESERVADA.

Santiago, 17 de junio de 1950.

RESERVADO

Ministerio de Relaciones Exteriores

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Señor Ministro:

En mi nota N° 510/349, de fecha 10 del corriente mes, informé a Ud. acerca de las negociaciones portuarias con Chile, expresando entre otras cosas:

1°.- que el Ministro de RR.EE. de Chile, señor Horacio Walker Larraín, después de haber hecho algunos reparos al proyecto boliviano de nota, había acabado por aceptar en su totalidad el texto que le presenté y en cuya parte fundamental se propone "que los gobiernos de Bolivia y Chile ingresen formalmente a una negociación directa para satisfacer la fundamental necesidad boliviana de obtener una salida propia y soberana al Océano Pacífico, resolviendo así el problema de la mediterraneidad de Bolivia sobre bases que consulten las recíprocas conveniencias y los verdaderos intereses de ambos pueblos".

2°.- Que en el proyecto chileno de respuesta, cuyo texto acompañaba, había obtenido que se eliminara la referencia territorial "al norte de Arica", consignándose en cambio la declaración de que el gobierno de Chile "está llano a entrar formalmente en una negociación directa destinada a buscar la fórmula que pueda hacer posible dar a Bolivia una salida propia y soberana al Océano Pacífico".

3°.- Que con esta declaración se alcanzaba el objetivo fundamental de las instrucciones de S. E. el Presidente de la República y de esa Cancillería, en fecha 19 de abril de 1948, objetivo que durante dos años no se había podido lograr pese a las reiteradas gestiones hechas tanto cerca del Presidente González Videla como de los Cancilleres Vergara Donoso y Riesco Errázuriz.

4°.- Que, a la vez, con esa declaración se daba un paso histórico en las negociaciones portuarias con Chile y que este país, por primera vez desde la guerra de 1879, aceptaba la posibilidad de dar a Bolivia una salida propia y soberana al Océano Pacífico, no ya por un territorio en disputa con el Perú, como hizo en 1895 o en 1920, sino por territorio indiscutiblemente chileno.

5°.- Que, por otra parte, quedaba a salvo el aspecto referente al Perú, al establecerse en el proyecto chileno de nota que el gobierno de este país haría oportunamente "una consulta al del Perú", en cumplimiento de los tratados que tiene celebrados con ese país".

6°.- Que la mención al Tratado de 1904, que no se hacía en el proyecto boliviano y sí en el chileno, en

Al señor doctor don Pedro Zilveti Arce,
Ministro de Relaciones Exteriores y Culto,
L A P A Z.

EMBASSY OF BOLIVIA

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CLASSIFIED.

N° 544/371

Santiago, 17 June 1950.

Subject: Port
negotiations.

Mr. Minister:

In my note N° 510/349, of the 1st of this month, I informed you of the port negotiations held with Chile, stating inter alia:

1. That the Minister of Foreign Affairs of Chile, Mr. Horacio Walker Larraín, after having made some observations to the Bolivian draft note, had ended up accepting the entirety of the text I submitted, in the fundamental part of which it is proposed, “that the Governments of Bolivia and Chile formally enter into a direct negotiation to satisfy the fundamental need of Bolivia to obtain its own and sovereign access to the Pacific Ocean, thus solving the problem of the landlocked condition of Bolivia on bases that take into account the mutual benefits and true interests of both peoples”.

2. That in the Chilean response draft, the text of which had been attached, we had managed to have the reference to the territory “to the north of Arica” eliminated, enshrining instead the statement that the Government of Chile is “is willing to formally enter into a direct negotiation aimed at searching for a formula that could make it possible to give Bolivia its own and sovereign access to the Pacific Ocean”.

3. That with this statement the fundamental objective of the instructions imparted by H.E., the President of the Republic and the Chancellery on 19 April 1948 had thus been achieved, an objective which for two years had been unattainable despite the repeated efforts made both before President Gonzalez Videla and Foreign Ministers Vergara Donoso and Riesco Errazuriz.

4. That, at the same time, with this statement a historical step had been taken in the port negotiations with Chile and that the latter, for the first time since the war of 1879, accepted the possibility of giving Bolivia an own and sovereign access to the Pacific Ocean, not through territory disputed with Peru anymore, as it did in 1895 or in 1920, but through territory indisputably Chilean.

5. That, on the other hand, the aspect referring to Peru had been safeguarded by establishing in the Chilean draft response that the Government of that country would in due course “to consult Peru, in compliance with the Treaties concluded with that country”.

6. That the reference made to the 1904 Treaty, which had not been made in the Bolivian draft but had been made in the Chilean response draft,

To Mr. Pedro Zilveti Arce
Minister of Foreign Affairs and Worship,
LA PAZ.

nada afectaba a la posición de nuestros países, porque el propio gobierno de Bolivia había declarado, en el Memorandum presentado por el Embajador Guachalla al Secretario de Estado, para que éste lo pusiera a su vez en manos del Canciller chileno Joaquín Fernández, a la sazón en Washington, que "Bolivia, fiel a su tradición de respeto a los pactos internacionales, no desconoce la legalidad del dominio territorial que Chile ejerce sobre la costa del Pacífico, de conformidad con los Tratados públicos que tiene suscritos".

7°.- Que, finalmente, Bolivia en su nota no avanzaba compromiso alguno y que, en cambio, dejaba abierta, oficialmente, por la propia declaración del gobierno chileno, la solución del problema de su mediterraneidad.

Al señalar todo eso, como única objeción al proyecto chileno de nota, mencionaba la frase "y a Chile obtener las compensaciones que efectivamente consulten sus intereses", sugiriendo a Ud. que propusiéramos la redacción en estos términos: "y a Chile obtener las compensaciones que no tengan carácter territorial y que consulten efectivamente sus intereses".

Al dar respuesta a esa mi nota N° 510/349, mediante su cablegrama cifrado N° 74, de fecha 12 del corriente mes, se dignó Ud. aceptar mi sugestión, indicándome de su parte que tanto en el penúltimo párrafo de la nota boliviana como en el párrafo quinto de la nota chilena se añadieran después de la palabra propia, las palabras "directa" y "libre".

Con tales antecedentes, al día siguiente de recibir el cablegrama N° 74 de Ud., o sea el 13, visité al Ministro de Relaciones Exteriores, señor Walker Larraín, proponiéndole modificar en su nota el punto relativo a las compensaciones, o sea la exclusión anticipada de cualquier compensación territorial, y argumentando que Bolivia no aceptaría desprenderse de las más pequeña porción de su territorio, porque consideraba que había llegado al máximo del sacrificio al ceder su litoral como consecuencia de su derrota en la guerra del Pacífico.

De su parte, el señor Walker Larraín me expresó que, sin embargo de que era yo mismo quien le había sugerido la exclusión del aspecto territorial en las notas que íbamos a cambiar, proponía ahora mencionar ese aspecto favorable sólo a Bolivia, excluyendo a la vez la posibilidad de que al trazarse la nueva frontera, como consecuencia de la cesión territorial chilena, se hicieran algunas pequeñas inflexiones en la línea divisoria; pero ante mi insistencia y sobre todo ante la observación de que ésa era una condición sine-qua-non para Bolivia, acabó por aceptar la inclusión de las palabras sugeridas ("que no tengan carácter territorial").

En tal forma, el acuerdo estaba logrado y sólo faltaba firmar las notas respectivas.

Desgraciadamente, un telegrama alarmante y nervioso del Embajador de Chile en La Paz, señor Jorge

did not affect at all our country's position, because the Government of Bolivia itself had declared, in the Memorandum submitted by Ambassador Guachalla to the Secretary of State, so the latter submitted it, in his turn, to Chilean Chancellor Joaquin Fernandez, who had been in Washington, that "Bolivia, faithful to its tradition of respect for international pacts, does not disown the legality of the territorial dominion Chile exercises over the Pacific coast in accordance with the public treaties it has entered into".

7. That, finally, Bolivia, in its note, did not make any commitment and that, instead, it had officially made possible, owing to the statement made by the Chilean Government itself, the solution to the problem concerning its landlocked condition.

By noting all this, the only objection to the Chilean draft note was the phrase "and for Chile to obtain compensation that effectively takes into account its interests", suggesting to you that we propose the following wording, and "for Chile to obtain compensation of a non-territorial character that effectively takes into account its interests".

By responding to my note N° 510/349, through your encrypted cablegram N° 74 of the 12th of this month, you kindly accepted my suggestion, indicating on your part that the penultimate paragraph of the Bolivian note and the fifth paragraph of the Chilean note both be inserted the words "direct" and "free" after the word own.

With these precedents, the day after receiving your cablegram N° 74, i.e. on the 13th, I visited the Minister of Foreign Affairs, Mr. Walker Larraín, proposing him to amend in his note the point relating to the compensations, i.e., that any territorial compensation be excluded beforehand, under the argument that Bolivia will not consent to giving any portion of its territory, because it believed that it has reached the maximum of sacrifices by ceding its coastal territory after being defeated in the War of the Pacific.

For his part, Mr. Walker Larraín told me that, independently of the fact that I myself had suggested that the territorial aspect be excluded from the notes we were to exchange, he now proposed to make mention of this aspect in a manner that is only favorable to Bolivia, excluding instead the possibility that when fixing the new border, as a result of the transfer of territory made by Chile, minor changes be made to the dividing line; but, due to my insistence and mainly to the observation made to the effect that that was a sine-qua-non condition for Bolivia, he ended up accepting the inclusion of the words that had been suggested ("of a non-territorial character").

In this way, the agreement had been reached and all that was left to be done was to sign the respective notes.

Unfortunately, due to a disturbing and nervous telegram of the Ambassador of Chile in La Paz, Mr. Jorge

Saavedra Agüero, vino a cambiar la situación.

En efecto, refiriéndose el Embajador Saavedra a una conversación sostenida con Ud. señalaba a su Cancillería la existencia de una carta autógrafa del Presidente de Bolivia al Presidente Truman, en la que se sugiere la mediación de los Estados Unidos, al igual que en 1929, a la vez que la conveniencia de llevar a Bolivia y a Chile a la concertación de negociaciones directas destinadas a resolver el problema portuario boliviano. Al mismo tiempo, informaba que la copia tanto de esa carta autógrafa como de una nota que debía ser entregada al Secretario de Estado, señor Acheson, "estaban en poder del Embajador Ostria".

Al leerme el texto de ese alarmante cablegrama, que contenía varias inexactitudes, el Canciller chileno no pudo ocultar su contrariedad, haciéndome notar que semejante actitud del gobierno boliviano no solamente no contribuía a concluir la etapa inicial de las negociaciones, sino que, por el contrario, la entorpecía seriamente. X

De mi parte, señalé el error de interpretación del Embajador Saavedra, defendiendo a la vez la posición del gobierno boliviano, aunque sin poder dar dato concreto alguno acerca de las copias que estaban en mi poder, porque las había recibido con carácter estrictamente reservado e inclusive mediante un correo de gabinete (la secretaria del Ministro de Relaciones Exteriores).

Revelada prematuramente al Embajador Saavedra la existencia de la carta autógrafa y de la nota para el Presidente Truman y para el Secretario de Estado, me permití sugerir, mediante mi cablegrama N° 133, del mismo día 13, que me autorizara Ud. para entregar las respectivas copias al Ministro de Relaciones Exteriores de Chile, sugestión que por otra parte me había anticipado a hacer a Ud. al recibir aquéllas, pero para el momento en que fueran entregadas en Washington por el Embajador Martínez Vargas y teniendo en cuenta que el Departamento de Estado las pondría, de todos modos, en conocimiento del gobierno chileno, inclusive por el hecho de que las inspiraba el deseo de llegar a un leal entendimiento tanto con Chile como con el Perú.

El día 15 recibí el cablegrama N° 75, en el que, "de acuerdo con el señor Presidente de la República", me autorizaba Ud. a entregar las copias de la carta autógrafa y de la nota -destinadas al Presidente Truman y al Secretario de Estado- al Ministro de Relaciones Exteriores de Chile, informándome a la vez que tales documentos no habían sido aún entregados por el Embajador Martínez Vargas.

Así lo hice ese mismo día, añadiendo al Canciller chileno una explicación acerca de los propósitos que habían guiado al gobierno de Bolivia y haciéndole notar que precisamente al proyectar dirigirse en esa forma al gobierno de los Estados Unidos, tanto el Presidente de la República de Bolivia como su Ministro de Relaciones Exteriores habían acogido la propia sugestión del Presidente González Videla en su conversación con el Embajador Martínez Vargas, en Washington, y des-

Saavedra Agüero, this state of affairs was changed.

Referring to a conversation held with you, Ambassador Saavedra informed his Foreign Ministry of the existence of a holograph letter addressed by the President of Bolivia to President Truman, in which the mediation of the United States, as in 1929, is suggested, as well as the convenience of taking Bolivia and Chile to an agreement on direct negotiations aimed at solving the Bolivian port problem. At the same time, he informed that the copy of that holograph letter and the note that were to be submitted to the Secretary of State, Mr. Acheson, “were both in possession of Ambassador Ostria”.

When reading the text of that disturbing cablegram, which contained several inaccuracies, the Chilean Foreign Minister was unable to hide his dissatisfaction, and noted that not only did such an attitude in the Bolivian Government not contribute to concluding the initial stage of the negotiations, but that it rather critically hindered it.

For my part, I pointed out to the misapprehension incurred into by Ambassador Saavedra and defended the position of the Bolivian Government, although I was unable to give any concrete facts in regard to the copies that were in my power, because they had been given to me in a strictly confidential manner and even by means of a mail from the Cabinet (by the Secretary of the Minister of Foreign Affairs).

Given that the existence of this holograph letter and of the note sent to President Truman and to the Secretary of State was revealed prematurely, I suggested, through my cablegram N° 133, sent on that day, the 13th, that I be authorized to give the copies in question to the Minister of Foreign Affairs of Chile, suggestion that I myself had made earlier to you, when I received them, but that had to be carried out after they were submitted in Washington by Ambassador Martinez Vargas, bearing in mind that they would have been, in any case, brought to the notice of Chile by the Department of State, and that they were inspired in the desire to reach a faithful understanding with both Chile and Peru.

On the 15th, I received cablegram N° 75, in which, “in agreement with the President of the Republic”, I was authorized by you to submit the copies of the holograph letter and note –addressed to President Truman and to the Secretary of State– to the Minister of Foreign Affairs of Chile, and I was also informed that these documents had yet not been submitted by Ambassador Martinez Vargas.

I complied with that instruction on that very day, giving the Chilean Foreign Minister an explanation on the purposes that had guided the Bolivian Government, and emphasizing that, by planning to approach the Government of the United States in such manner, the President of Bolivia and his Minister of Foreign Affairs had indeed embraced the suggestion made by President Gonzalez Videla himself in the conversation he had held with Ambassador Martin Vargas, in Washington, and

pués en la entrevista que me concedió a su llegada, en Santiago.

A pesar de todo, después de leer los documentos, el señor Walker Larraín encontró que la proyectada gestión boliviana cerca del Presidente Truman y del Secretario de Estado no guardaba concordancia con la realizada por el Presidente González Videla durante su visita a los Estados Unidos.

-En realidad, -me dijo el Canciller chileno, - el gesto del Presidente González Videla ha sido espontáneo, en el sentido de abrir una negociación directa con Bolivia para darle una salida al mar, y su gestión con el Presidente Truman sólo ha tendido a obtener la cooperación del gobierno de los Estados Unidos a fin de conseguir el asentimiento peruano. En cambio, la carta autógrafa del Presidente de Bolivia y la nota al Secretario de Estado desvirtúan el sentido de la negociación directa y en el fondo plantean la mediación de los Estados Unidos en un asunto en el que Chile ni desea ni acepta participación ajena.

Después de expresarme esto, el Canciller Walker Larraín me solicitó, de la manera más explícita, que el gobierno de Bolivia suspendiera indefinidamente la entrega de la carta autógrafa y de la nota remitidas al Embajador Martínez Vargas, porque en vez de favorecer las negociaciones portuarias con Chile las entorpecerían gravemente. A la vez, me pidió que encamináramos nuestra acción cerca del gobierno de los Estados Unidos en el mismo sentido que el Presidente González Videla, o sea en el de gestionar su cooperación para obtener el asentimiento del gobierno peruano. Se refirió también a la carta enviada por el Embajador Martínez Vargas al Presidente Urriolagoitia, en fecha 19 de abril del corriente año, y manifestó que el pensamiento del Presidente González Videla estaba fielmente expuesto cuando aquél dice:

"Como el Gobierno del Perú debe participar y ser una de las partes en cualquier arreglo que se celebre sobre esta materia entre Bolivia y Chile, según el Tratado suscrito entre éste y aquél país, que definió la soberanía de Tacna y Arica, esta cuestión fué también discutida entre los Presidentes de Chile y de los Estados Unidos de América. El Presidente Truman ofreció emplear la influencia decidida de su Gobierno ante el Gobierno del Perú para obtener una solución favorable.--A este fin el procedimiento a seguir consistiría en que el Gobierno de Bolivia inicie conversaciones confidenciales con el del Perú y le pida su apoyo. Pero no debería hacer esto sino después de comunicar al Gobierno americano que está de acuerdo, en sus líneas generales, con el proyecto que el Presidente González Videla ha hecho conocer al Presidente Truman. He entendido que el Presidente González Videla considera que sería conveniente que el Gobierno de Bolivia se comunique sin mayor demora con el Gobierno americano con el cual podría determinar el momento oportuno para aproximarse al Gobierno del Perú".

thereafter in the meeting he granted me when he returned, in Santiago.

In spite of everything, after reading the documents, Mr. Walker Larraín found that the demarche Bolivia had planned to carry out before President Truman and the Secretary of State was not consistent with the one performed by President Gonzalez Videla during his visit to the United States.

-In fact-, the Chilean Foreign Minister told me, President Gonzalez Videla's gesture was spontaneous, in the sense of opening a direct negotiation with Bolivia to give it an access to the sea and his demarche with President Truman only intended to obtain cooperation from the Government of the United States so as to secure Peru's consent. The Bolivian President's holograph letter and note to the Secretary of State, however, detracted from the meaning of direct negotiations and in the substance propose the mediation of the United States in an affair in which Chile neither wishes nor consents to foreign involvement.

After saying this, Foreign Minister Walker Larraín requested me, in the most explicit manner, that the Government of Bolivia suspend indefinitely the submission of the holograph letter and note that had been sent to Ambassador Martinez Vargas, because instead of favoring the port negotiations with Chile, they would obstruct them severely. At the same time, he requested that we redirect our actions before the Government of the United States in a manner that is consistent with those of President Gonzalez Videla, i.e. to try get its cooperation to obtain the consent of the Government of Peru. He also referred to the letter sent by Ambassador Martinez Vargas to President Urriolagoitia on 19 April this year, and said that the view of President Gonzalez Videla had been faithfully put forward by his statement that:

"Given that the Government of Peru must participate and be one of the Parties in any settlement that is reached on this question between Bolivia and Chile, by virtue of the Treaty the latter signed with it and that defined sovereignty over Tacna and Arica, this question has also been discussed between the Presidents of Chile and the United States of America. President Truman offered to make use of the strong influence of his Government before the Peruvian Government to secure a favorable solution. To this end, the procedure that must be followed will be that the Government of Bolivia commences confidential talks with that of Peru and requests its support. But it shall do this only after informing the Government of the United States that it agrees, in general terms, with the project President Gonzalez Videla has brought to the notice of President Truman. President Gonzalez Videla is of the view that it would be convenient that the Government of Bolivia communicates, without any delay, with the U.S. Government, with which it may be able to determine the proper moment to approach the Government of Peru".

Finalmente, me declaró el señor Walker Larraín que estaba seguro de que los documentos cuyas copias le había dado a conocer causarían en el Presidente González Videla una reacción tan adversa y quizás tan violenta, que prefería no dárselos a conocer por el momento.

En esta situación, al recibir el cablegrama N°80, enviado por Ud. anoche, hoy me entrevisté de nuevo con el Canciller chileno, a quien inclusive leí partes del mensaje de Ud. Por desgracia, no logré modificar su punto de vista, franco y totalmente contrario a la carta autógrafa y a la nota enviadas al Embajador Martínez Vargas.

-No es que me oponga a que en este asunto el gobierno de Bolivia se dirija al gobierno de los EE.UU., --subrayó.-- Todo lo contrario: es indispensable que así lo haga, pero dentro de los alcances que sugiere la carta del Embajador Martínez Vargas al Presidente Urriolagoitia, carta que, al habernos sido consultada, la considero moralmente protocolizada.

En último término, lo único que admitió el señor Walker Larraín fué consultar a ese respecto al Presidente González Videla, si bien anticipándome que la reacción de éste sería "seguramente más adversa aún".

Con tales antecedentes, considero de mi deber, tal como he hecho ya en mi cablegrama N° 144, de hoy, hacer notar a Ud., con relación a las negociaciones portuarias directas entre Bolivia y Chile, cuya primera etapa iba a vencerse, que al presente el dilema es el siguiente: o se desiste de hacer entregar en Washington los documentos enviados al Embajador Martínez Vargas para el Presidente Truman y el Secretario de Estado --documentos que por ahora sólo son proyectos-- obteniéndose la suscripción de las notas proyectadas y aceptadas por ambas partes, o se entregan aquéllos haciéndose fracasar las negociaciones directas con Chile.

Táca, pues, al gobierno de Bolivia escoger entre depositar un documento en los archivos del gobierno americano, que no tendrá resultado alguno contra la voluntad de Chile, --es decir, del dueño del territorio,-- o dar otro sentido a su gestión en Washington, después de suspender la entrega proyectada, y obtener así oficialmente el asentimiento chileno para negociar una salida propia y soberana al Océano Pacífico.

Dada la circunstancia de que además el señor Walker Larraín ha sido el único Canciller chileno que en el último tiempo se ha mostrado resuelto a llevar adelante la negociación portuaria con Bolivia, secundando al propósito del Presidente González Videla, y frente a la posibilidad, latente aún, de una crisis ministerial, ruego a Ud. hacerme conocer con urgencia la decisión que S. E. el Presidente de la República y Ud. adopten en este asunto de trascendental importancia para el país.

Reitero a Ud. las seguridades de mi consideración más distinguida.

Finally, Mr. Walker Larraín told me that he was certain that the documents whose copies I had brought to his notice would cause such an adverse and perhaps even violent reaction in President Gonzalez Videla that he would rather not make them known for the moment being.

Under these circumstances, after receiving your cablegram N° 80 last night, I met today with the Chilean Foreign Minister, to whom I even read some parts of your message. Unfortunately, I was unable to change his point of view, which opposed frankly and completely to the holograph letter and note sent to Ambassador Martinez Vargas.

—The fact is not that I oppose to the Government of Bolivia's approaching the Government of the U.S. in regard to this matter—he emphasized—on the contrary, it is essential that Bolivia does so, but within the scopes suggested in Ambassador Martinez Vargas' letter to President Urriolagoitia, letter which, inasmuch as it had been consulted upon with us, I regard morally formalized. Ultimately, the only thing Mr. Walker Larraín accepted was to consult President Gonzalez Videla of this, telling me in anticipation that his reaction would “surely be even more adverse”.

With these precedents, I believe it is my duty, as I have already done in my cablegram N° 144, sent today, to bring to your notice the fact that, with regard to direct port negotiations between Bolivia and Chile, the first stage of which was about to be concluded, to the present, the dilemma is the following: either we desist from submitting the documents sent to Ambassador Martinez Vargas for President Truman and the Secretary of State—documents which for the time being are mere drafts—and we thus achieve the conclusion of the notes drafted and accepted by both Parties, or submit them and cause direct negotiations with Chile to fail.

The Government of Bolivia must thus choose between depositing a document in the archives of the Government of the U.S., which will not lead to any result against Chile's will—i.e. the owner of the territory—or to redirect the demarche carried out in Washington, after interrupting the submission planned, and thus formally obtain Chile's consent to negotiate an own and sovereign access to the Pacific Ocean.

In light of the additional fact that Mr. Walker Larraín has been the only Chilean Foreign Minister to have in recent times shown determination in pushing forward the port negotiations with Bolivia, supporting the purpose of President Gonzalez Videla, and in the face of the possibility, latent still, of a ministerial crisis, I beg you let me know, as soon as possible, the decision His Excellency the President of the Republic and you reach in this matter of transcendental importance for our country.

I reiterate to you the assurances of my most distinguished consideration.

[Signature]

Annex 264

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez, to
the Minister of Foreign Affairs of Bolivia, Pedro Zilveti Arce,
N° 550/374, 20 June 1950

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

RESERVADO.

Nº 550/374.

Asunto: Negociaciones
portuarias.

RESERVADO

Señor Ministro:

Recibí, en la tarde de ayer, su cablegrama Nº 82, -en respuesta a los míos Nº 142 y Nº 144,- y en la mañana de hoy me fué entregado el Nº 83, ambos referentes a las negociaciones portuarias con Chile.

Inmediatamente, y por cuarta vez en el espacio de una semana, me entrevisté con el Ministro de Relaciones Exteriores, señor Horacio Walker Larrain, a quien, siguiendo las instrucciones contenidas en sus citados cablegramas, informé en síntesis lo siguiente:

1).- Que el gobierno de Bolivia había ordenado al Embajador en Washington, señor Ricardo Martínez Vargas, no entregar ni la carta autógrafa para el Presidente Truman ni la nota para el Secretario de Estado, señor Dean Acheson, que alternativamente se había proyectado.

2).- Que el gobierno de Bolivia desea conocer el pensamiento exacto del gobierno chileno acerca de la gestión que de su parte debe hacer ante el gobierno de los Estados Unidos y que en tal sentido, cuando considere oportuno dirigirse a este último, le informará acerca de su respectiva nota, antes de que sea entregada en Washington.

El Canciller chileno se apresuró a expresar su satisfacción por la resolución adoptada y me pidió que transmitiera a Ud. su agradecimiento por la hidalga actitud del gobierno de Bolivia.

Por otra parte, el señor Walker Larrain me manifestó que, salvado aquel obstáculo, -"principalmente de forma", "ya que en ningún momento había dudado de la lealtad del gobierno boliviano", expresiones que subrayó caballeramente, - no tendría inconveniente en la suscripción de las notas cuyo texto se hallaba convenido. Además, al entregarle yo la nota que, firmada ya, tuve la precaución de llevarle, me manifestó que hoy me enviaría oficialmente también su respuesta.

En lo que se refiere al pensamiento del gobierno de Chile acerca de la gestión que nos corresponde hacer ante el gobierno de los Estados Unidos, el señor Walker Larrain lo concretó así:

1).- Al gobierno de Bolivia le corresponde hacer saber al gobierno de los Estados Unidos que ha sido oficialmente informado por el gobierno de Chile de las conversaciones que el Presidente González Videla

Al señor doctor don Pedro Silveti Arce,
Ministro de Relaciones Exteriores y Culto,
L A P A Z.

EMBASSY OF BOLIVIA

COPY

Santiago, 20 June 1950

CLASSIFIED.

N° 550/374.

Subject: Port
negotiations.

Mr. Minister,

I received, yesterday afternoon, your cablegram N° 82 –sent in response to my cables N° 142 and 144– and, today morning, I was handed cable N° 83 –both of which relate to the port negotiations with Chile.

Immediately after, and for the fourth time in the course of a week, I met with the Minister of Foreign Affairs, Mr. Horacio Walker Larraín, to whom, following the instructions contained in the said cables, I gave a summarized account of the following facts:

1). That the Government of Bolivia had instructed its Ambassador in Washington, Mr. Ricardo Martinez Vargas to submit neither the holograph letter to President Truman nor the note to the Secretary of State, Mr. Dean Acheson –both of which had been projected alternatively.

2). That the Government of Bolivia wishes to know the Government of Chile's exact thinking in regard to the demarche that it must carry out before the Government of the United States and that, in this connection, when the Bolivian Government believes it fitting to approach to the U.S. it will inform Chile of its respective note before submitting it in Washington.

The Chilean Foreign Minister hastened to express his satisfaction over the decision made and asked me to address to you his gratitude for the Government of Bolivia's noble attitude.

On the other hand, Mr. Walker Larraín told me that once that obstacle is overcome –“which is mainly an obstacle of form”, “inasmuch as the loyalty of the Bolivian Government had never been doubted”, he gently underscored– there would be no inconvenient for the conclusion of the notes whose text had already been agreed to. Furthermore, when I gave him the signed note, I had been careful enough to take for him, he stated that he will also communicate his official response to me today.

As far as the thinking of the Government of Chile in relation to the demarche we are to carry out before the Government of the United States is concerned, Mr. Walker Larraín summarized it as follows:

1. The Government of Bolivia is responsible for communicating the Government of the United States that it has been informed by the Government of Chile of the conversations President Gonzalez Videla

To Mr. Pedro Zilveti Arce,
Minister of Foreign Affairs and Worship,
LA PAZ.

sostuvo con el Presidente Truman acerca de la posibilidad de resolver el problema de la mediterraneidad de Bolivia, mediante negociaciones directas, buscando una solución de proyección continental, y que en líneas generales se halla de acuerdo con el pensamiento expresado por el Presidente de Chile.

2).- Al gobierno de Bolivia le corresponde también adherirse a la gestión hecha igualmente por el Presidente González Videla cerca del Presidente Truman para que el gobierno de los Estados Unidos ejercite su amigable influencia ante el gobierno del Perú, con objeto de que no ponga obstáculos, -acogiéndose al Tratado chileno-peruano de 1929,- al entendimiento territorial a que pudieran llegar Bolivia y Chile.

El Canciller chileno, al expresarme lo que antecede, hizo hincapié, una vez más, en la carta enviada por el Embajador Martínez Vargas al Presidente Urriolagoitia, en fecha 19 de abril del corriente año, y sobre todo a la frase que transcribí en la página 4 de mi nota N° 544/371, de 17 del mes en curso, manifestando que, a su juicio, resume con exactitud el pensamiento del Presidente González Videla y por tanto del gobierno chileno.

Al terminar nuestra entrevista, convinimos con el señor Walker Larraín en que, después de suscrita la nota de respuesta que prometió enviarme hoy, ingresaría mos a otra etapa de las negociaciones portuarias y me pidió que, oportunamente, le hiciera conocer el plan que tuviera en tal sentido.

Reitero a Ud. las seguridades de mi más alta consideración.

held with President Truman in regard to the possibility of solving the problem concerning Bolivia's landlocked condition, by means of direct negotiations, seeking a solution of continental projections and that is in general terms consistent with the views expressed by the President of Chile.

2. The Government of Bolivia is also responsible for adhering to the demarche carried out by President Gonzalez Videla vis-à-vis President Truman to have the Government of the United States exercise its friendly influence before the Government of Peru, so that the latter does not set any obstacles –in keeping with the Chilean-Peruvian Treaty of 1929– to the territorial understanding to which Bolivia and Chile might arrive.

The Chilean Foreign Minister, when telling me the above, insisted once more in the letter sent by Ambassador Martinez Vargas to President Urriolagoitia on 19 April this year, and mainly on the phrase I quoted on page 4 of my Note N° 544/371, of the 17th of this month, and said that, in his view, the latter accurately summarizes the views of President Gonzalez Videla and, as a result, of the Chilean Government.

At the end of our meeting, Foreign Minister Walker Larraín and I agreed that, once the response note he promised to send me today is signed, we would enter into another stage in the port negotiations and asked me to, in due course, inform him of the plan that will be followed to that end.

I reiterate to you the assurances of my highest consideration.

[Signature]

Annex 265

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez,
to the Minister of Foreign Affairs of Chile, Horacio Walker Larrain,
N° 529/21, 1 June 1950

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

(Submitted by Bolivia as Annex 109A to its Memorial)

C O P I A.

PAJADA DE BOLIVIA

Santiago, 1 de junio de 1950.

Nº 529/21.

Señor Ministro:

La República de Chile, en distintas oportunidades y concretamente en el Tratado de 18 de mayo de 1895 y en el Acta Protocolizada de 10 de enero de 1920, suscritos con Bolivia, aunque no ratificados por los respectivos Poderes Legislativos, aceptó la cesión a mi país de una salida propia al Océano Pacífico.

Posteriormente, con ocasión de la demanda que Bolivia presentó, el 1º de noviembre de 1920, en la Primera Asamblea de la Sociedad de las Naciones, el Delegado de Chile, Excmo. señor Agustín Edwards, expresó lo siguiente:

"Bolivia puede buscar satisfacción en negociaciones directas libremente consentidas. Chile no le ha cerrado jamás esa puerta a Bolivia, y estoy en situación de declarar que nada nos será más agradable que contemplar directamente con ella los mejores medios para ayudar a su desarrollo. Lo que Chile quiere es su amistad; nuestro ardiente deseo es que sea feliz y próspera. Es también nuestro interés, puesto que es nuestra vecina y su prosperidad se reflejará sobre la nuestra".

Más tarde, S. E. el Presidente de Chile, señor Arturo Alessandri, en el Mensaje enviado al Congreso chileno del año 1922, manifestó también lo siguiente:

"Que en Bolivia se afiance la convicción de que, dentro de un ambiente de fraternidad y de armonía, no encontrará en nuestro país sino un cordial deseo de buscar fórmulas que, consultando nuestros legítimos derechos, satisfagan en cuanto sea posible sus aspiraciones".

A su vez, el 6 de febrero de 1923, el Excmo. Ministro de Relaciones Exteriores de Chile, señor Luis Izquierdo, expuso en nota dirigida al Ministro de Bolivia,

Al Excmo. señor don Horacio Walker Larraín,
Ministro de Relaciones Exteriores.

P r e s e n t e.

COPY

EMBASSY OF BOLIVIA
Nº 529/21.

Santiago, 1 June 1950

Mr. Minister,

The Republic of Chile, on different occasions and specifically in the Treaty of 18 May 1895 and in the Act of 10 January 1920 entered into with Bolivia, although not ratified by the respective Legislative Powers, accepted the cession to my country of its 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 Agustin Edwards, stated as follows:

“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 on, His Excellency the President of Chile, Mr. Arturo Alessandri, in a Message addressed to the Chilean Congress of 1922, also declared the following:

“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”.

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,

To His Excellency Mr. Horacio Walker Larraín
Minister of Foreign Affairs.
Hand delivered.

señor Ricardo Jaimes Freyre, que el Gobierno de Chile "mantiene el propósito de oír con el más elevado espíritu de conciliación y equidad, las proposiciones que quiera someterle el Gobierno boliviano para celebrar un nuevo Pacto que consulte la situación de Bolivia, sin modificar el Tratado de Paz y sin interrumpir la continuidad del territorio chileno".

Por otra parte, frente a la proposición del Secretario de Estado de los Estados Unidos, Excmo. señor Frank B. Kellogg, para que Chile y el Perú cedan a Bolivia "todo derecho, título o intereses que ellos tengan en las provincias de Tacna y Arica", el Excmo. señor Jorge Matte, Ministro de Relaciones Exteriores de Chile, expresó que "el Gobierno de Chile no ha rechazado la idea de conceder una faja de territorio y un puerto a la Nación Boliviana" y que acepta "considerar, en principio, la proposición".

Al iniciar su Gobierno, S. E. el Presidente de la República, señor Gabriel González Videla, manifestó igual disposición en sus conversaciones con el Miembro de la Junta de Gobierno de Bolivia y Ministro de Relaciones Exteriores, Excmo. señor Aniceto Solares, quien concurrió a la transmisión del mando presidencial, en noviembre de 1946; posteriormente en sus entrevistas con el ex-Presidente de Bolivia y actual Embajador en España, Excmo. señor Enrique Hertzog, a su paso por Santiago, en diciembre de 1949; y, finalmente, en las numerosas audiencias que, para tratar de este asunto, se dignó conceder al suscrito.

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Mr. Ricardo Jaimes Freyre, that the Government of Chile “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”.

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 “all 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.”

Upon taking office, His Excellency the President of the Republic, Mr. Gabriel Gonzalez Videla, demonstrated the same willingness in his conversations with the Member of the Bolivian Government Junta and Minister of Foreign Affairs, His Excellency Mr. Aniceto Solares –who attended his presidential inauguration, in November 1946; subsequently, in his meetings with the former President of Bolivia and current Ambassador in Spain, His Excellency Mr. Enrique Hertzog, during his stay in Santiago, in December 1949; and, finally, in the numerous meetings granted to the undersigned to address this issue.

Con tan importantes antecedentes, que al respecto señalan una clara orientación de la política internacional seguida por la República chilena, tengo a honra proponer a Vuestra Excelencia que los gobiernos de Bolivia y de Chile ingresen formalmente a una negociación directa para satisfacer la fundamental necesidad boliviana de obtener una salida propia y soberana al Océano Pacífico, resolviendo así el problema de la mediterraneidad de Bolivia sobre bases que consulten las recíprocas conveniencias y los verdaderos intereses de ambos pueblos.

En la certidumbre de contar con la aceptación del Gobierno de Vuestra Excelencia, dando así comienzo a una obra de grandes proyecciones futuras tanto para Bolivia como para Chile, le reitero las seguridades de mi más alta y distinguida consideración.


Alberto Ostria Gutierrez

With such important precedents, which reveal a clear orientation of the international policy followed by the Chilean Republic concerning this issue, I have the honor of proposing to Your Excellency that the Governments of Bolivia and Chile formally enter into a direct negotiation to satisfy the fundamental need of Bolivia to obtain its own and sovereign access to the Pacific Ocean, thus solving the problem of the landlocked condition of Bolivia on bases that take into account the mutual benefits and true interests of both peoples.

Confident that the Government of Your Excellency will express its acceptance, and thus begin a work of great future projections for Bolivia as well as for Chile, I reiterate the assurances of my highest and most distinguished consideration.

[Signature]

Alberto Ostria Gutierrez

Annex 266

Note from the Minister of Foreign Affairs of Chile, Horacio Walker Larrain, to the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez, N° 9, 20 June 1950

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

(Submitted by Bolivia as Annex 109B to its Memorial)

188.6-

REPÚBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

DEPARTAMENTO DIPLOMÁTICO

Nº 9. —

CONFIDENCIAL

Santiago, 20 de Junio de 1950.-

Señor Embajador:

He tenido el honor de recibir la nota de Vuestra Excelencia de fecha 12 del mes en curso.-

En ella Vuestra Excelencia se refiere a la orientación de la política internacional seguida por Chile con respecto a las aspiraciones de Bolivia para obtener una salida propia al Océano Pacífico y recuerda los términos del Tratado y del Acta firmados, pero no ratificados por los Poderes Legislativos, el 18 de Mayo de 1895 y el 10 de Enero de 1920, respectivamente.- Recuerda, asimismo, Vuestra Excelencia, expresiones vertidas por el Delegado de Chile a la Sociedad de las Naciones, Señor Agustín Edwards, en 1920; por el Presidente de la República, señor Arturo Alessandri, dos años más tarde; y por el Ministro de Relaciones Exteriores, Señor Luis Izquierdo, en 1923.- Se refiere, enseguida, Vuestra Excelencia a la respuesta dada por el Señor Jorge Matte a la proposición del Secretario de Estado de los Estados Unidos de América, señor Kellogg, en el sentido de que Chile y Perú cedieran a Bolivia sus títulos y derechos sobre las provincias de Tacna y Arica; y, finalmente, a la buena disposición que, tanto Vuestra Excelencia como el ex-Canciller, Señor Aniceto Solares, encontraron en el actual Presidente de la República, Excmo. señor Gabriel González Videla para con-

SEÑOR
TRIA GUTIERREZ, EMBAJADOR DE BOLIVIA.-

REPUBLIC OF CHILE
MINISTRY OF FOREIGN AFFAIRS

DIPLOMATIC DEPARTMENT

Nº 9

CONFIDENTIAL

Santiago, 20 June 1950.

Mr. Ambassador:

I have had the honor of receiving the note of Your Excellency dated on the 1st of the current month.

Your Excellency refers therein to the orientation of the international policy followed by Chile concerning the aspirations of Bolivia to obtain its own access to the Pacific Ocean and recalls the terms of the Treaty and the Act, signed, although not ratified by the Legislative Powers, on 18 May 1895 and 10 January 1920, respectively. Likewise, Your Excellency recalls the statements uttered by the Delegate of Chile to the League of Nations, Mr. Agustin 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 immediately refers to the answer given by Mr. Jorge Matte to the proposal of the Secretary of State of the United States of America, Mr. Kellog (sic), in the sense that Chile and Peru cede to Bolivia their titles and rights over the provinces of Tacna and Arica; and finally, to the good willingness that, Your Excellency and the former Minister of Foreign Affairs, Mr. Aniceto Solares, found in the current President of the Republic of Chile, His Excellency, Mr. Gabriel Gonzalez Videla to

To Mr.

OSTRIA GUTIERREZ, AMBASSADOR OF BOLIVIA.

siderar las aspiraciones bolivianas.-

Con estos antecedentes, Vuestra Excelencia se sirve proponerme que "los Gobiernos de Bolivia y Chile ingresen formalmente a una negociación directa para satisfacer la fundamental necesidad boliviana de obtener una salida propia y soberana al Océano Pacífico, resolviendo el problema de la mediterraneidad de Bolivia sobre bases que consulten las recíprocas conveniencias y los verdaderos intereses de ambos pueblos".-

De las citas contenidas en la nota que contesto, fluye que el Gobierno de Chile, junto con resguardar la situación de derecho establecida en el Tratado de Paz de 1904, ha estado dispuesto a estudiar, en gestiones directas con Bolivia, la posibilidad de satisfacer las aspiraciones del Gobierno de Vuestra Excelencia y los intereses de Chile.

En la presente oportunidad, tengo el honor de expresar a Vuestra Excelencia que mi Gobierno será consecuente con esa posición y que, animado de un espíritu de fraternal amistad hacia Bolivia, está llano a entrar formalmente en una negociación directa destinada a buscar la fórmula que pueda hacer posible dar a Bolivia una salida propia y soberana al Océano Pacífico, y a Chile obtener las compensaciones que no tengan carácter territorial y que consulten efectivamente sus intereses.-

Abrigo la confianza de que de esa manera logrará nuestros respectivos Gobiernos unir más estrechamente los destinos de nuestras dos Repúblicas y dar un elevado e

consider the Bolivian aspirations.

With these precedents, Your Excellency proposes to me that “the Governments of Bolivia and Chile formally enter into a direct negotiation to satisfy the fundamental need of Bolivia to obtain its own and sovereign access to the Pacific Ocean, thus solving the problem of the landlocked condition of Bolivia on bases that take into account the mutual benefits and true interests of both peoples.”

From the quotes contained in the note I answer, it follows that the Government of Chile, together with safeguarding the legal situation established by the Treaty of Peace of 1904, has been willing to study, through direct negotiations with Bolivia, the possibility of satisfying the aspirations of the Government of Your Excellency and the interests of Chile.

At the present opportunity, I have the honor of expressing to Your Excellency that my Government will be consistent with that position and that, motivated by a fraternal spirit of friendship towards Bolivia, is willing to formally enter into a direct negotiation aimed at searching for a formula that could make it possible to give Bolivia its own and sovereign access to the Pacific Ocean, and for Chile to obtain compensation of a non-territorial character that effectively takes into account its interests.

I am fully confident that in this way our respective governments will be able to unite more tightly the destinies of our two Republics and give a high

jemplo en el Continente de verdadero espíritu americanista.-

Réstame agregar que, oportunamente, mi Gobierno deberá hacer una consulta al del Perú, en cumplimiento de los Tratados que tiene celebrados con este país.-

Reitero a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.-

H. Walker Larrain

Horacio Walker Larrain -

example of true Americanist spirit in the Continent.

Finally, I have to add that, opportunely, my Government will have to consult Peru, in compliance with the Treaties concluded with that country.

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

[Signature]

Horacio Walker Larrain

Annex 267

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez,
to the Minister of Foreign Affairs of Bolivia, Pedro Zilveti Arce,
N° 559/381, 20 June 1950

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

Santiago, 20 de junio de 1950.
COPIA

CIUDAD DE BOLIVIA

Nº 559/381.

Asunto: Negociaciones
portuarias.

Anexo: Copia de una nota
confidencial de la Canci-
llería chilena.

+

RESERVADO

Señor Ministro:

Momentos antes de despachar el correo aéreo, recibo del Ministro de Relaciones Exteriores de Chile, señor Horacio Walker Larrain, la nota de respuesta a la nota que entregué hoy, oficializándose así la primera etapa de las negociaciones portuarias entre Bolivia y Chile.

Como podrá Ud. ver, se ha obtenido en esa respuesta lo que interesaba a nuestro país y el gobierno chileno declara ahora oficialmente "que, animado de un espíritu fraterno hacia Bolivia, esta llamo a entrar formalmente en una negociación directa destinada a buscar la fórmula que pueda hacer posible dar a Bolivia una salida propia y soberana al Océano Pacífico, y a Chile obtener las compensaciones que no tengan carácter territorial y que consulten efectivamente sus intereses".

Se abre así un nuevo capítulo de la cuestión del Pacífico, que los elementos chauvinistas tanto de Chile como del Perú consideraban terminada con la definitiva clausura de Bolivia, mediante el Tratado peruano-chileno del año 1929, y se vuelve a contemplar la posibilidad de un acuerdo que en su última etapa comprenda también al Perú, o sea que tenga carácter tripartito y que, en el fondo, enmienda el profundo error en que se incurrió mediante aquel Tratado.

El gobierno de Chile, dando prueba de un evidente espíritu de comprensión, reconoce además, mediante la negociación ya iniciada oficialmente, la fundamental necesidad boliviana de obtener una salida propia y soberana al Océano Pacífico, y el Presidente González Videla, noble amigo de nuestro país, da al problema de la mediterraneidad de Bolivia una proyección continental al llevarlo ante la consideración del Presidente de los Estados Unidos, Mr. Harry Truman, solicitándole, por otra parte, su cooperación para obtener el asentimiento que debe dar el Perú de acuerdo al Tratado de 1929.

Cabe subrayar también la personalidad del Canciller que suscribe la nota, o sea uno de los hombres más eminentes de Chile y a la vez jefe del partido conservador.

Al señor doctor don Pedro Zilveti Arce,
Ministro de Relaciones Exteriores y Culto,
L A P A Z.

EMBASSY OF BOLIVIA

Santiago, 20 June 1950

COPY

Nº 559/381.

Subject: Port negotiations.

Annex: Copy of a classified note
from the Chilean Foreign Ministry.

Mr. Minister:

Moments before sending the air mail, I received from the Minister of Foreign Affairs of Chile, Mr. Horacio Walker Larraín, the response note to the note I submitted today –making official in this the way the first stage of the port negotiations between Bolivia and Chile.

As you might be able to see, we have managed to obtain what mattered to our country in that response note, and the Chilean Government has now officially declared that “motivated by a fraternal spirit of friendship towards Bolivia, is willing to formally enter into a direct negotiation aimed at searching for a formula that could make it possible to give Bolivia its own and sovereign access to the Pacific Ocean, and for Chile to obtain compensation of a non-territorial character that effectively takes into account its interests”.

As a result, a new chapter in the question of the Pacific –which chauvinist elements in both Chile and Peru believed to have ended with Bolivia’s landlocked condition resulting from the Peruvian-Chilean Treaty of 1929– has been opened and has given place to contemplate again the possibility for an agreement that might ultimately include Peru, that is, a tripartite agreement that, in the substance, amends the deep mistake incurred into under that Treaty.

The Government of Chile, giving proof of an evident spirit of understanding, also recognizes, by way of the negotiation commenced officially, Bolivia’s fundamental need for an own and sovereign access to the Pacific Ocean, and President Gonzalez Videla, our country’s noble friend, gave the problem concerning Bolivia’s landlocked condition a continental projection by having submitted it for the consideration of the President of the U.S. Harry Truman, requesting him, on the other hand, to cooperate in obtaining Peru’s consent –prescribed under the 1929 Treaty.

The personality of the Foreign Minister who signed the Chilean note must also be underscored. He is one of the most eminent men in Chile and also head of the conservative party.

To Mr. Pedro Zilveti Arce,
Minister of Foreign Affairs and Worship,
LA PAZ.

Es cierto que sólo se trata del primer paso en la negociación; pero si se considera la posición en que durante los últimos años, -sobre todo desde que se dió por terminada la cuestión del Pacífico con el Tratado de 1929,- se habían colocado algunos sectores de la opinión pública chilena, alegando que Bolivia nada tenía ya que reclamar ni Chile nada que darle, evidentemente las notas cambiadas ahora entre los gobiernos boliviano y chileno significan una evolución importantísima, a la vez que un antecedente histórico que nadie podrá negar ni rechazar en justicia.

A cambio de eso, nuestro país da un paso que en nada le compromete, porque en la nota boliviana sólo se hace acopio de antecedentes, se plantea el problema de la mediterraneidad de Bolivia y se propone resolverlo mediante negociaciones directas con Chile.

Posteriormente, habrá que ingresar sobre todo al aspecto territorial. La negociación será ardua y difícil. Pero no será imposible llegar a un resultado si se mantiene el espíritu de leal entendimiento que actualmente existe entre los gobiernos democráticos de Bolivia y Chile, y la inteligente y rápida dirección de esa Cancillería evidenciada en el último tiempo.

En cuanto al Perú, queda a salvo en la respuesta chilena el derecho que pueda reclamar conforme al Tratado de 1929, y será la propia Cancillería de Chile la que informe al gobierno peruano acerca de las negociaciones iniciadas con Bolivia, cuando se conozca el resultado de las elecciones presidenciales en aquel país, o sea después del 28 de julio próximo, manteniéndolas entre tanto dentro de un carácter confidencial, como se establece en la propia nota de respuesta, fechada hoy.

De acuerdo con la propia autorización cablegráfica de Ud., no insistí en que se agregase en la respuesta chilena las palabras "directa" y "libre", después de "salida propia", porque la primera significaba exigir una línea recta, imposible geográficamente, y la segunda equivalía en realidad a la palabra "soberana" aceptada ya por el Canciller chileno.

Ruego a Ud. decirme si el documento original de la respuesta chilena se mantendrá en el archivo de esta Embajada o si debe ser remitido a esa Cancillería.

Al felicitar a Ud. y por su digno intermedio a S. E. el Presidente de la República por el resultado obtenida en esta primera etapa de las negociaciones portuarias con Chile, le reitero las seguridades de mi más alta consideración.

It is true that this is just the first step in the negotiation, but if we bear in mind the position assumed in recent years –mainly since the question of the Pacific was regarded overcome– by certain Chilean public opinion sectors, who held that Bolivia had nothing to claim for and that Chile had nothing to give it, it is evident that the notes that have been exchanged by the Governments of Bolivia and Chile entail an important evolution as well as a historical precedent that no one will be able to rightfully deny.

In return for that, our country is taking a step that does not endanger it in any way, because the Bolivian note only makes a summary of the precedents, raises the problem of Bolivia's landlocked condition and proposes to solve it by way of direct negotiations with Chile.

We will thereafter have to tackle the territorial aspects. The negotiation will be challenging and complex, but it will not be impossible to arrive at results if the spirit of faithful understanding that currently exists between the democratic Governments of Bolivia and Chile is preserved along with the bright and quick actions of that Foreign Ministry –which have been evidenced recently.

As far as Peru is concerned, the rights the latter might assert by virtue of the 1929 Treaty have been preserved in the Chilean note and it will be the Chilean Foreign Ministry itself which will inform the Peruvian Government of the negotiations commenced with Bolivia, once the final results of the elections in that country are known, namely, after the coming 28 July. Meanwhile, the negotiations will remain confidential, as prescribed by the response note sent today itself.

In accordance with the instructions you sent by cable, I did not insist in adding the words "direct" and "free" after the words "own access" into the Chilean response, because the former adjective entails requesting for a straight line –which would be geographically impossible– and the latter one would actually be tantamount to the word "sovereign", which has already been consented to by the Chilean Foreign Minister.

I beg you to please let me know whether the original copy of the Chilean response will be kept in the archives of this Embassy or if it must be sent to that Foreign Ministry.

Taking advantage of this occasion to congratulate you, and through you, his Excellency the President of the Republic for the results obtained in this first stage of the port negotiations with Chile, I reiterate the assurances of my highest consideration.

[Signature]

COPIA

Santiago, 20 de junio de 1950.

Nº 9.-

CONFIDENCIAL.

Señor Embajador:

He tenido el honor de recibir la nota de Vuestra Excelencia de fecha 1º del mes en curso.

En ella Vuestra Excelencia se refiere a la orientación de la política internacional seguida por Chile con respecto a las aspiraciones de Bolivia para obtener una salida propia al Océano Pacífico y recuerda los términos del Tratado y ^{de} Acta firmados, pero no ratificados por los Poderes Legislativos, el 18 de Mayo de 1895 y el 10 de Enero de 1920, respectivamente.- Recuerda, asimismo, Vuestra Excelencia, expresiones vertidas por el Delegado de Chile a la Sociedad de las Naciones, Señor Agustín Edwards, en 1920; por el Presidente de la República señor Arturo Alessandri, dos años más tarde; y por el Ministro de Relaciones Exteriores, Señor Luis Izquierdo, en 1923.- Se refiere, enseguida, Vuestra Excelencia a la respuesta dada por el Señor Jorge Matte a la proposición del Secretario de Estado de los Estados Unidos de América, señor Kellogg, en el sentido de que Chile y Perú cederan a Bolivia sus títulos y derechos sobre las provincias de Tacna y Arica; y, finalmente, a la buena disposición que, tanto Vuestra Excelencia como el ex-Canciller, señor Aniceto Solares, encontraron en el actual Presidente de la República, Excmo. señor Gabriel González Videla para considerar las aspiraciones bolivianas.-

Con estos antecedentes, Vuestra Excelencia se sirve proponerme que "los Gobiernos de Bolivia y Chile ingresen formalmente a una negociación directa para satisfacer la fundamental necesidad boliviana de obtener una salida propia y soberana al Océano Pacífico, resolviendo el problema de la mediterraneidad de Bolivia sobre bases que consulten las recíprocas conveniencias y los verdaderos intereses de ambos pueblos".-

De las citas contenidas en la nota que contesto, fluye que el Gobierno de Chile, junto con resguardar la situación de derecho establecida en el Tratado de Paz de 1904, ha estado dispuesto a estudiar, en gestiones directas con Bolivia, la posibilidad de satisfacer las aspiraciones del Gobierno de Vuestra Excelencia y los intereses de Chile.-

En la presente oportunidad, tengo el honor de expresar a Vuestra Excelencia que mi Gobierno será consecuente con esa posición y que, animado de un espíritu de fraternal amistad hacia Bolivia, está llano a entrar formalmente en una negociación directa destinada a buscar la fórmula que pueda hacer posible dar a Bolivia una salida propia y soberana al Océano Pacífico, y a Chile obtener las compensaciones que no tengan carácter territorial y que consulten efectivamente sus intereses.

Abrigo la confianza de que ^{de} esa manera lograrán nuestros respectivos Gobiernos unir más estrechamente los destinos de nuestras dos Repúblicas y dar un elevado ejemplo en el Continente de verdadero espíritu americanista.-

Réstame agregar que, oportunamente, mi Gobierno deberá hacer una consulta al del Perú, en cumplimiento de los Tratados que tiene celebrados con este país.-

Reitero a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.-

(Fdo.) Horacio Walker Larraín.

Al Excmo. Señor Alberto Ostria Gutiérrez,
Embajador de Bolivia,
P r e s e n t e.

EMBASSY OF BOLIVIA

COPY

Santiago, 20 June 1950.

Nº 9.-

CONFIDENTIAL.

Mr. Ambassador:

I have had the honor of receiving the note of Your Excellency dated on the 1st of the current month.

Your Excellency refers therein to the orientation of the international policy followed by Chile concerning the aspirations of Bolivia to obtain its own access to the Pacific Ocean and recalls the terms of the Treaty and the Act, signed, although not ratified by the Legislative Powers, on 18 May 1895 and 10 January 1920, respectively. Likewise, Your Excellency recalls the statements uttered by the Delegate of Chile 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 immediately refers to the answer given by Mr. Jorge Matte to the proposal of the Secretary of State of the United States of America, Mr. Kellogg, in the sense that Chile and Peru cede to Bolivia their titles and rights over the provinces of Tacna and Arica; and finally, to the good willingness that, Your Excellency and the former Minister of Foreign Affairs, Mr. Aniceto Solares, found in, the current President of the Republic of Chile, His Excellency, Mr. Gabriel Gonzalez Videla to consider the Bolivian aspirations.

With these precedents, Your Excellency proposes to me that “the Governments of Bolivia and Chile formally enter into a direct negotiation to satisfy the fundamental need of Bolivia to obtain its own and sovereign access to the Pacific Ocean, thus solving the problem of the landlocked condition of Bolivia on bases that take into account the mutual benefits and true interests of both peoples.”

From the quotes contained in the note I answer, it follows that the Government of Chile, together with safeguarding the legal situation established by the Treaty of Peace of 1904, has been willing to study, through direct negotiations with Bolivia, the possibility of satisfying the aspirations of the Government of Your Excellency and the interests of Chile.

At the present opportunity, I have the honor of expressing to Your Excellency that my Government will be consistent with that position and that, motivated by a fraternal spirit of friendship towards Bolivia, is willing to formally enter into a direct negotiation aimed at searching for a formula that could make it possible to give Bolivia its own and sovereign access to the Pacific Ocean, and for Chile to obtain compensation of a non-territorial character that effectively takes into account its interests.

I am fully confident that in this way our respective governments will be able to unite more tightly the destinies of our two Republics and give a high example of true Americanist spirit in the Continent.

Finally, I have to add that, opportunely, my Government will have to consult Peru, in compliance with the Treaties concluded with that country.

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

[Signature] Horacio Walker Larrain.

To His Excellency Mr. Alberto Ostria Gutierrez,
Ambassador of Bolivia,
Hand delivered.

Annex 268

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez,
to the Minister of Foreign Affairs of Bolivia, Pedro Zilveti Arce,
N° 646/433, 13 July 1950

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

COPIA
Santiago, 13 de julio de 1950.

RESERVADO.

Nº 646/433.

Asunto: Negociaciones
portuarias.

Anexo: Copia de una
nota. (Por valija).

RESERVADO

Señor Ministro:

Tengo el agrado de remitir por valija diplomática una copia de la nota dirigida al Ministerio de Relaciones Exteriores de Chile, iniciando la primera etapa formal de las negociaciones portuarias, a fin de que sea conservada cuidadosamente en el Departamento de Tratados Internacionales, juntamente con la respuesta del Canciller chileno, señor Horacio Walker Larraín. El original de esta última nota fué remitido por valija diplomática, junto con mi nota Nº 635/424, de fecha 7 del mes en curso.

Reitero a Ud. las seguridades de mi consideración más distinguida.

Al señor doctor don Pedro Zilveti Arce,
Ministro de Relaciones Exteriores y Culto,
L A P A Z.

EMBASSY OF BOLIVIA

COPY

Santiago, 13 July 1950.

CLASSIFIED.

Nº 646/433.

Subject: Port negotiations.

Annex: Copy of a
note. (Sent via diplomatic bag)

Mr. Minister,

I am pleased to send, via diplomatic bag, a copy of the note addressed to the Minister of Foreign Affairs of Chile, commencing the first formal stage of the port negotiations, so it is carefully preserved in the Department of International Treaties, together with the response sent by the Chilean Foreign Minister, Mr. Horacio Walker Larraín. The original copy of the latter has already been sent via diplomatic bag together with my Note Nº 635/424, on the 7th of this month.

I reiterate to you the assurances of my most distinguished consideration.

[Signature]

To Mr. Pedro Zilveti Arce,
Minister of Foreign Affairs and Worship,
LA PAZ.

Annex 269

“Gonzalez Videla declares: All that has been agreed to is to initiate conversations with Bolivia; Arica will always remain free”, *VEA* (Chile), 19 July 1950

(Original in Spanish, English translation)

VEA Magazine (Chile)



SOLO SE HA ACORDADO ABRIR CONVERSACIONES CON BOLIVIA; ARICA QUEDARA SIEMPRE LIBRE

"El Gobierno no ha resuelto nada sobre este tema. Nunca me he negado a conversar sobre la aspiración portuaria de Bolivia", agrega el Presidente en esta entrevista exclusiva concedida a nuestra revista.

GONZALEZ VIDELA Declares:

[Vea Magazine, 19 July 1950]

**ALL THAT HAS BEEN AGREED TO IS TO INITIATE
CONVERSATIONS WITH BOLIVIA; ARICA WILL ALWAYS
REMAIN FREE**

“The Government has not determined anything on this matter. I have never refused to hold conversations regarding Bolivia’s port aspiration”, added the President in this exclusive interview given to our magazine.

dearon el mundo con la nueva. ¿Qué había de verdad en todo esto? ¿Qué alcance tenía la información? Sólo una persona en Chile podía dar la respuesta exacta. Esa persona era el Presidente de la nación, señor Gabriel González Videla. El viernes nos recibió amablemente en su despacho verde. Había pocos políticos por los alrededores. La quietud era por lo menos muy aparente.

—Hemos solicitado esta entrevista, Excelencia —dijimos nosotros—, para tener información de primera fuente sobre la difundida noticia de que nuestro país habría resuelto entregar un puerto en el norte a los hermanos de Bolivia...

El Presidente respondió inmediatamente:

—Hay que aclarar las cosas. El Gobierno no ha resuelto nada sobre este tema. Lo único verdadero es que, consecuente con la tradición de la Cancillería chilena, y ratificando mi profundo espíritu americanista, nunca me he negado a conversar sobre la aspiración portuaria de Bolivia. Así lo expresé en San Francisco, en nombre del Gobierno chileno, cuando fui delegado gubernamental a esa Conferencia. Al asumir el mando, en 1946, el Presidente Hertzog, de Bolivia, me recordó la promesa, y yo, de acuerdo con una norma nunca desmentida por la Cancillería de la República, respondí al Mandatario boliviano que estaba acorde en abrir conversaciones sobre el punto propuesto. Eso es todo lo que hay hasta ahora.

DOS CONDICIONES IRREVOCABLES

—Me hago un deber, sí, en declarar a los ciudadanos de mi patria que el Presidente de Chile está llano a abrir esas conversaciones con

[...]

– We have requested this interview Your Excellency –we said– to have firsthand information on the news that our country has decided to give a port to our Bolivian brothers in the north...

The President replied immediately:

– We must clarify things. The Government has not determined anything on this matter. The only actual fact is that, consistently with the tradition of the Chilean Foreign Ministry, and ratifying my deep Americanist spirit, I have never refused to hold conversations regarding Bolivia's port aspiration. That is what I stated in San Francisco, on behalf of the Chilean Government, when I served as governmental delegate to that Conference. Upon taking office in 1946, Bolivian President Hertzog, reminded me of that promise and I, in accordance with a rule that has never been denied by the Foreign Ministry of the Republic, replied to the Bolivian Head of State that I agreed with initiate conversations on the proposed matter. That is all there is so far”.

TWO IRREVOCABLE CONDITIONS

– It is my duty, indeed, to inform my people that the President of Chile is willing to initiate the aforementioned conversations under

dos condiciones irrevocables:

1.º. Que no se planteen ellas en el terreno de la revisión de tratados, porque en ese aspecto no tenemos ningún problema pendiente con Bolivia. Los tratados suscritos se cumplieron ya en el tiempo, y hoy son sólo hechos históricos. De esta suerte, no cabe revisión de ninguna especie. Así lo dije siendo delegado en San Francisco, y recordarán todos los chilenos que esa batalla por el no revisionismo de los tratados fué ganada por la delegación nuestra en toda su extensión. El preámbulo de la Carta de las Naciones dice textualmente: "Nosotros, los pueblos de las Naciones Unidas, estamos resueltos a CREAR CONDICIONES BAJO LAS CUALES PUEDAN MANTENERSE LA JUSTICIA Y EL RESPETO A LAS OBLIGACIONES EMANADAS DE LOS TRATADOS y de otras fuentes del derecho internacional".

"De esta manera —prosigue el señor González Videla—, las conversaciones con Bolivia no podrán tener otro tono que el de gestiones amigables y amistosas a base de compensaciones a Chile.

"2.º. La segunda gran condición es la de que todas las posibles conferencias a que dé lugar el estudio del problema de la mediterraneidad de Bolivia deben contar con el previo acuerdo del Perú, porque así lo dispone el protocolo complementario del tratado chileno-peruano, suscrito en Lima el 3 de junio de 1929.

"Finalmente declaro que, como Presidente de la República, en todas las conversaciones a que pudiera conducir la discusión del tema, dejaré a salvo el puerto de Arica. Sin embargo, todo lo dicho es prematuro, ya que no sabemos qué proposiciones hará el Gobierno boliviano, que es el que debe iniciar las conversaciones...

two irrevocable conditions:

1. That the referred conversations do not revolve around treaty revision, because, as far as that is concerned, we have no pending issues with Bolivia. The treaties entered into have already been complied with throughout time and to present they are merely historical facts. Thus, there is no room for revision of any kind. That is what I stated as delegate in San Francisco and all Chileans might recall that the battle against revisionism was won by our Delegation in all its extent. The preamble of the UN Charter textually reads: ‘We, the peoples of the United Nations, determined to **ESTABLISH CONDITIONS UNDER WHICH JUSTICE AND RESPECT FOR THE OBLIGATIONS ARISING FROM TREATIES** and other sources of International Law can be maintained’.

– Thus –Mr. Gonzalez Videla continued– the conversations with Bolivia could not have other tenor than that of amicable and friendly demarches based on compensations for Chile.

“2. The second main condition is that all possible exchanges that may derive from an assessment of the problem of Bolivia’s landlocked condition must have Peru’s prior consent, because that is what has been established by the Complementary Protocol to the Chilean-Peruvian Treaty signed in Lima on 3 June 1929”. “Finally, I hereby declare that, as President of the Republic, in all conversations that result from the discussion of this matter, I will avoid referring to Arica’s port. However, all that has been said is premature, inasmuch as we do not know what propositions the Bolivian Government might make, which is the one that should initiate the conversations...”

CONVERSACIONES CON TRUMAN

—Sin embargo —decimos—, usted habló con Truman sobre este tema...

—Tocamos el punto incidentalmente. Y por una razón obvia. Revisamos el panorama latinoamericano en toda su extensión, y cuando yo toqué el tema de la aspiración de Bolivia, insistí ante el Primer Mandatario que no teníamos nosotros ninguna cuestión territorial pendiente con ninguno de nuestros hermanos limitrofes. Agregué al Presidente Truman que en cuanto a la aspiración portuaria de Bolivia, yo, consecuente con mi espíritu americanista, y sobre todo con la norma tradicional de la Cancillería chilena, estaba dispuesto a conversar amistosamente con el Gobierno del Altiplano...

—Esto es todo lo que hay hasta ahora. Todo lo que se pueda agregar es falso. Como ustedes pueden darse cuenta, falta lo más importante, y esto es sólo la iniciación de las conversaciones.

DATOS ERRONEOS

—Sin embargo —agregamos—, se han dado datos en la prensa...

—Sí, y se ha hablado de una faja de 32 kilómetros, en circunstancias que nuestra faja al norte de Arica es apenas de 10 kilómetros. Lo demás ya es territorio peruano. Como ustedes ven, hay muchas cosas que dice la prensa que son desmentidas por sí mismas.

—Por lo demás, esta cuestión la anuncié yo en mi Mensaje al Congreso en mayo de este año. Hay un párrafo que dice, refiriéndose a la visita que hice al señor Truman: "Esa visita arroja no sólo resultados de positiva trascendencia en las relaciones de dos pueblos regidos por un idéntico fervor democrático y por similares instituciones republicanas, SINO QUE TAMBIEN EN EL AFIANZAMIENTO DE NUESTRAS RELACIONES CON LOS PAISES HERMANOS DE AMERICA".

TALKS WITH TRUMAN

– However –we state– you have talked with Truman regarding this matter...

– We have addressed it incidentally. And for an obvious reason. We examined the Latin American scenario in all its extent and when I addressed the issue of Bolivia's aspiration, I insisted before the Head of State that we had no pending territorial questions with any of our bordering neighbors. Additionally, I told President Truman that, in regard to Bolivia's port aspiration, I, consistently with my Americanist spirit and above all following the traditional rule of the Chilean Foreign Ministry, was willing to hold friendly conversations with the Bolivian Government...

That is all there is so far. Anything that could be added is false. As you may realize, the most important aspect is missing, namely, the initiation of talks.

INACCURATE INFORMATION

– However –we add– information has been given by the press...

– Indeed, mention has been made to a strip of land of 32 km, even though our strip to the north of Arica is barely of 10 km. The rest is Peruvian territory. As you can see, there are many things that the press states and that are proven false by themselves.

Moreover, I referred to this question in my Message to the Congress of May this year. There is a paragraph, referring to the visit I made to Mr. Truman, which reads: 'That visit results in not only outcomes of positive transcendence in the relations of two nations that are guided by an identical democratic commitment and by similar republican institutions, BUT ALSO IN THE STRENGTHENING OF OUR RELATIONS WITH OUR BROTHER COUNTRIES OF AMERICA'.

Annex 270

“The Foreign Minister asserts: ‘Chile is willing to study the Bolivian longing on basis of reciprocal compensations’”, *VEA* (Chile),
19 July 1950

(Original in Spanish, English translation)

VEA Magazine (Chile)

VALEZ DE LA CLARA:

SOLO SE HA ACORDADO ABRIR CONVERSACIONES CON BOLIVIA; ARICA QUEDARA SIEMPRE LIBRE

El Gobierno no ha aceptado nada sobre Arica, dice el Canciller. El Gobierno no ha aceptado nada sobre Arica, dice el Canciller. El Gobierno no ha aceptado nada sobre Arica, dice el Canciller.

DICE EL CANCELLER: "CHILE ESTA DISPUESTO A ESTUDIAR EL ANHELO BOLIVIANO A BASE DE COMPENSACIONES RECIPROCAS"

El Canciller, don Horacio Walker Larraín, declaró hoy que Chile está dispuesto a estudiar el anhelo boliviano a base de compensaciones recíprocas. El Canciller, don Horacio Walker Larraín, declaró hoy que Chile está dispuesto a estudiar el anhelo boliviano a base de compensaciones recíprocas.

DICE EL CANCELLER: "CHILE ESTA DISPUESTO A ESTUDIAR EL ANHELO BOLIVIANO A BASE DE COMPENSACIONES RECIPROCAS"

INMEDIATAMENTE de haber conversado con el Presidente de la República, fuimos recibidos en audiencia especial por el Ministro de Relaciones, señor Horacio Walker Larraín. Nos invita a tomar asiento, mientras en largas aspiradas consume un cigarrillo. Es el mismo personaje que se tomó el Senado por su hombría y talento, el que ahora llena al salón de recibo, que departe con nosotros.

—El Presidente me avisó por teléfono que ustedes venían hacia acá —nos dice don Horacio.

—Efectivamente, Ministro, deseábamos saber del técnico en Relaciones Exteriores mayores detalles sobre una noticia que, verdadera o no, ha dado vuelta al Continente en una ola de expectación.

—Pues bien. Repetiré algo que ya debe haberles dicho el Primer Mandatario —responde el Canciller—. No hay nada oficial ni concreto sobre la pretendida noticia de que Chile cederá en el Norte un puerto a Bolivia. Declaro sí que ha sido norma invariable de la Cancillería declarar que si bien no tenemos problema alguno pendiente con Bolivia, es-

**THE FOREIGN MINISTER ASSERTS: “CHILE IS WILLING
TO STUDY THE BOLIVIAN LONGING ON BASIS OF
RECIPROCAL COMPENSATIONS”**

IMMEDIATELY after talking with the President of the Republic, we were received in a special meeting by the Minister of Foreign Affairs, Mr. Horacio Walker Larrain. He invited us to take a seat while he smoked a cigarette. This is the same person who, for his manhood and talent, now sits on the armchair and interacts with us.

– The President told me that you were coming, says Mr. Walker.

– That is true, Minister, we wanted to know from the head of the Foreign Ministry more details regarding the news that, accurate or not, has spread around the Continent in a wave of expectation.

– Well then, I will reiterate something that the Head of State has probably told you already –replied the Foreign Minister– There is nothing official or concrete on the alleged news that Chile will cede Bolivia a port in the north. I hereby declare that has been an invariable rule of the Foreign Ministry to declare that, even though it is true that we have no pending problem whatsoever with Bolivia,

tamos llanos a conversar amistosamente sobre su aspiración portuaria. No son éstas palabras mías —agrega don Horacio—. Son éstas las expresiones de todos mis antecesores: don Luis Izquierdo, don Jorge Matte, El presidente Alessandri y el señor



"LO QUE SE HA DICHO sobre el puerto es cosa vieja. Está en un libro de hace más de 20 años, cuando todavía Tacna estaba bajo el gobierno chileno. Pero nada se ha avanzado desde entonces, salvo el acuerdo de abrir conversaciones", dice el Canciller Walker.

Agustín Edwards. La tesis chilena ha sido más o menos la siguiente: "Chile no acepta que la aspiración de Bolivia a un puerto en el Pacífico se lleve a Congre-

we are willing to hold friendly conversations regarding its port aspiration. These are not my words –adds Mr. Walker. These are the statements that all my predecessors have made, namely, Mr. Luis Izquierdo, Mr. Jorge Matte, President Alessandri and Mr.



“WHAT HAS BEEN SAID concerning the port is an old issue. That was referred in a book of more than 20 years old, when Tacna was still under Chilean Government control. There was no progress since then, except for the agreement to initiate conversations”, says Minister Walker.

Agustin Edwards. The Chilean thesis has been more or less the following: ‘Chile does not accept that the Bolivian aspiration for a port on the Pacific should be taken to

...sos o Conferencias Internacionales, pero Chile está llano a estudiar en gestiones directas y amistosas con aquel país la posibilidad de satisfacer sus anhelos mediante compensaciones a Chile.

—Esa ha sido la esencia de la política de nuestra Cancillería. Puede haber error en la cita textual pero ahí está el espíritu de ella. —Pero algo se habrá avanzado de aquellos años a hoy... —decimos nosotros.

—Sí. Se ha acordado abrir conversaciones. Pero nada más. No ha llegado a nuestra Cancillería ninguna proposición boliviana sobre el asunto. Cuando ella llegue, nosotros entraremos en estudio. La rechazaremos, la aceptaremos, la modificaremos, etc. Nada se puede decir sobre cosas que deben ocurrir en el futuro.

—Sin embargo, se habla de un corredor boliviano al Norte de Arica.

—Sí, pero todo eso se habla un poco más afuera de esta oficina. Es extraoficial. Entiendo que esa mención que usted hace es un viejo estudio realizado hace 20 años por el ingeniero Luis Egañigue. Pero como usted ve, son simples apreciaciones de particulares. Entiendo que hay hasta un libro sobre el tema de regadío nortino a base de aguas del Titicaca. Pero no está allí la voz oficial del Gobierno.

—Me perdonará que insista en que no hay nada que revelar sobre el asunto. Por lo demás, cualquiera solución que intentáramos en el futuro frente al Gobierno de La Paz está sujeta a la aprobación del Perú, al cual nos liga el tratado de 1929.

International Congresses or Conferences, but Chile is willing to study in direct and friendly negotiations with that country the possibility of satisfying its longings on basis of compensations for Chile’.

That has been the essence of the policy followed by our Foreign Ministry. There might be errors in the textual quotation, but that is its spirit. –We are of the view that at least some progress has been made from those years to the present– we state.

– Yes. We have agreed to initiate conversations. But nothing more. Our Foreign Ministry has not received any Bolivian proposal on the matter. Once a proposal is put forward, we will study it, and we will either reject, accept, or amend it, etc. Nothing can be said of events that are to take place in the future.

– Mention has been made, however, of a Bolivian corridor to the north of Arica.

– Yes, but that is being referred to outside this office, unofficially. I understand that this mention you refer to comes from a study carried out some 20 years ago by engineer Luis Lagarrigue. But as you probably realized, these are mere external views. I believe there is even a book on irrigation of the north using Titicaca [Lake] waters. But that is not an official statement of the Government.

Excuse me if I insist in that there is nothing to reveal on this matter. Besides, any solution we might try in the future with the Government of La Paz is subject to Peru’s consent, to whom we are bound by the Treaty of 1929.

Annex 271

Statements made to the press by the Ambassador of Bolivia to Santiago,
Alberto Ostria Gutierrez, 30 August 1950

(Original in Spanish, English translation)

Ministry of Foreign Affairs of Bolivia, Newsletter of the Ministry of
Foreign Affairs, N° 22 (July - December 1950), pp. 14 - 20

REPUBLICA DE BOLIVIA

BOLETIN

DEL

MINISTERIO DE RELACIONES EXTERIORES

Julio - Diciembre de 1950 - N.º 21

La Paz - Bolivia

BOLETIN OFICIAL

pueblos. El apoyo espontáneo y generoso que la prensa de América y, muy particularmente, la de los Estados Unidos, Colombia, Uruguay y Argentina, han prestado, con este motivo, a la causa de Bolivia, destacando el hecho de que las declaraciones formuladas por los más calificados representantes de nuestro país demuestran que encuadramos nuestra gestión en el marco de los organismos internacionales y de los principios del derecho, evidencia que el sentimiento de justicia se arraiga cada vez más en América. Yo pido a la nación que, frente a este magno problema y en esta hora solemne de su historia, se mantenga unida en torno a la bandera, porque esta es la causa de la patria que nadie debe amenguar. Nuestra carta fundamental establece que ningún compromiso internacional es válido si no ha merecido la aprobación del poder legislativo. Y cuando los representantes nacionales cumplen ese mandato constitucional, lo hacen ante la nación entera, frente a la conciencia vigilante de nuestro pueblo. Sabe el gobierno que el problema portuario no sólo pertenece a una generación y no ha de defraudar el mandato glorioso del pasado ni el reclamo que ya es imperativo del porvenir.

DECLARACIONES HECHAS A LA PRENSA POR EL EMBAJADOR DE BOLIVIA EN SANTIAGO, Sr. ALBERTO OSTRIA GUTIERREZ

LA VERDAD ACERCA DE LAS NEGOCIACIONES PORTUARIAS CON CHILE

Antecedentes.— Notas suscritas por el Embajador de Bolivia y por el Ministro de Relaciones Exteriores de Chile.— Conclusiones

Amputada por sus cuatro costados, Bolivia tiene una sensibilidad internacional que se justifica en la más dura de las experiencias: la del infortunio.

Por eso es natural que al tratarse del asunto portuario, —que atañe al capítulo más doloroso de la historia de Bolivia, a la vez que al más sagrado de los ideales de la nación—, surjan la inquietud, la preocupación, inclusive la alarma, avivadas por la fantasía.

Sin embargo, serenas o vehementes, esas voces bolivianas que se levantan en torno al asunto portuario merecen respeto

[...]

**STATEMENTS MADE TO THE PRESS BY THE
AMBASSADOR OF BOLIVIA TO SANTIAGO, ALBERTO
OSTRIA GUTIERREZ**

**THE TRUTH REGARDING
THE PORT NEGOTIATIONS WITH CHILE**

Precedents. – The notes signed by the Bolivian Ambassador and Chile's Foreign Minister. – **Conclusions.**

Bolivia, mutilated on four sides, receives an international compassion that is justified by the hardest of experiences: misfortune.

That is why it is only natural that unrest, concern, and even fear, all stimulated by fantasy, emerge in regard to the port issue –which is the most painful episode in the history of Bolivia and at the same time the most sacred of all its ideals.

However, whether they are calm or vehement, the Bolivian voices that arise regarding the port issue deserve respect

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—más aún si provienen de labios venerables— porque en el fondo sólo traducen un encendido amor a la patria.

Pero, por otra parte, la verdad debe ser dicha, clara y documentadamente, para que sobre ella y no sobre rumores juzgue el país. A ese fin responde esta exposición del negociador boliviano en Chile.

ANTECEDENTES

Desde el día en que Bolivia perdió su litoral, como consecuencia de la derrota en la guerra de 1879, no ha cesado de reclamar una salida propia y soberana al Océano Pacífico. Así lo plantearon ya los plenipotenciarios Salinas y Boeto al iniciar las negociaciones para el pacto de tregua de 1884, y así han procedido, invariablemente, todos los representantes diplomáticos de Bolivia en Chile, desde esa época hasta hoy, en distintos términos y por diversos medios, pero siempre manteniendo el mismo ideal.

Suscrito el tratado de 1904, sólo tres caminos se presentaban para Bolivia en el empeño de lograr su objetivo: el de plantear el problema ante las organizaciones y conferencias internacionales, el de la revisión de aquel pacto y el de las negociaciones directas.

Tras la primera guerra europea, que significó el triunfo del derecho sobre la fuerza, surgió en Bolivia, como en el mundo entero, la ilusión de la justicia internacional, y haciéndose intérprete del pensamiento del país, el gobierno de Bolivia planteó el problema de su reintegración marítima ante la Sociedad de las Naciones. Posteriormente, en diversas Conferencias panamericanas los representantes de Bolivia sostuvieron también la justicia de nuestra causa. Sin embargo, como se sabe, ningún resultado concreto se pudo obtener, y en cuanto a la demanda boliviana en Ginebra tuvo que ser retirada el 21 de septiembre de 1921. Mientras no exista un tribunal compulsivo de justicia internacional o el arbitraje obligatorio sea aceptado por todas las naciones del mundo, poco se podía esperar en ese terreno. Estaba en tal oportunidad cerrado el primer camino!

Cerca de dos años después, en 1923, el gobierno de Bolivia propuso directamente al gobierno de Chile "la revisión del Tratado de 20 de octubre de 1904, a fin de abrir las puertas de una nueva situación internacional que permita a Bolivia vivir en plena posesión de su soberanía, con acceso propio al mar". Contestó el gobierno de Chile que, "consecuente con la actitud que ha mantenido en todas las ocasiones", "insiste en que no debe aceptar, siquiera sea en principio, la revisión de un pacto que convinieron libremente los dos países", pero que "mantiene el propósito de oír, con el más elevado espíritu de conciliación y equidad,

–all the more if they are uttered by venerable lips– because in the substance, they reproduce a burning love for the motherland.

On the other hand, nevertheless, truth must be said, clearly and in a well-informed manner, in order for the nation to weigh [its situation] on basis of truth and not on rumors. The explanation by the Bolivian negotiator in Chile below responds to that end.

PRECEDENTS

Ever since Bolivia lost its coastal territory, as a result of having been defeated in the war of 1879, it has tirelessly claimed for an own and sovereign outlet to the Pacific Ocean. That is how plenipotentiaries Salinas and Boeto approached this problem when negotiations for the Truce Pact of 1884 commenced and how, unchangeably, all Bolivian diplomatic representatives in Chile have proceeded since then to the present, in different terms and through different channels, but always preserving the same ideal.

After the Treaty of 1904 was concluded, only three paths were open for Bolivia to achieve its objective: to raise the question before international organizations and conferences, to revise that Treaty and to hold direct negotiations.

Following the first European war, which resulted in the triumph of law over force, the illusion of international justice emerged, as in the whole world, in Bolivia and, interpreting the state of mind of the whole country, the Bolivian Government raised the question of its maritime reintegration before the League of Nations. Thereafter, the Bolivian representatives to different Pan-American Conferences advocated for the justice of our cause. However, as is well-known, no concrete result was achieved and the Bolivian application filed in [the] Geneva [Conference] had to be withdrawn on 21 September 1921. As long as there was no international justice court of compulsory competence or compulsory arbitration was not accepted by all nations of the world, little could be expected in that field. The first path was thus closed!

Two years later, in 1923, the Bolivian Government proposed directly to the Government of Chile “the revision of the Treaty of 20 October 1904, so as to open the doors to a new international situation that may allow Bolivia to live in integral possession of its sovereignty, with an outlet of its own to the sea”. To this, the Chilean Government responded, “consistently with the attitude it has followed on all occasions, Chile insists that it cannot accept, not even in principle, the revision of a Treaty that had been freely agreed to by the two countries” but that, “it maintains maintains the purpose of hearing, with the loftiest spirit of conciliation and equity,

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las proposiciones que quiera someterle el gobierno boliviano para celebrar un nuevo pacto que consulte la situación de Bolivia, sin modificar el Tratado de paz y sin interrumpir la continuidad del territorio chileno". El 12 de febrero de ese mismo año se cerraba el segundo camino al dar término a su gestión el representante diplomático de Bolivia, señor Ricardo Jaimes Freyre. Más todavía: el 3 de junio de 1929, Chile y el Perú liquidaban la cuestión de Tacna y Arica, o sea el último capítulo de la guerra del Pacífico, y daban a ésta, que fué tripartita, una solución bipartita, excluyendo airadamente la tercería de Bolivia.

¿Qué hacer en tal situación? ¿Había que resignarse a los hechos y cruzarse de brazos? ¿O cerrados esos caminos, había que intentar el único que quedaba y que no se había seguido aún? Indudablemente, había que intentar el único camino que no se había seguido aún, el de las negociaciones directas, inclusive para que el país pudiera saber a qué atenerse en el caso de fracasar éstas.

Fué tal, precisamente, la política que siguió la Cancillería de Bolivia después de la guerra del Chaco, concretándola en un Memorandum que el Embajador en Estados Unidos, señor Luis Fernando Guachalla, entregó al Secretario de Estado, señor Cordell Hull, el 15 de septiembre de 1943, para que a su vez lo hiciera conocer al Ministro de Relaciones Exteriores de Chile, señor Joaquín Fernández, a la sazón en Washington. Dicho Memorandum se hallaba redactado sobre la base de unas declaraciones hechas en La Paz por el Subsecretario de Relaciones Exteriores, señor Humberto Palza, en estos términos:

"...El Gobierno de los Estados Unidos ha sido informado por S. E. el Presidente de Bolivia y su Ministro de Relaciones Exteriores, con ocasión de las conversaciones realizadas en la Casa Blanca el 5 de mayo próximo pasado, acerca del criterio con que su Gobierno encara el problema de la mediterraneidad de Bolivia. Este criterio puede resumirse en los siguientes enunciados:

1º— Bolivia, fiel a su tradición de respeto a los pactos internacionales, no desconoce la legalidad del dominio territorial que Chile ejerce sobre la costa del Pacífico de conformidad con los tratados públicos que tiene suscritos.

2º— De otra parte, Bolivia mantiene sus legítimas aspiraciones a una salida soberana al océano Pacífico por territorio que posee Chile y las fundamenta en razones de orden político, económico y de justicia internacional.

3º— Bolivia propicia un entendimiento directo con Chile sobre bases que consulten las recíprocas conveniencias y los altos intereses de los dos países, sin propósito alguno de perturbar la armonía continental en la consecución de una salida soberana al mar".

the proposals that the Bolivian Government might like to put forward to conclude a new pact that takes Bolivia's situation into account, without modifying the Peace Treaty and without interrupting the continuity of Chile's territory". Hence, the second path was closed when, on 12 February that year, Bolivia's diplomatic representative, Mr. Ricardo Jaimes Freyre, ended his term. On top of that, on 3 June 1929, Chile and Peru settled the Tacna-Arica question, i.e. the remaining chapter of the War of the Pacific, and gave this matter, which was tripartite, a bipartite solution, angrily excluding Bolivia's mediation.

What could have been done in such a situation? Was resignation and doing nothing what was left? Or, now that those paths have been closed, was trying the only path left and that had not yet been closed, the only thing left to be done? Undoubtedly, the path that had not yet been followed had to be tried, namely, direct negotiations, even if it was only for the nation to be aware of what to abide by in case it failed in them.

That was, in precise terms, the policy followed by the Bolivian Foreign Ministry after the Chaco War, and it was materialized in a Memorandum that the Ambassador to the United States, Luis Fernando Guachalla, submitted to U.S. Secretary of State, Cordell Hull, on 15 September 1943, so that he, in turn, brought it to the notice of Chile's Foreign Minister, Joaquin Fernandez, who was in Washington. This Memorandum had been drafted on basis of statements made in La Paz by the Under-Secretary of Foreign Affairs, Mr. Humberto Palza, in the following terms:

"...The Government of the United States has been informed by H. E. the President of Bolivia, and his Minister of Foreign Affairs, on occasion of the talks held at the White House this past 5 May, of his Government's criterion with regard to Bolivia's landlocked condition. Such criterion can be summarized as follows:

1°- Bolivia, faithful to its tradition of respect for international pacts, does not disown the legality of the territorial dominion Chile exercises over the Pacific coast in accordance with the public treaties it has entered into.

2°- However, Bolivia maintains its legitimate aspirations for a sovereign outlet to the Pacific Ocean through territory owned by Chile and it supports them due to political, financial and international justice related reasons.

3°- Bolivia fosters a direct understanding with Chile on basis that take into account both countries' advantages and high interests and does not wish to disturb continental harmony in its pursuit for a sovereign outlet to the sea.

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Dentro del mismo pensamiento, se mantuvo conversaciones con los gobiernos del Presidente Aguirre Cerda y del Presidente Ríos, conversaciones que tomaron mayor impulso cuando el miembro de la Junta de Gobierno y Ministro de Relaciones Exteriores de Bolivia Dr. Aniceto Solares, asistió en Santiago a la transmisión del mando presidencial y planteó al nuevo mandatario chileno, señor Gabriel Gonzáles Videla, en una audiencia que tuvo lugar el 8 de noviembre de 1946, la necesidad de que se resolviera el problema portuario boliviano, encontrando la más franca y noble acogida.

Ese camino de las negociaciones directas lo siguió después el Presidente Hertzog y lo ha seguido a su vez el Presidente Urriolagoitia, inspirándose ambos en la explícita voluntad del pueblo boliviano.

Efectivamente, en las elecciones presidenciales del 5 de enero de 1947, sin duda las más libres de la historia de Bolivia, ambos candidatos incorporaron a sus programas, en el orden internacional, las negociaciones directas para resolver el problema portuario. "Política de entendimientos directos como medio para la solución de nuestro problema portuario, que permita a Bolivia su libre acceso al mar", consignó el Dr. Enrique Hertzog. "Reintegración marítima de la República, por vía pacífica y en tratos directos", escribió a su vez el señor Luis Fernando Guachalla.

El pueblo boliviano dividió su apoyo entre ambos candidatos, emitiendo una suma mayor de ochenta y seis mil votos, por los que aprobó aquellos coincidentes programas de gobierno.

Podrá decirse que quedó excluido el sector político que acababa de derrumbar la revolución del 21 de julio de 1946; pero lo cierto es que el régimen depuesto se había ya pronunciado en el mismo sentido favorable a las negociaciones directas, cuando en instrucciones enviadas a la Embajada de Bolivia en Chile, durante la Presidencia del teniente coronel Villarroel, el 24 de diciembre de 1944, la Cancillería le expresaba lo siguiente: "No queda otro camino que el de llegar a un arreglo directo con Chile como medio de buscar una solución a breve plazo, de la cuestión portuaria".

La unanimidad del país resultó, pues, pronunciándose —en la forma en que se hace en una democracia—, o sea mediante la expresión de los partidos políticos y la votación de ciudadanos en favor de las negociaciones directas con Chile. Por tanto, al proseguir esa política, después del 5 de enero de 1947, el gobierno constitucional de Bolivia interpretó fielmente la voluntad del pueblo, requisito indispensable de una auténtica política internacional.

In keeping with this rationale, conversations were held with the Governments of President Aguirre Cerda and President Rios, and gained momentum when the member of the Government Junta and the Foreign Minister of Bolivia, Dr. Aniceto Solares, attended the presidential inauguration of President Gabriel Gonzalez Videla and proposed to him, in a meeting they held on 8 November 1946, the need for resolving the Bolivian port problem, which was welcomed with frankness and nobility.

This path of direct negotiations was then followed by President Hertzog and has in turn been followed by President Urriolagoitia, both inspired by the explicit will of the Bolivian nation.

Admittedly, during the presidential elections of 5 January 1947, with no doubt the freest in the history of Bolivia, the two candidates incorporated in their Government programs, in regard to international affairs, direct negotiations to resolve the port problem. "Policy of direct understandings as a means to solve our port issue, allowing Bolivia to have its free access to the sea", proposed Dr. Enrique Hertzog. "Maritime reintegration of the Republic, through peaceful channels and in direct dealings", proposed for his part Mr. Luis Fernando Guachalla.

The Bolivian people divided its support between both candidates, resulting in more than eighty six thousand votes, through which they approved those mindful Government programs.

It could be said that the political sector that had just been overthrown by the revolution of 21 July 1946 was excluded, but the truth is that the regime ousted had already pronounced itself in the same favorable sense with regard to direct negotiations when, in instructions sent to the Bolivian Embassy in Chile, during the mandate of Lieutenant-Colonel Villarroel, the Chancellery stated, on 24 December 1944, that "there is no other path than arriving to a direct arrangement with Chile as a means to seek a short-term solution to the port question".

The unanimity of the nation had thus been made manifest –in the way that is done in any democracy, that is, by means of the formulations of political parties and the votes of the citizens in favor of direct negotiations with Chile. Therefore, after that policy, following 5 January 1947, the constitutional Government of Bolivia faithfully interpreted the will of the people, which is an indispensable requirement for any legitimate international policy.

BOLETIN OFICIAL

RESULTADO PRELIMINAR

Lógicamente, procediendo con orden, lo primero que correspondía era formalizar la negociación directa; es decir, que Bolivia planteara a Chile la necesidad de resolver, mediante un amigable entendimiento, la fundamental necesidad de obtener una salida propia y soberana al Océano Pacífico.

Por otra parte, era esencial que el gobierno de Chile aceptara formalizar esa negociación directa tendiente a resolver el problema de la mediterraneidad boliviana.

Es lo que se hizo y lo que se obtuvo mediante un cambio de notas entre los gobiernos de Bolivia y de Chile, en el mes de junio del corriente año. Esas notas no fueron publicadas antes, en virtud de haberse convenido entre ambos gobiernos no proceder a ello sino de común acuerdo, acuerdo al que sólo se llegó en vísperas de mi partida de Santiago. Su texto se publica hoy en el comunicado del Ministerio de Relaciones Exteriores.

SIGNIFICACION DE ESAS NOTAS

La trascendencia de esas notas fluye de su propio texto y puede sintetizarse fácilmente por los párrafos principales de ambas: 1) en la nota boliviana, al proponer "Que los gobiernos de Bolivia y de Chile ingresen formalmente a una negociación directa para satisfacer la fundamental necesidad boliviana de obtener una salida propia y soberana al Océano Pacífico"; 2), en la nota chilena, al aceptar "entrar formalmente en una negociación directa destinada a buscar la fórmula que pueda hacer posible dar a Bolivia una salida propia y soberana al Océano Pacífico".

Además, hay que subrayar estos dos aspectos fundamentales dentro de ese acuerdo preliminar: a) la exclusión expresa que se hace en la nota chilena de toda compensación territorial por parte de Bolivia; b) la constancia de que el gobierno chileno hará oportunamente "una consulta al del Perú, en cumplimiento de los Tratados que tiene celebrados con este país".

NO SE HA CONVENIDO NADA MAS

He ahí todo lo que se ha convenido entre Bolivia y Chile. Nada más que lo que dicen esas notas. Y lo que se imagine, se cuente o se propale por corresponsales de prensa, escritores o comentaristas, apartándose de tales documentos, no corresponde a la verdad.

Con sobrada razón, el Ministro de Relaciones Exteriores de Chile, don Horacio Walker Larraín, al referirse a la publicación hecha en una revista de Santiago, —que dió lugar a los más varia-

PRELIMINARY RESULT

Naturally, proceeding in an orderly manner, the first thing that had to be done was to formalize the direct negotiation; i.e. that Bolivia proposed Chile the need to resolve, through a friendly understanding, its fundamental need for an own and sovereign outlet to the Pacific Ocean.

On the other hand, it was essential that the Government of Chile accept to formalize that direct negotiation intended to resolve the problem of Bolivia's landlocked condition.

That is what was done and what was obtained with the exchange of Notes between the Governments of Bolivia and Chile in June this year. These Notes had not been published earlier because both Governments had agreed not to do so unless they agreed otherwise –which happened in the eve of my departure to Santiago. Their text is being published today in a communique of the Ministry of Foreign Affairs.

THE IMPORTANCE OF THOSE NOTES

The importance of those Notes flows from their own text and can be easily synthesized from their main paragraphs, namely: 1) in the Bolivian Note, by proposing: “that the Governments of Bolivia and Chile formally enter into a direct negotiation to satisfy the fundamental need of Bolivia to obtain its own and sovereign access to the Pacific Ocean”; 2) in the Chilean Note, by accepting to “formally enter into a direct negotiation aimed at searching for a formula that could make it possible to give Bolivia its own and sovereign access to the Pacific Ocean”.

Also, two fundamental aspects must be emphasized with regard to this preliminary agreement: a) the express exclusion of territorial compensations by Bolivia made in the Chilean Note; b) the placing on record that the Chilean Government will in due course “consult Peru, in compliance with the Treaties concluded with that country”.

NOTHING ELSE HAS BEEN AGREED TO

That is all that has agreed to between Bolivia and Chile. Nothing more than what those Notes record. And whatever that is imagined, told, or spread by the press, writers or commentators, detracting from these documents, is untrue.

That is why the Minister of Foreign Affairs, Mr. Horacio Walker Larrain, when referring to the publication made by a magazine from Santiago –which gave rise to the most varied

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dos comentarios—, ratificó en una declaración oficial que el gobierno chileno "está llano a entrar en conversaciones con Bolivia acerca del problema portuario boliviano", pero a la vez expresó rotundamente que "la publicación aludida supone y detalla bases de un acuerdo, las que no han sido formuladas y, en consecuencia, no han podido ser discutidas".

Naturalmente, en el curso de los últimos tres años, se ha considerado algunos aspectos del problema fundamental de nuestro país y se ha cambiado ideas entre los gobiernos de Bolivia y de Chile. Más todavía: el propio Presidente de Chile, señor Gabriel González Videla, ha analizado conjuntamente con el Presidente de los Estados Unidos, Mr. Harry Truman, el problema portuario boliviano, que tiene trascendencia continental. Pero, aparte de las notas suscritas, no se ha dado un sólo paso más entre los dos gobiernos.

CONCLUSIONES

- 1.—Los gobiernos de Bolivia y de Chile sólo han ingresado a una etapa preliminar, formalizando las negociaciones directas para resolver el problema portuario boliviano.
- 2.—No se ha llegado a ningún acuerdo territorial para resolver dicho problema, pero se ha excluido anticipadamente cualquier compensación de ese carácter por parte de Bolivia, que llegó al máximum del sacrificio al ceder su litoral como consecuencia de su derrota en la guerra del Pacífico.
- 3.—Nada, absolutamente nada se ha convenido acerca de los lagos bolivianos, y por tanto ni una sola gota de agua ha sido comprometida en arreglo alguno.
- 4.—Cualquier solución a que se pudiera llegar en el problema portuario boliviano, entrando ya en la etapa territorial, tendría que ser a base de un leal entendimiento entre Bolivia, Chile y el Perú, sobre todo considerando que a éstos dos últimos —no a Bolivia— obliga el Protocolo complementario de 3 de junio de 1929, por el cual resolvieron que "no podrán, sin previo acuerdo entre ellos, ceder a una tercera potencia la totalidad o parte de los territorios que quedan bajo sus respectivas soberanías".

VISION DE FUTURO

Hecha esta explicación, considero que los bolivianos debemos situar las cosas en el terreno de la realidad: ni atacar a Chi-

commentaries— rightly ratified the official statement that the Chilean Government “is willing to enter into conversations with Bolivia to discuss the Bolivian port issue”, but also noted conclusively that the “publication alluded to involves and details the bases for an agreement that have not been formulated and which, as a result, could not has been discussed”.

Naturally, in the course of the past three years, some aspects of the fundamental problem affecting our country have been considered and ideas have been exchanged between the Governments of Bolivia and Chile. What’s more, the President of Chile himself, Mr. Gabriel Gonzalez Videla, has analyzed together with the President of the United States, Mr. Harry Truman, the Bolivian port issue, which is of continental transcendence. But, asides from the Notes signed, not a single additional step has been taken by the two Governments.

CONCLUSIONS

- 1.- The Governments of Bolivia and Chile have only entered into a preliminary stage, formalizing the direct negotiations to resolve the Bolivian port problem.
- 2.- No territorial agreement to resolve that problem has been reached, but any compensation of that nature by Bolivia, which reached the maximum of sacrifices by ceding its coastal territory after being defeated in the War of the Pacific, has been excluded in anticipation.
- 3.- Nothing, absolutely nothing has been agreed to with regard to the Bolivian lakes and hence not a single drop of water has been committed in any arrangement.
- 4.- Any solution that might be reached with regard to the Bolivian port problem, leading the Parties into the territorial stage, will have to be based on a faithful understanding among Bolivia, Chile and Peru, considering particularly that these two latter –and not Bolivia– are bound by the Complementary Protocol of 3 June 1929, in which they resolved that “none of the Parties, without a prior agreement between them, shall cede to a third Party the entirety or part of the territories that fall under their respective sovereignties”.

FORWARD-LOOKING APPROACH

Now that this explanation has been made, I believe the Bolivian people ought to place the state of affairs in the field of reality: to neither attack Chile,

le porque oficialmente acepta buscar "una fórmula que pueda dar a Bolivia una salida propia y soberana al océano Pacífico", entrando así a un terreno de comprensión y de justicia, ni plantear el problema respecto del Perú al igual que el año 80, olvidando tres hechos históricos ocurridos después de esa época, o sea el Tratado de Ancón (por el que, al ceder el Perú la provincia de Tarapacá, hizo inevitable la pérdida del litoral boliviano situado al sur de dicha provincia, creándose una solución de continuidad en territorio chileno) el rechazo de la proposición Kellogg para ceder Tacna y Arica a Bolivia (proposición que en principio fué aceptada por Chile) y el tratado peruano-chileno de 1929, con su Protocolo complementario.

En vez de situarse sólo en el pasado, creo que los tres países hermanos deben entenderse con visión de futuro, buscando su complementación, "no en el sentido de la unidad política, —aconsejaba don Daniel Sánchez Bustamante—, sino en el sentido del trabajo, de la cooperación comercial y del esforzado concurso, edificando en esta grandiosa zona del mundo, desde Tumbes hasta Magallanes y desde el Madera y el Paraguay hasta el Pacífico, uno de los focos más activos y formidables de producción, industrias y riqueza".

Por otra parte, creo que en el orden interno se comete una tremenda injusticia cuando se supone que el gobierno constitucional de Bolivia es capaz de agitar el problema portuario de la república con fines de política interna. Esa iniquidad no la concibo en gobierno alguno de mi patria, y ni el gobierno que más combatió —el del teniente coronel Villarroel— habría podido tener tan mal pensamiento. Por el contrario, llegado el caso, al tratarse de aquel problema, le habría tendido lealmente la mano, pensando sólo en Bolivia.

Esta generación tiene un deber: el de tratar de resolver el problema fundamental del país en un terreno de paz y de buen entendimiento con sus vecinos. No puede limitarse a cruzarse de brazos y a esperar confiada en el progreso de Bolivia, —dificultado precisamente por la mediterraneidad—, y olvidando que a igual o mayor ritmo progresan los otros países. Las grandes soluciones de la historia no son fruto de la inercia, sino de la voluntad de los pueblos orientada hacia un ideal. Y ese ideal, el ideal portuario, mientras no sea alcanzado vivirá lo que viva la nación.

La Paz, 30 de agosto de 1950.

(Fdo.) Alberto Ostria Gutiérrez.

because the latter officially accepts to seek a “formula that could make it possible to give Bolivia its own and sovereign access to the Pacific Ocean”, entering in this way into a field of understanding and justice, nor approach Peru, as had been done in the year [18]80, overlooking three historical facts that occurred after that time, i.e. the Ancon Treaty (by which, with Peru’s cession of Tarapaca Province, the loss of Bolivia’s coastal territory became unavoidable, for it placed the Bolivian littoral to the south of that province and gave Chile’s territory an indivisible territorial continuity), the rejection of Kellogg’s proposal to cede Tacna and Arica to Bolivia (proposal which had in principle been accepted by Chile) and the Peruvian-Chilean Treaty of 1929, together with its Complementary Protocol.

Instead of placing themselves in the past only, I am of the view that the three brother countries must understand each other with a forward-looking approach, seeking to complement one another, “not in the sense of political unity –as advised by Mr. Daniel Sanchez Bustamante– but in the sense of effort, commercial cooperation and dedicated assistance, building in this great part of the world, which stretches from Tumbes to the Magellan, and from Madera and Paraguay to the Pacific, one of the most active and formidable poles of production, industry and wealth”.

Also, I believe an outrageous injustice is being committed in the internal order when it is assumed that the constitutional Government of Bolivia could be capable of using the port problem of the republic for internal politics purposes. I do not see such iniquity in any of the Governments of my Motherland and not even the Government to which I opposed the most –that of Lieutenant-Colonel Villarroel– could have had such an ill view. On the contrary, had the situation arisen, I would have faithfully reached out to him, for the sake of Bolivia.

This generation has a duty: to try resolve the fundamental problem affecting our country in an atmosphere of peace and proper understanding with its neighbors. It cannot limit itself to stand idle and wait, overconfident of Bolivia’s progress –which has been hindered precisely by its landlocked condition– and forgetting that other countries are progressing at the same or at a faster pace. Great solutions in history are not the result of inaction, but of the will of nations directed towards an ideal. And that ideal, the port ideal, will remain for as long as the nation is alive if it is not ever met.

La Paz, 30 August 1950

(Signed by) Alberto Ostria Gutierrez.

Annex 272

Note from the British Embassy in La Paz to the American Department of
the Foreign Office, 1 September 1950

(Original in English, English transcription)

Archives of the Foreign & Commonwealth Office of the United King-
dom of Great Britain and Northern Ireland

AIRMAIL

BRITISH EMBASSY

LA PAZ.

REF: 8/12/50.

1st September, 1950.

Dear Department,

With reference to the Ambassador's despatch No. 100 of 14th August, we write to inform you that the text of an exchange of notes between the Chilean Government and the Bolivian Ambassador in Santiago was published in the Bolivian press on the 21st August, which contains the formal agreement of the former to enter into direct negotiations with Bolivia to find a means of satisfying Bolivia's "legitimate" aspirations.

2. We thought that the Chancery at Santiago will communicate the text of these two documents to you, since they were to be published there on the 21st August, according to Bolivian reports. The only point of interest in the Chilean Note, other than the undertaking reported in paragraph one above, is their statement that Chile intends to consult Peru in the matter, as obliged under the respective treaties.

3. We are copying this letter to Lima, Santiago and Buenos Aires.

Yours ever,
GUTHRIE.

American Department,
FOREIGN OFFICE,
LONDON, E.C.1.

P.S. The notes exchanged bear the dates of 1st and 20th June this year respectively.

AIRMAIL

BRITISH EMBASSY
LA PAZ.

REF: 8/42/50.

1st. September, 1950.

Dear Department,

With reference to the Ambassador's dispatch No. 100 of 16th August, we write to inform you that the text of an exchange of notes between the Chilean Government and the Bolivian Ambassador in Santiago was published in the Bolivian press on the 31st August, which contains the formal agreement of the former to enter into direct negotiations with Bolivia to find a means of satisfying Bolivia's "Pacific" aspirations.

2. We imagine that the Chancery at Santiago will communicate the text of these two documents to you, since they were to be published there on the 31st August, according to Bolivian reports. The only point of interest in the Chilean Note, other than the undertaking reported in paragraph one above, is their statement that Chile intends to consult Peru in the matter, as obliged under the respective treaties.

3. We are copying this letter to Lima, Santiago and Buenos Aires.

Yours ever,
CHANCERY.

American Department,
FOREIGN OFFICE
LONDON S.W.1.

P.S. The Notes exchanged bear the dates of
1st and 20th June this year respectively.

Annex 273

Note from the Chargé d’Affaires of Bolivia to Chile, Jorge de la Barra, to the Minister of Foreign Affairs of Bolivia, Pedro Zilveti Arce, N° 832/505, 4 September 1950

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

44

N° 832/505.

Asunto: Negociaciones
portuarias.

Anexos: Recortes (por avión).

PRIMERA COPIA POR
CORREO AEREO

Señor Ministro/:

A horas 17.35 del 30 de agosto último, recibí su cablegrama N°. 124, redactado en los siguientes términos:

"124.- Como quedó acordado con Canciller chileno, mañana jueves 31 serán publicadas notas que entregaremos esta noche horas 19. Stop. Avise urgentemente Cancillería (fdo) Zilveti Arce".

De inmediato me entrevisté con el Subsecretario de Relaciones Exteriores, señor Manuel Truco, quien me expresó que "por falta de tiempo" no era posible dar publicidad a las notas en ese momento y que me rogaba cablegrafiar de inmediato a la Cancillería boliviana para retardar su entrega por un día.

En consecuencia, a horas 18.00 del mismo día envié a Vd. el siguiente telegrama

"213. Suyo 124. Cancillería pide entrega hágase mañana jueves 31 misma hora, en vez esta noche, por imposibilidad hacerlo hoy Stop Espero respuesta inmediata. (fdo) Embolivia".

Como no recibiera respuesta, en la noche traté de hablar con el señor Truco para informarle de esto, sin haber logrado hacerlo.

Entretanto, ese mismo día a horas 21.30 el señor Gastón Wilson, funcionario de la Cancillería chilena entregó al señor José Maza, Presidente de la Comisión de Relaciones Exteriores, una nota del Ministro señor Walker con copia de las notas cambiadas en junio último entre el Embajador de Bolivia, señor Alberto Ostria Gutiérrez y el Ministro de Relaciones Exteriores de Chile.

Con relación a dichas notas, el señor Walker Larraín expresa en su comunicación al señor Maza:

"Mi deseo y el interés del gobierno eran dar a conocer entonces a esa H. Comisión los documentos referidos, pues ellos corroboran y confirman las declaraciones hechas por el infrascrito en el sentido de que la iniciativa de las gestiones partió de La Paz, y que el Gobierno de Chile se ha limitado a manifestar, en conformidad con la tradición de nuestra Cancillería, su buena disposición para entrar en conversaciones con el Gobierno de Bolivia. No me fué posible, sin embargo, actuar en esa forma por cuanto existía el compromiso de mantener secretas las comunicaciones hasta que, de común acuerdo, ambos Gobiernos resolvieran darlas a conocer".

Al Señor Dr. D.
Pedro Zilveti Arce,
Ministro de Relaciones Exteriores y Culto,
La Paz, Bolivia.

EMBASSY OF BOLIVIA

COPY

Santiago, 4 September 1950

Nº 832/505

Subject: Port negotiations

Annexes: News clippings (sent by plane).

Distinguished Minister,

At 5:35 pm, past 30 August, I received your cablegram Nº 124, which is drafted in the following terms:

“124. – As had been agreed upon with the Chilean Foreign Minister, the notes that we will submit tonight at 7:00 pm will be published tomorrow, Thursday the 31st. Inform the Foreign Ministry urgently. (Signed by) Zilveti Arce”.

Immediately thereafter, I met with the Under-Secretary of Foreign Affairs, Mr. Manuel Trucco, who told me that “due to the lack of time” it was not possible to publish the notes at that moment and he urged me to immediately send a cable to the Bolivian Foreign Ministry to delay publication for a day.

As a result, at 6:00 pm that day, I sent you the following telegram:

“213. Yours 124. The Foreign Ministry requests that submission be carried out tomorrow Thursday 31st at the same time, instead of tonight, owing to the unfeasibility of doing it today. I am waiting for your immediate response. (Signed by) Bolivian Embassy”.

Since I did not receive a response, at night, I tried talk with Mr. Trucco to inform him of this. I was, however, unable to do so.

Meanwhile, on that same day at 9:30 pm Mr. Gaston Wilson, official of the Chilean Foreign Ministry, gave Mr. Jose Maza, Chairman of the Foreign Affairs Commission, a note sent by Minister Walker, along with a copy of the Notes exchanged past June by the Bolivian Ambassador, Alberto Ostria Gutierrez, and the Foreign Minister of Chile.

In his note, with regard to said Notes, Mr. Walker Larrain told Mr. Maza:

“My desire and the interest of the Government were to inform that Honorable Commission of the documents referred to, inasmuch as they corroborated and confirmed the statements made by the undersigned to the effect that the initiative to commence demarches had come from La Paz, and that the Government of Chile had limited itself to express, in conformity with the tradition of our Foreign Ministry, its good willingness to enter into conversations with the Government of Bolivia. It was not possible, however, to proceed in that way because there was a commitment to keep communications in secret until, by common agreement, both Governments resolved to publish them”.

To Mr. Pedro Zilveti Arce,
Minister of Foreign Affairs and Worship,
La Paz, Bolivia.

N. 832/505.

Al día siguiente, jueves 31, los diarios de Santiago publicaron una síntesis bastante extensa de las declaraciones formuladas en La Paz por el Embajador señor Ostria, que incluía la parte principal de las notas cambiadas entre los dos gobiernos.

A horas 12, la Cancillería hizo entrega a los diarios del texto de la nota enviada por el Ministro Walker al Presidente de la Comisión de Relaciones Exteriores del Senado, con los anexos respectivos, que fueron publicados en los diarios vespertinos.

Al mismo tiempo, el señor Walker hizo una declaración pública en que expresa:

"Las notas que cambié con el Embajador de Bolivia en junio último, confirman completamente las declaraciones que hice en las Comisiones de Relaciones Exteriores del Senado y Cámara de Diputados, y en la prensa. Se afirmó entonces con insistencia por diversas personalidades que la iniciativa para abrir negociaciones con Bolivia habría partido de nuestra Cancillería.

Por mi parte sostuve lo contrario, pero no pude comprobar mi negativa con los documentos que ahora se publican, porque existía un compromiso de no hacerlo hasta que se produjera un acuerdo en ese sentido, de ambos Gobiernos, el cual ahora recién se ha producido. En virtud de este acuerdo las notas aparecerán simultáneamente en Santiago y La Paz. De ellas aparece, como lo he dicho reiteradamente en la prensa que Chile manifiesta su consecuencia con su política tradicional y que por tanto, está llano a entrar a entrar en una negociación directa, destinada a buscar la fórmula que pueda hacer posible la salida de Bolivia al Océano Pacífico y que permita a Chile obtener "compensaciones" que no tengan carácter territorial y que consulten efectivamente sus intereses".

A continuación, el Ministro expresó verbalmente a los redactores de los diarios, su desagrado por la forma en que "El Diario Ilustrado" había presentado la información relativa a las declaraciones del Embajador Ostria en La Paz. Según "El Imparcial" el Canciller expresó que lamentaba esa actitud de aquel rotativo, porque "demostraba una vez más cómo ese órgano olvidaba las más elementales nociones de la ética periodística en sus ataques sistemáticos y muchas veces calumniosos contra el que habla".

"Se vuelve así la espalda a la esencia misma del espíritu cristiano que guió a los fundadores de ese diario. En efecto, basta leer la información de "El Diario Ilustrado" para ver que el título es absolutamente falso, pues en ninguna parte de ella parece que yo haya ofrecido un puerto a Bolivia, sino sólo que, de acuerdo con la política tradicional de la Cancillería chilena ésta está llana, una vez más, a estudiar alguna fórmula que, con compensaciones ventajosas para Chile, permitiera satisfacer la aspiración del país hermano a tener una salida propia al Océano Pacífico".

"No quiero pensar que la actitud de "El Diario Ilustrado" tenga relación con la noticia publicada en la prensa de que mi partido ha proclamado mi candidatura a senador por Santiago".

The next day, Thursday the 31st, the newspapers of Santiago published a lengthy synthesis of the statements uttered in La Paz by Ambassador Ostria, which referred to the essence of the Notes exchanged by the two Governments.

At 12:00, the Foreign Ministry handed over to the press the text of the note sent by Minister Walker to the Chairman of the Foreign Affairs Commission of the Senate, with the corresponding annexes, which were published by the evening papers.

At the same time, Mr. Walker made a public statement in which he indicated:

“The Notes I exchanged with the Bolivian Ambassador past June confirm in their entirety the statements I made before the Senate’s Foreign Affairs Commission, the Chamber of Deputies and to the press.

Different personalities had then affirmed with insistence that the initiative of opening negotiations with Bolivia had come from our Foreign Ministry.

For my part, I held exactly the opposite, but I was unable to give proof of my contention with the support of the documents that are now being published, because there was a commitment not to do so until an agreement in that sense were reached by both Governments, agreement which had just been arrived to. By virtue of this agreement, the Notes will simultaneously appear in Santiago and La Paz. From them it follows that, as I have repeatedly stated to the press, Chile expresses its consistency with its traditional policy and that, as a result, it is willing to enter into a direct negotiation aimed at seeking the formula that may make it possible to give Bolivia an outlet to the Pacific Ocean and that allows Chile to obtain “compensations” that are not territorial in nature and that effectively take into account its interests”.

After that, the Minister verbally expressed to the news editors his dissatisfaction over the way in which “*El Diario Ilustrado*” newspaper had presented the information related to the statements made by Ambassador Ostria in La Paz. According to “*El Imparcial*” newspaper, the Foreign Minister expressed his regret over the above mentioned newspaper, because it “demonstrated once again how that entity overlooked the elemental notions of journalism ethics in its systematic and often slanderous attacks against the person now speaking”.

“With such a way of acting, the essence of the Christian spirit that guided the founders of that newspaper is detracted from. In fact, one needs only to read the information presented by “*El Diario Ilustrado*” to see that the heading itself is absolutely dishonest, for nowhere is there mention to me giving a port to Bolivia, but rather that, in keeping with the traditional policy of the Chilean Foreign Ministry, the latter is willing, once more, to study some formula that, under advantageous compensations for Chile, make it possible to satisfy the brother country’s aspiration for an own outlet to the Pacific Ocean”.

“I would not like to think that the attitude of “*El Diario Ilustrado*” has something to do with the news published in the press in the sense that my party has proclaimed my candidacy for the Senate for Santiago”.

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De mi parte, visité al Ministro de Relaciones Exteriores para informarle del aviso dado el día anterior al Subsecretario Trucco respecto a la publicación de las notas. El Ministro, que me recibió sin tardanza, se manifestó de perfecto acuerdo con la actitud asumida por Bolivia, que se ajustaba a lo convenido entre el Embajador Ostria y él. Me dió a entender, al mismo tiempo, que sus instrucciones respecto al envío más oportuno de las notas a la Comisión diplomática del Senado no habían sido cumplidas.

De este modo, dejé aclarado con el Ministro que la falta de simultaneidad en la publicación de las notas no fué por culpa de la Cancillería boliviana ni de esta Embajada.

En la tarde del jueves 31, a horas 17 se reunió la Comisión presidida por el senador Maza para tomar conocimiento de la comunicación del Canciller. Acerca del desarrollo de esta reunión informa el Sr. Maza en su oficio de respuesta al Canciller Walker, oficio en el que da cuenta de la forma en que se le remitieron las notas cambiadas entre los Gobiernos de Bolivia y de Chile y del carácter secreto que tuvo su convocatoria a los miembros de la Comisión.

"Con extrañeza me impuse, - expresa el señor Maza en su oficio - esta mañana, cuando ya se había impartido la citación respectiva, de que la prensa daba cuenta de una declaración formulada en La Paz por el Embajador señor Ostria Gutiérrez, que se encuentra con licencia en su país, y que contiene con detalles la parte sustantiva del cambio de notas en referencia.

"Posteriormente y reunida hoy, a las 5 p.m. la Comisión de Relaciones Exteriores, en sesión secreta, para tomar conocimiento oficial del documento confidencial de V.S., uno de los señores senadores asistentes hizo presente que un diario de la tarde publicaba in extenso dicho documento y las notas de que se trata."

"En estas circunstancias, la Comisión por la unanimidad de sus miembros, a saber, Honorables Senadores señores Ulises Correa, Angel Faivovich, Sergio Fernández, Raúl Marín y el suscrito acordó que me dirija a V.S. para hacerle presente el desagrado que le ha producido esta situación, como asimismo el hecho de que el señor Ministro en sus declaraciones en las sesiones secretas de la Comisión, de fecha 25 de julio y 1º de agosto del presente año, expresara que no había comunicación oficial alguna cambiada con el Gobierno de Bolivia, siendo que existían con fecha 1º y 20 de junio ppdo. las notas que V.S. sólo ahora me ha dado a conocer."

"Cumple con expresarle, también, que la Comisión ha acordado poner en conocimiento del H. Senado el original de su oficio confidencial de fecha 30 del actual, las copias de las notas cambiadas entre el señor Embajador de Bolivia y V.S. y el original de las actas de las sesiones secretas de la Comisión en que se ha tratado esta materia. Dios guarde a V. S. (rdo) José Maza, presidente. Enrique Ortúzar Escobar, Secretario".

For my part, I visited the Minister of Foreign Affairs to inform him of the notice brought the day before to Under-Secretary Trucco with regard to the publication of the notes. The Minister, who received me with no delay, said he completely agreed with the attitude assumed by Bolivia, which abided by what had been agreed upon between Ambassador Ostria and himself. From what he said I assumed, at the same time, that his instructions regarding the most expedient submission of the notes to the diplomatic Commission of the Senate had not been complied with.

In this way, I made it clear to the Minister that the fact that the Notes had not been simultaneously published was the fault of neither the Bolivian Foreign Ministry, nor this Embassy.

In the afternoon of Thursday the 31st, at 5:00 pm, the Commission chaired by Senator Maza was called to take knowledge of the communication issued by the Foreign Minister. Mr. Maza informed of the development of this meeting in his response note to Foreign Minister Walker, note which records the way in which the Notes exchanged between the Governments of Bolivia and Chile were submitted and the confidential nature of the call made to the members of the Commission.

“I was perplex to be informed –said Mr. Maza in his note– this morning, after the respective call had been made, that the press was reporting on a statement made in La Paz by Ambassador Ostria Gutierrez, who is on a leave in his country, which contains details on the essence of the exchange of Notes referred to.

“Thereafter, while the Foreign Affairs Commission met, in a secret session, at 5 pm today to take notice of Your Excellency’s confidential document, one of the attending Senators said that an evening newspaper was publishing the entirety of that document and the Notes which it deals with”.

“In these circumstances, the Commission, by unanimity of its members, namely, Honorable Senators Ulises Correa, Angel Faivovich, Sergio Fernandez, Raul Marin and the undersigned, agreed that I should approach Your Excellency to inform him of the dissatisfaction that this situation had produced, as well as of the fact that the Minister, in statements he had made during the Commission’s secret sessions held on 25 July and 1 August this year, had said that no official communication had been exchanged with the Government of Bolivia –however, as a matter of fact the Notes Your Excellency has just brought to my notice had already been exchanged on 1 and 20 June”.

“Also, I am complying with my duty by informing you that the Commission has decided to bring to the notice of the Honorable Senate the original copy of your confidential Note of the 30th of this month, the copies of the notes exchanged between the Bolivian Ambassador and Your Excellency, and the original copy of the minutes of the Commission’s secret sessions in which this question was discussed. God bless Your Excellency. (Signed by) Jose Maza, Chairman. Enrique Ortuzar Escobar, Secretary. ”

632/505.

Al mismo tiempo, el Senador Maza remitió copia de los mencionados antecedentes (citados en el último párrafo de su nota) al Senado "para que tome la resolución que estime conveniente".

De este modo, abrió el camino para que pueda presentarse contra el Ministro Walker Larraín una "acusación constitucional" que los parlamentarios del partido liberal, al que pertenece el señor Maza, están empeñados en iniciar. En efecto, el diputado Osvaldo García Burr ha declarado a la prensa que está reuniendo las diez firmas necesarias para plantear el debate parlamentario. La acusación se basa en que el Canciller Walker Larraín habría negado ante las Comisiones de Relaciones Exteriores del Senado y de la Cámara de Diputados la existencia de las notas suscritas por los dos gobiernos "en virtud de las cuales Chile cedería parte de su territorio nacional a Bolivia, sin pedir en cambio compensaciones de carácter territorial", según expresión del diputado mencionado.

La anunciada acusación está motivada por temas de política interna, pues se venía anunciando que para ocupar la banca senatorial por Santiago, dejada vacante por la muerte del señor Arturo Alessandri, el señor Walker sería candidato del gobierno, con los votos del partido conservador (social-cristiano) al que pertenece y del partido radical.

Al respecto tengo informaciones de alta fuente oficial en sentido de que el gobierno ha desistido de su propósito de propugnar la candidatura del Sr. Walker, debido a que la oposición parovecharía esta oportunidad para plantear un verdadero plebiscito sobre política internacional del gobierno, presentando al examen de los votantes las negociaciones portuarias con Bolivia, el no-reconocimiento de los gobiernos de España y Venezuela y la actitud asumida por este gobierno frente al de la Argentina. Este planteamiento parece muy peligroso en las altas esferas gubernamentales, que además desean la permanencia del señor Walker Larraín en el Ministerio de Relaciones Exteriores para la prosecución de las negociaciones portuarias con Bolivia.

En realidad, no se ha convocado aún a elecciones y la suerte de la candidatura del señor Walker Larraín está ligada al curso que siga la acusación parlamentaria.

Para aclarar la situación el Ministro de Relaciones ha enviado una duplica al senador Maza expresando:

"Santiago, 1° de septiembre de 1950. Señor Presidente: He recibido la nota de US. de fecha de ayer, en la que da respuesta a mi oficio del día anterior, que tuvo por objeto remitir a la Comisión que US. preside, copias de las notas cambiadas entre el Excmo. Señor Embajador de Bolivia y el infrascrito en junio último.

Formula US. diversas observaciones fundadas en la circunstancia de que, no obstante que mi recordado oficio contenía la indicación de "confidencial" aparecieran publicadas al día siguiente las notas que la motivaban.

En realidad carecía de razón de ser esa indicación de reserva, que no fué advertida por mí al firmar mi nota, ya que de esta misma aparece que se trataba de transcribir comunicaciones que dejaban de ser secretas por haber convenido los Gobiernos de Chile y Bolivia "darlas a conocer".

At the same time, Senator Maza sent a copy of the precedents referred to (which are quoted in the last paragraph of his note) to the Senate “in order for a convenient decision to be made”.

In this way, the path has been opened to present a “constitutional accusation” against Minister Walker Larrain, which is what the parliamentarians of the liberal party, to which Maza belongs, are determined to make. In fact, Deputy Osvaldo Garcia Burr has stated to the press that he is collecting the ten signatures necessary to give place to the corresponding parliamentary debate. Said accusation is based on the fact that Foreign Minister Walker Larrain had denied, before the Senate’s Foreign Affairs Commissions and the Chamber of Deputies, the existence of the Notes signed by the two Governments “by virtue of which Chile would cede part of its national territory to Bolivia, without requesting territorial compensations in return”, as Deputy Garcia Burr has put it.

Said accusation responds to questions of internal policy, inasmuch as it had been announced that to fill the Senate seat for Santiago, which has been vacated due to Mr. Arturo Alessandri’s death, Mr. Walker would be the Government’s candidate, with the votes of the conservative (social-Christian) party to which he belongs and those of the radical party.

In regard to the above, I have been informed by reliable sources that the Government has desisted from promoting Mr. Walker’s candidacy, owing to the fact that the opposition parties would use it to, on this occasion, propose a plebiscite to define the international policy of the Government, submitting to the assessment of voters the port negotiations held with Bolivia, non-recognition of the Governments of Spain and Venezuela and the attitude assumed by this Government vis-à-vis Argentina. This proposal seems too dangerous in the higher echelons of the Government, who desire that Mr. Walker Larrain continues serving as Foreign Affairs Minister to pursuit the port negotiations with Bolivia.

In reality, the call for elections has not been made and the fate of Mr. Walker Larrain’s candidacy is bound to the course of the parliamentary accusation referred to.

To clarify this situation, the Minister of Foreign Affairs has sent a response to Senator Maza, explaining:

“Santiago. 1 September 1950. Distinguished Chairman: I have received the note you sent yesterday, responding to the one I had sent the day before, the objective of which was to submit to the Commission you chair copies of the Notes exchanged between His Excellency the Bolivian Ambassador and the undersigned past June.

Your Excellency puts forward different observations made on basis of the circumstance that, although my note was labelled “confidential”, the notes that had led to its drafting had been published the next day.

As a matter of fact there was no reason to make the indication that it was confidential, which was unnoticed when I signed it, given that from the note itself it follows that it was a transcription of communications that had ceased to be secret because the Governments of Bolivia and Chile had agreed to “publish them”.

832/505.

"La Circunstancia de que a todo documento proveniente del archivo confidencial, se le coloque, por práctica de oficina, la indicación de su carácter, hace muy explicable lo ocurrido.

"Expresa también US. el desagrado de la Comisión por el hecho (?) de que el infrascrito habría expresado en dicho organismo que no había comunicación alguna cambiada con el Gobierno de Bolivia, siendo que existían las notas que he hecho publicar. Lo anterior aparecería de las actas de la Comisión que, según US. agrega, ésta ha acordado poner en conocimiento del H. Senado.

"En vista de esta información requerí al señor Secretario de la Comisión de Relaciones Exteriores que me exhibiera tales actas. El me respondió que no se encontraban en Secretaría y que probablemente las tendría US. Solicité entonces que las pidiera a US. y obtuve más tarde la respuesta de que US. había expresado que las tenía el senador don Sergio Fernandez, quien se encontraba ausente de Santiago.

"Es sabido que en las Comisiones del Senado no se levantan actas de las sesiones. Si en este caso particular se quiso hacer una excepción, habría sido de rigor que la Comisión aprobara las actas ordenadas, lo que no hizo, y que se las pusiera en mi conocimiento, en cumplimiento de un deber elemental. Pero no necesito conocer las llamadas actas que no se me han exhibido para rechazar enérgicamente la imputación que se me hace en la nota que contesto. Jamás he negado la existencia de documento alguno.

"Por la prensa y en las Comisiones de ambas Cámaras informé y repetí que había aceptado abrir negociaciones con Bolivia, que es precisamente, lo que dicen las notas publicadas. Con igual acentuación declaré que no existía ninguna proposición, ni verbal ni escrita, del Gobierno de Bolivia, sobre el fondo del asunto; lo que coincide con las declaraciones hechas en La Paz por el Embajador señor Ostria Gutiérrez.

"La principal objeción que se me hizo en público y en privado fué la de que el Gobierno de Chile había tomado la iniciativa para abrir negociaciones. No habría dispuesto yo de mejor prueba a fin de refutar este cargo, que la de exhibir las notas cambiadas. No lo hice porque me lo impedía un deber: el compromiso contraído entre las dos Cancillerías de no dar a conocer esos documentos sin acuerdo previo de ambas.

"Cumplí pues mi palabra cuando mi conveniencia me señalaba otro camino. Mi conciencia me dice que no podía obrar de otra manera".

Por su parte el senador Maza ha declarado a la prensa, con relación a la anterior nota del Canciller lo siguiente:

"No es costumbre que las Comisiones levanten actas, porque éstas son reemplazadas por los informes; pero como en este caso no iba a producirse informe alguno y el asunto era de extraordinario interés pedí al secretario que levantara acta de las sesiones que había celebrado la Comisión. Estas actas fueron redactadas por él y firmadas por mí".

“The fact that an indication of their nature is inserted in any document coming from confidential archives, due to office standards, clearly explains what happened.

“You have also expressed the Commission’s dissatisfaction over the fact that the undersigned had told the Commission that no communication had been exchanged with the Government of Bolivia when, however, the notes I have had published had actually been exchanged already. This seems to have been recorded in the minutes of the Commission which, according to Your Excellency, had agreed to put this event to the notice of the Honorable Senate.

“In view of this information I requested the Secretary of the Commission of Foreign Affairs to show me said minutes. He responded that they were not in the Secretariat and that it is likely that you have them. He then told me to request them to you and I was thereafter told that you had said that Senator Sergio Fernandez, who was not in Santiago, had them.

“It is common-ground that minutes of the sessions are not drafted in the Senate Commissions. If, in this particular case, the intention was to make an exception, then it would have been compulsory that the Commission approved them, which it did not do, and brought them to my notice, in compliance with an elemental duty. But I do not need to see the so-called minutes that have not been shown to me to reject energetically the accusation made against me in the note I am hereby replying to. I have never denied the existence of any document.

“In the press and in both Chambers’ Commissions, I informed and reiterated that I had accepted to open negotiations with Bolivia, which is precisely what the notes that have been published record. With similar emphasis I declared that no proposal, be verbal or written, had been put forward by the Government of Bolivia on the substance of the matter, which is consistent with the statements made in La Paz by Ambassador Ostria Gutierrez.

“The main accusation that was made against me in public and privately was to the effect that the Government of Chile had taken the initiative to open negotiations. I would not have found any other suitable proof to refute such accusation than to publish the notes exchanged. I did not do it, however, because a duty prevented me from doing so: the commitment undertaken by the two Foreign Ministries not to publish these documents without a prior mutual agreement to that end.

“Thus, I kept my word even though my personal advantages suggested the opposite. My conscience tells me I could not have acted otherwise”.

For his part, Senator Maza has declared to the press, in relation to the above note of the Foreign Minister:

“It is not customary that Commissions draft minutes, because these are replaced by reports; but since no report would be prepared in this case and the matter was of utmost interest, I requested the secretary to produce minutes for the sessions that had been held by the Commission. These minutes were drafted by him and signed by me”.

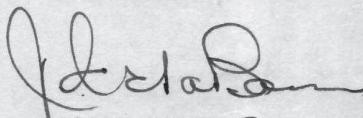
P. 832/505.

"El señor Ministro da exclusiva importancia a que la iniciativa nació de Bolivia, como siempre lo ha sostenido. Oportunamente quedará en claro quien tuvo la iniciativa, cuando se realice un prolijo estudio de todos los antecedentes, porque la fecha de una nota no es prueba concluyente de iniciativa!"

"Pero esto no ha sido lo más importante del debate, sino la existencia de negociaciones que han quedado en descubierto con el conocimiento de las notas que existían meses antes de la primera sesión de la Comisión."

"El señor Ministro tiene su conciencia tranquila porque cumplió el compromiso contraído entre las dos Cancillerías de no dar a conocer esos documentos sin acuerdo previo de ambas. En cambio, los precedentes uniformes del Seando han establecido que nada debe ocultarsele; y en los tiempos en que tenía facultad fiscalizadora aprobó votos de censura con ese fundamento, que provocaron crisis ministeriales".

Al remitir a Vd., señor Ministro, los recortes correspondientes y rogándole hacer llegar esta información a S. E. el señor Presidente de la República, le reitero las seguridades de mi más alta y distinguida consideración.


ENCARGADO DE NEGOCIOS

“The Minister gives exclusive importance to the fact that the initiative came from Bolivia, as he has always contended. In due course, who the initiative came from will be established in clear terms, when a meticulous examination of all the precedents is made, because the date of a note is not conclusive evidence of any initiative”.

“But this has not been the substance of the debate, but rather the existence of negotiations that have been revealed now with the publication of the Notes that had been signed months before the first session of the Commission”.

“The Minister’s conscience is clear because he complied with the commitment undertaken between the two Foreign Ministries to the effect of not publishing these documents without a prior and mutual agreement to that end. However, preceding Senate reports have established that nothing must be concealed and in the times when the Senate had a regulatory power, it adopted votes of censure that caused ministerial crises.”

By sending you, Distinguished Minister, the corresponding newspaper clippings and begging you to transmit this information to His Excellency the President of the Republic, I reiterate to you the assurances of my loftiest and most distinguished consideration.

[Signature]

[Affixed with the seal of the Acting Chargé d’Affaires]

"Jamás he negado documento alguno", afirma el Canciller

El Ministro de Relaciones Exteriores, don Horacio Walker Larrain, respondió ayer al presidente de la Comisión de Relaciones Exteriores del Senado, don José Maza, manifestando que "jamás ha negado la existencia de documento alguno". El señor Walker "rechaza enérgicamente" la imputación que le hace la referida Comisión de haber declarado en su seno "que no había comunicación alguna cambiada con el Gobierno de Bolivia, siendo que existían las notas que he hecho publicar".

Dice textualmente la nota del Canciller Walker al senador Maza:

"Señor Presidente:

He recibido la nota de U.S., de fecha de ayer, en la que da respuesta a mi oficio del día anterior, que tuvo por objeto remitir a la Comisión que U.S. preside, copias de las notas cambiadas entre el Excmo. señor Embajador de Bolivia y el infrascrito, en junio último.

Formula U.S. diversas observaciones fundadas en la circunstancia de que, no obstante que mi recordado oficio contenía la indicación de "confidencial", aparecieran publicadas al día siguiente las notas que lo motivaban.

En realidad carecía de razón de ser esa indicación de reserva, que no fué advertida por mí al firmar mi nota, ya que de esta misma aparece que se trataba de transcribir comunicaciones que dejaban de ser secretas por haber convenido los Gobiernos de Chile y Bolivia "darlas a conocer".

La circunstancia de que a todo documento proveniente del archivo confidencial se le coloque, por práctica de oficina, la indicación de su carácter, hace muy explicable lo ocurrido.

Expresa también U.S. el desagrado de la Comisión por el hecho (?) de que el infrascrito habría expresado en dicho organismo que no había comunicación alguna cambiada con el Gobierno de Bolivia, siendo que existían las notas que he hecho publicar. Lo anterior aparecería de las actas de la Comisión que, según U.S. agrega, ésta ha acordado poner en conocimiento del Honorable Senado.

En vista de esta información, requerí al señor Secretario de la Comisión de Relaciones Exteriores que me exhibiera tales actas.

El me respondió que no se encontraban en Secretaría, y que probablemente las tendría U.S. Solicité entonces que las pidiera a U.S., y obtuve más tarde la respuesta de que U.S. había expresado que las tenía el senador don Sergio Fernández, quien se encontraba ausente de Santiago.

Es sabido que en las Comisiones del Senado no se levantan actas de las sesiones. Si en ese caso particular se quiso hacer una excepción, habría sido de rigor que la Comisión aprobara las actas ordenadas, lo que no hizo, y que se las pusiera en mi conocimiento, en cumplimiento de un deber elemental.

Pero no necesito conocer las llamadas actas que no se me han exhibido, para rechazar enérgicamente la imputación que se me hace en la nota que contesto. Jamás he negado la existencia de documento alguno.

Por la prensa, y en las Comisiones de ambas Cámaras, informé y repetí que había aceptado abrir negociaciones con Bolivia, que es precisamente lo que dicen las notas publicadas. Con igual acentuación declaré que no existía ninguna proposición, ni verbal ni escrita, del Gobierno de Bolivia sobre el fondo del asunto, lo que coincide con las declaraciones hechas en La Paz por el Embajador señor Ostria Gutiérrez.

La principal objeción que se me hizo en público y en privado fué la de que el Gobierno de Chile había tomado la iniciativa para abrir negociaciones. No habría dispuesto yo de mejor prueba a fin de refutar este cargo, que la de exhibir las notas cambiadas. No lo hice porque me lo impedía un deber: el compromiso contraído entre las dos Cancillerías de no dar a conocer esos documentos sin acuerdo previo de ambas.

Cumplí, pues, mi palabra cuando mi conveniencia me señalaba otro camino. Mi conciencia me dice que no podía obrar de otra manera.

Dios guarde a U.S.— (Fdo.) HORACIO WALKER LARRAIN".

"La Nacion" Newspaper, 2 September 1950

I have never denied any document", assures the Foreign Minister

[Newspaper clipping attached to Note N° 832/505]

The Minister of Foreign Affairs, Mr. Horacio Walker Larrain, responded yesterday to the Chairman of the Foreign Affairs Commission of the Senate, Jose Maza, stating that "I have never denied the existence of any document". Mr. Walker, "rejects energetically" the accusation made by that Commission in the sense that he had declared to it "that no communication had been exchanged with the Government of Bolivia when, however, the notes I have had published had actually been exchanged already".

Foreign Minister Walker's note to Senator Maza reads verbatim:

Distinguished Chairman: I have received the note you sent yesterday, responding to the one I had sent the day before, the objective of which was to submit to the Commission you chair copies of the notes exchanged between His Excellency the Bolivian Ambassador and the undersigned past June. Your Excellency puts forward different observations made on basis of the circumstance that, although my note was labelled "confidential", the notes that had led to its drafting had been published the next day.

As a matter of fact there was no reason to make the indication that it was confidential, which was unnoticed when I signed it, given that from the note itself it follows that it was a transcription of communications that had ceased to be secret because the Governments of Bolivia and Chile had agreed to "publish them".

The fact that an indication of their nature is inserted in any document coming from confidential archives, due to office standards, clearly explains what happened.

You have also expressed the Commission's dissatisfaction over the fact that the undersigned had told the Commission that no communication had been exchanged with the Government of Bolivia when, however, the Notes I have had published had actually been exchanged already. This seems to have been recorded in the minutes of the Commission which, according to Your Excellency, had agreed to put this event to the notice of the Honorable Senate.

"In view of this information I requested the Secretary of the Commission of Foreign Affairs to show me said minutes. He responded that they were not in the Secretariat and that it is likely that you have them. He then told me to request them to you and I was thereafter told that you had said that Senator Sergio Fernandez, who was not in Santiago, had them.

It is common-ground that minutes of the sessions are not drafted in the Senate Commissions. If, in this particular case, the intention was to make an exception, then it would have been compulsory that the Commission approved them, which it did not do, and brought them to my notice, in compliance with an elemental duty. But I do not need to see the so-called notes that have not been shown to me to reject energetically the accusation made against me in the note I am hereby replying to. I have never denied the existence of any document.

In the press and in both Chambers' Commissions, I informed and reiterated that I had accepted to open negotiations with Bolivia, which is precisely what the Notes that have been published record. With similar emphasis I declared that no proposal, be verbal or written, had been put forward by the Government of Bolivia on the substance of the matter, which is consistent with the statements made in La Paz by Ambassador Ostria Gutierrez.

The main accusation that was made against me in public and privately was to the effect that the Government of Chile had taken the initiative to open negotiations. I would not have found any other suitable proof to refute such accusation than to publish the Notes exchanged. I did not do it, however, because a duty prevented me from doing so: the commitment undertaken by the two Foreign Ministries not to publish these documents without a prior mutual agreement to that end.

"Thus, I kept my word even though my personal advantages suggested the opposite. My conscience tells me I could not have acted otherwise.

God bless you. (Signed by) Horacio Walker Larrain".

Annex 274

“Chancellor maintains statements made with regard to Bolivia”,
La Nacion (Chile), 5 September 1950

(Original in Spanish, English translation)

La Nacion Newspaper (Chile)

LA NACION 05 DE SEPTIEMBRE 1950

Canciller mantiene declaraciones en el asunto de Bolivia

El Ministro de Relaciones Exteriores, don Horacio Walker Larraín, nos entregó anoche la siguiente declaración:

"En la prensa del 1.º del actual se publicó la nota del Presidente de la Comisión de Relaciones Exteriores del Senado en que se afirmaba que yo había declarado en las sesiones secretas de dicha Comisión, de fechas 25 de julio y 1.º de agosto últimos, "que no había comunicación oficial alguna cambiada con el Gobierno de Bolivia", etc. Se hacía también referencia con este motivo a las actas de la Comisión.

Al día siguiente expuse que "no necesito conocer las llamadas actas, que no se me han exhibido, para rechazar enérgicamente la imputación que se me hace en la nota que contesto. Jamás he negado la existencia de documento alguno.

Ahora, después de imponerme de tales actas, estoy en situación de declarar que no aparece en ellas que yo hubiese expresado que no había comunicación oficial alguna cambiada con el Gobierno de Bolivia, como se afirmó en el referido oficio.

Mantengo, pues, el desmentido categórico que hice en la prensa, y ya que los Senadores y Diputados tienen el derecho de imponerse de las actas en referencia, les invito a que lo hagan.

Paso ahora a referirme a un asunto de naturaleza diferente.

En los diarios del domingo último aparece una carta de mi estimado amigo don Germán Riesco, en la que rectifica una publicación de una revista, y otras versiones que se le han hecho llegar acerca de su participación como Ministro en la cuestión boliviana.

No tuve conocimiento de la información de la aludida revista según la cual el señor Riesco "inició las conversaciones del corredor". De haberlo tenido me habría apresurado a publicar la correspondiente rectificación. Lo hago ahora con el mayor agrado.

Ni el señor Riesco, ni el infrascrito, ni ninguno de mis antecesores que yo sepa, hemos tenido iniciativas relacionadas con la aspiración portuaria de Bolivia. Y como lo he expresado por la prensa, ni siquiera ahora se ha formulado por ese país alguna proposición concreta sobre el problema.

Yo he consentido en abrir negociaciones en los términos que aparecen de la nota que he hecho publicar, fundándome en la tesis tradicional de la Cancillería chilena que el señor Riesco confirmó en la prensa con mucha precisión en estos términos: "Las cordiales relaciones chileno-bolivianas, y el hecho de que Chile nunca se haya negado a discutir directamente con Bolivia lo relativo a su mediterraneidad, hacen innecesaria y aun perjudicial la intervención de agentes oficiosos".

El hecho de que el señor Riesco, como otros de mis antecesores, celebrara numerosas entrevistas con el representante diplomático de Bolivia sobre apertura de negociaciones, no quiere decir que él iniciara conversaciones sobre soluciones determinadas.

Debo agregar que en la Cancillería existen proyectos de notas de la Embajada de Bolivia y del Ministro sobre apertura de negociaciones, y que aún se me informó en el Ministerio que esta última había sido redactada por el propio señor Riesco. De las averiguaciones que he practicado hoy, resulta que la redacción corresponde a su antecesor.

Por lo que a mí respecta, este punto es indiferente, pues lo único que me interesa probar, es que no se trata de una gestión que se haya iniciado durante mi desempeño ministerial, sino que venía ventilándose con anterioridad. Y así consta de documentos".

La Nacion Newspaper, 5 September 1950

Chancellor adheres to statements in dealings with Bolivia

The Minister of Foreign Affairs, Mr. Horacio Walker Larrain, uttered the following statement last night:

“In press reports of the 1st of this month, a note issued by the Chairman of the Foreign Affairs Commission of the Senate was published, affirming that I had declared, in the secret sessions held by that Commission past 25 July and 1 August, that, “no communication had been exchanged with the Government of Bolivia, etc.” In regard to the same matter, reference was also made to the minutes of that Commission.

The next day I stated that “I do not need to see the so-called minutes that have not been shown to me to reject energetically the accusation made against me in the note I am hereby replying to. I have never denied the existence of any document.

Now, after having learned of such minutes, I am in position to declare that it does not follow from them that I had stated that no communication had been exchanged with the Government of Bolivia, as had been affirmed in the above said note.

I thus adhere to the categorical refutation I made to the press and, given that the Senators and Deputies have the right to take knowledge of the said minutes, I hereby invite them to do so.

I will now refer to a question of a different nature. In the newspapers published past Sunday, appears a letter sent by my dear friend Mr. German Riesco, ratifying a publication made in a magazine and other versions that have been brought to his notice with regard to his participation as Minister in the Bolivian matter.

I was not aware of the information published in the magazine referred to, according to which Mr. Riesco “commenced the negotiations concerning the corridor”. Had I known of this, I would have hastened to publish the corresponding rectification, which I will gladly do now.

To my knowledge, neither Mr. Riesco nor the undersigned, or any of my predecessors, have ever had initiatives relating to Bolivia’s port aspiration. And as I have expressed to the press, that country has not even submitted any concrete proposal on the matter.

I have consented to opening negotiations in the terms that are recorded in the note I have had published, in keeping with the traditional thesis of the Chilean Foreign Ministry that Mr. Riesco confirmed to the press in the following clear-cut terms: “Cordial Chilean-Bolivian relations and the fact that Chile has **never refused to discuss directly with Bolivia the question related to its landlocked condition**, make the intervention of unofficial agents unnecessary and even detrimental”.

The fact that Mr. Riesco, as all of my predecessors, held numerous meetings with the Bolivian diplomatic representative on the opening of negotiations, does not imply that conversations on determined solutions have been started.

I must add that draft notes sent by the Bolivian Embassy and the Minister on opening negotiations are archived in the Foreign Ministry, and that I have even been informed in the Ministry that the most recent one had been drafted by Mr. Riesco himself. From inquiries I have made today, it turns out that their wording corresponds to his predecessor.

As far as I am concerned, this aspect bears no importance, for the only thing I am concerned with proving is that this is not a demarche that was started while I served as Foreign Minister, but that it had been sorted out earlier. And this is recorded in [specific] documents.

Annex 275

Note from the Bolivian Ambassador to Chile, Alberto Ostria Gutierrez,
to the Minister of Foreign Affairs of Bolivia, Pedro Zilveti Arce,
N° 844/513, 9 September 1950

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Bolivia

544-513

Santiago, 9 de septiembre de 1950.

Negociaciones
Portuarias.

RESERVADO

Señor Ministro:

Al subsiguiente día de mi regreso de La Paz visité al Ministro de Relaciones Exteriores, señor Horacio Walker Larraín, como informé a Ud. en mi cablegrama reservado N° 221, de fecha 6 del corriente mes.

El Canciller chileno se mostró, desde luego, muy agradecido por nuestra actitud al publicar las notas, precedidas de un breve comentario en el que se explicaba el acuerdo existente entre ambos gobiernos para hacerlas conocer simultáneamente.

La verdad es que, al proceder así, hemos contribuido a salvar la difícil situación política del señor Walker Larraín --uno de los más eminentes hombres públicos de Chile,-- ya que la nota boliviana en ningún momento fué secreta ni se entregó bajo condición alguna. Solamente la respuesta chilena llevó el sello de confidencial.

En cuanto a la agitación provocada aquí por la publicación de las notas, el señor Walker Larraín la atribuye a motivos políticos, o sea al propósito de frustrar su candidatura a senador por Santiago, en la vacante dejada por don Arturo Alessandri.

-Quizás por primera vez en Chile se está usando la política internacional como arma de política interna,-- me dijo el señor Walker Larraín. Y agregó: Estoy resuelto a contrarrestar esa maniobra y con tal objeto haré una explicación al país, por intermedio de la radio y de la prensa.

Por lo que toca a las negociaciones mismas, se mostró partidario de un breve ~~compañía~~ espera.

Al día siguiente, o sea el 7, tuve una entrevista con el Presidente de la República, como hice saber a Ud. en mi cablegrama reservado N° 222.

El señor González Videla se mostró, al igual que el Ministro de Relaciones Exteriores, agradecido por nuestra leal actitud y a la vez aplaudió la forma en que se había orientado, mediante las declaraciones que hice en La Paz, a la opinión pública boliviana acerca de los antecedentes y resultado preliminar de las negociaciones. Añadió que él también buscaría una oportunidad adecuada para hacer algo semejante con la opinión pública chilena, que iba siendo desviada por motivos de política interna.

Respecto a ese mismo punto, me informé que había pedido al señor Walker Larraín desistir de su candidatura a senador, para no someter en el hecho la

Al Señor Don Pedro Zilveti A.,
Ministro de Relaciones Exteriores.
LA PAZ.- BOLIVIA.

EMBASSY OF BOLIVIA

COPY
RESERVED

N° 844-513

Santiago, 9 September 1950

Subject: Port negotiations

Distinguished Minister,

The day following my return to La Paz, I visited the Minister of Foreign Affairs, Mr. Horacio Walker Larrain, as I had informed you in my reserved cable N° 221, of the 6th of this month.

The Chilean Foreign Minister was, naturally, thankful for the attitude we followed when the notes were published, preceded by a brief commentary in which the agreement reached between both Governments to bring them to public notice was explained.

The truth is that, by proceeding in this way, we have contributed to safeguarding Mr. Walker Larrain's difficult political situation –who is one of the most eminent politicians in Chile– inasmuch as the Bolivian note was at no time secret and neither was it submitted subject to any condition. It was only Chile's response that had been affixed the confidential seal.

According to Mr. Walker Larrain, the unrest sparked here by the publication of the notes, responds to political ends, that is, the intention to frustrate his candidacy to the Senate for Santiago, to fill the seat vacated by Mr. Arturo Alessandri.

“This might be the first time in which international affairs are used in Chile as a weapon for internal policy”, said Mr. Walker Larrain. He added, “I am determined to counteract that feat and to that end I will deliver an explanation to the nation in the radio and press”.

In regard to the negotiations, he was supportive of entering into a waiting period.

The next day, i.e. the 7th, I held a meeting with the President of the Republic, as I had informed you in my reserved cable N° 222.

Mr. Gonzalez Videla was thankful, just as the Minister of Foreign Affairs, for our faithful attitude and also complimented the statements I made in La Paz before the public opinion in regard to the precedents and preliminary result of the negotiations. He added that he would also seek the proper opportunity to do something similar with the Chilean public opinion, which had been misguided owing to internal policy purposes.

Concerning that same aspect, I was informed that Mr. Walker Larrain had requested [his Government] to desist from his candidacy to the Senate, so as not to submit

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To Mr. Pedro Zilveti,
Minister of Foreign Affairs,
La Paz.- Bolivia.

RESERVADO

DE BOLIVIA

COPIA

Nº 844/515

política internacional a las contingencias electorales.

-Prefiero un senador menos para el gobierno a perjudicar gravemente la negociación con Bolivia,- me declaró el señor González Videla.

De mi parte, le expliqué la posición adoptada por el gobierno de Bolivia en el sentido de que, para dar cualquier paso posterior a la suscripción de las notas, consideraba indispensable que el gobierno de Chile llegara previamente a la comprobación de si existe o no un verdadero puerto, capaz de ser aprovechado comercialmente, al norte de Arica, y que entre tanto no era posible adelantar las negociaciones, pues ese aspecto, como había ya señalado en otras oportunidades, era básico.

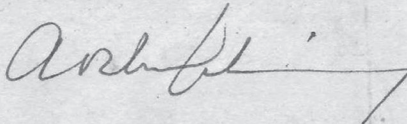
El señor González Videla reconoció lo justificado de esa condición y al aceptar nuestro punto de vista, insistió en que la marina chilena había realizado estudios con resultados favorables; pero me pidió hablar nuevamente al respecto con el Ministro de Relaciones Exteriores.

Al referirse después a la alarma provocada en Bolivia con motivo de la posible utilización de las aguas del lago Titicaca --punto que es de exclusiva iniciativa del señor González Videla y acerca del cual no se ha adelantado de parte de Bolivia compromiso alguno, ni siquiera en hipótesis, como sabe esa Cancillería,-- me declaró, confirmando lo que me había expresado ya en vísperas de mi viaje a La Paz, que nunca se había pensado en aprovechar ese caudal para obras de regadío en el norte chileno, puesto que se disponía allí de corrientes subterráneas, sino en energía eléctrica para el Perú, Bolivia y Chile, en el caso de que los tres países se pusieran de acuerdo y pudiendo las caídas de agua hacerse hacia Sorata, como por ejemplo se establecía en los estudios que mandó efectuar la firma Henschel.

Por lo demás, subrayé que una cosa así solamente podría llevarse a cabo con el concurso de los Estados Unidos y que precisamente ése había sido el punto de vista del Presidente Truman, durante las conversaciones que sostuvieron en Washington.

Antes de despedirnos, le hice saber, como me instruyera S.E. el Presidente de la República y usted, el propósito del gobierno de Bolivia en el sentido de explicar al gobierno de los Estados Unidos su posición respecto del problema portuario boliviano, a la vez que de confirmar en su parte fundamental, o sea en el aspecto de las negociaciones directas, el pensamiento adelantado por él al Presidente Truman.

Reitero a Ud. las seguridades de mi más alta consideración.



international affairs to electoral contingency.

“I would rather see that a senator for the Government is missing than to severely hinder negotiations with Bolivia”, told me Mr. Gonzalez Videla.

For my part, I explained to him the position adopted by the Government of Bolivia to the effect that, for any step to be taken following the signing of the notes, it believed it was essential that the Government of Chile first verified whether there is or not a proper port, capable of being used for commercial purposes, to the north of Arica, and that meanwhile it was not possible to push forward the negotiations, for that aspect, as I had stated in other opportunities, was fundamental.

Mr. Gonzalez Videla recognized that the above condition was justified and, accepting our point of view, he insisted in that the Chilean navy had carried out studies that had led to positive results; he asked me, however, to talk again with the Minister of Foreign Affairs on that aspect.

Referring thereafter to the distress caused in Bolivia due to the prospect of utilizing the waters of Lake Titicaca –an aspect which was the exclusive initiative of Mr. Gonzalez Videla and in regard to which Bolivia has not made any commitment, not even hypothetically, as the Foreign Ministry is well aware of– he declared, confirming what he had told me before my trip to La Paz, that he had never thought of using the flow of those waters for irrigation purposes in the north of Chile, given that there were groundwater flows, and that his intent was to produce electric power for Peru, Bolivia and Chile, in the event that the three countries came to an agreement on that regard, with the possibility that waterfalls could be directed towards Sorata, as had been established, by way of example, in the studies that he had the Hoschild firm carry out.

Additionally, he said that such a prospect could only be implemented with the participation of the United States and that that had precisely been President Truman’s point of view in the conversations they had held in Washington.

Before saying good-bye, I told him –as His Excellency the President of the Republic and yourself had instructed me– that the Government of Bolivia had the intention of explaining its position in regard to the port problem to the Government of the United States, and to also confirm in its essential part, i.e. direct negotiations, the position that had been anticipated to President Truman.

I reiterate to you the assurances of my highest consideration.

[Signature]

Annex 276


“Let us not divide ourselves by political parties in resolving our foreign affairs”, *El Imparcial* (Chile), 13 September 1950

(Original in Spanish, English translation)

El Imparcial Newspaper (Chile)

"NO NOS DIVIDAMOS POR PARTIDOS EN LA RESOLUCION DE NUESTROS ASUNTOS EXTERNOS"

"Porque haremos un daño que puede ser irreparable para los destinos de la República".— Brillante y maciza pieza oratoria del Canciller Sr. Walker, al dar respuesta en la Cámara, a los ataques de la oposición en el caso boliviano.— "No se ha roto la línea internacional del actual Gobierno, ni siquiera la de los Gobiernos anteriores".— Texto de la exposición hecha por el Ministro de RR. Exteriores



El Sr. Walker, al dar respuesta en la Cámara, a los ataques de la oposición en el caso boliviano, dijo: "No se ha roto la línea internacional del actual Gobierno, ni siquiera la de los Gobiernos anteriores".— Texto de la exposición hecha por el Ministro de RR. Exteriores

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**“LET US NOT DIVIDE OURSELVES BY
POLITICAL PARTIES IN RESOLVING OUR
FOREIGN AFFAIRS”**

[*El Imparcial*, 13 September 1950]

“Because we might cause irreparable harm to the fate of the Republic”, was Foreign Minister Walker’s brilliant and solid statement in response to the attacks by the opposition before the Chamber. “None of the international guidelines of the current Government have been breached, not even those followed by former Governments”. Below is the text of the explanation made by the Minister of Foreign Affairs.

“Nuestra capital ha presenciado estos días una campaña alarmista y estridente realizada por órganos de prensa y estaciones radiales sometidos a la influencia de algunos elementos de la oposición.

Se ha puesto especial empeño en desfigurar la naturaleza y fines de la gestión diplomática preliminar relacionada con la cuestión boliviana y se han tejido a este respecto las más burdas suposiciones. Se ha llegado al extremo de mandar informaciones a Arica en el sentido de que el Gobierno de Chile estaría resuelto a entregar ese puerto, no obstante mi enérgico desmentido público a tan absurda y malévola información.

Se ha querido olvidar también que todo convenio entre Cancillerías, para que tenga validez y fuerza obligatoria, necesita ser sometido a la ratificación del Congreso Nacional, que es soberano para aprobarlo o repudiarlo, facultad que ha ejercido en diversas oportunidades, sin que por ello se produjeran interrupciones en nuestras relaciones exteriores.

“These days, our capital city has witnessed an alarmist and exaggerated campaign launched by press and radio representatives who are subject of the influence exerted by some elements of the opposition.

Efforts have been mainly made to distort the nature and ends of the preliminary diplomatic demarche carried out to address the Bolivian question and the most absurd of suspicions have been created in that regard. These unfounded assertions have reached the point of sending information to Arica to the effect that the Chilean Government has resolved to hand over that port, regardless of my energetic public refusal to such absurd and evil statement.

Also, an attempt has been made to overlook the fact that, so as to be valid and binding, anything that is agreed to by the Foreign Ministries must be subjected to the ratification of the National Congress, which is the sovereign entity to approve or reject these measures and has, as a matter of fact, exercised this faculty on different occasions, without causing interruptions in our foreign affairs.

Cuando en 1895 un Gobierno de nuestro país firmó un Tratado en el que se obligaba a ceder Tacna y Arica a Bolivia, si le eran asignadas en el plebiscito con el Perú, no fueron víctimas los gobernantes de entonces de las injurias que ahora se han empleado. Por su parte, el Congreso Nacional cumplió con un deber al no ratificar ese extraño pacto.

En cambio, la prensa llegó a anunciar en la presente oportunidad hasta una acusación constitucional en contra del Ministro que habla por el simple hecho de haber aceptado abrir una negociación diplomática.

Existen circunstancias en esta campaña que delinean su fisonomía y sus fines y que explican que en un país de aguda

sensibilidad patriótica, como el nuestro, pero también de penetrante sentido crítico, no haya



DON HORACIO WALKER

producido ella los efectos apetecidos.

Me refiero al propósito de circunscribir y personalizar en el Ministro que habla toda la responsabilidad de los actos de un Gobierno y de toda una Administración.

Entre otras manifestaciones de lo dicho, figura la actitud de un diario de Santiago, que en primera página, a ocho columnas y a grandes títulos, informó así a la opinión pública: "Walker ofreció un puerto a Bolivia sin compensaciones territoriales".

No importaba que el título no correspondiera a la información cablegráfica que lo seguía, la cual no contenía una palabra acerca del ofrecimiento que se anunciaba; no importaba que ese título fuera una burda falsedad; no importaba que un Ministro

When, back in 1895, a Chilean Government concluded a Treaty under which Chile was to cede Tacna and Arica to Bolivia –provided that they fell under its sovereignty as a result of the plebiscite– those who ruled the country did not face the offences of which the current leaders are now victim. The National Congress, on the other hand, complied with its duty by not ratifying that odd treaty.

Currently, however, the press has reached the point of raising a constitutional accusation against the Minister who is now speaking, only owing to the fact that consent has been given to open a diplomatic negotiation.

This campaign is characterized by circumstances that define its nature and ends, which explains why it has not produced the results desired in a country of such an acute patriotic sentiment –but of such a penetrating critical mind also– as ours.

And this result sought was no other but to place upon the Minister who is now speaking all the responsibility for the acts carried out by a Government and by an entire governmental Administration.

Among many other inaccurate assertions, the attitude of a Santiago newspaper stands out, inasmuch as it informed the public opinion, on the fourth page, in an eight-column report and with capitals, that “Walker offered Bolivia a port in return for non-territorial compensations”.

It did not matter that the heading was inconsistent with the cable that followed it –which contained no mention of said offer; it did not matter that this heading was a deliberate fallacy; it did not matter that a Minister

no constituye por sí sólo una Cancillería ni menos un Gobierno. Lo que importaba era que el que habla había sido proclamado esos mismos días candidato del Partido Conservador a la Senaturía vacante por Santiago.

En el mismo orden de ideas, es digno de señalarse el empeño por presentar al Ministro actual en la más abierta contradicción con todos sus antecesores.

El Presidente de la República, encargado por la Constitución de dirigir las relaciones exteriores, habría tolerado impasible que cada uno de sus Ministros obrara conforme a sus personales antojos; que el uno siguiera una línea de política internacional y el otro la opuesta y que, en el ramo más delicado de la acción estatal, todos ellos prescindieran de los propósitos con que inició y continuó su Gobierno un mandatario que se ha distinguido por el interés personal que ha puesto en todas las actividades de la Administración Pública.

Esas ruedas de molino son de.

(PASA A LA PAG. 7)

does not constitute by himself the Ministry, or the Government; what mattered was that the person now speaking had recently ran as the Conservative Party's candidate for the Senate seat that was vacant for Santiago.

In this vein of ideas, the fact that efforts were made to present the current Minister as completely opposed to any of his predecessors is also worthy of attention.

The President of the Republic, tasked under the Constitution to direct foreign affairs, had impassively tolerated that each of his Ministers acted following their own personal whims; that one followed an international policy guideline, while the other followed a different one; and that in the Ministry that is most concerned with State actions, all of them renounced to the purposes with which a president that has been characterized by the personal interest he has shown in all activities that concern the public administration began and continued his government.

These millstones are

(GOES TO PAGE 7)

Santiago, miércoles 13 de septiembre de 1950.

EL IMPARCIAL

PAGINA 7

"NO NOS DIVIDAMOS POR..."

(Continuación de la primera página)

...del Gobierno, en la línea internacional del actual Gobierno, ni siquiera la de los Gobiernos anteriores. Más adelante veremos que sólo se ha aplicado con honradez y franqueza una tesis tradicional de nuestra Cancillería. Lo que si se ha roto es la tradición honrosa de Chile de no convertir los asuntos internacionales en armas de política interna o electoral.

CARGOS INFUNDADOS SOBRE EL PROCEDIMIENTO SEGUIDO

La mayoría de los ataques y expresiones injuriosas que se han esgrimido en mi contra, no se refieren al fondo de la actitud asumida por el Gobierno al aceptar abrir conversaciones diplomáticas con Bolivia, sino a puntos de forma o procedimiento.

Esos ataques han propendido a dar la impresión de que las Comisiones de Relaciones Exteriores de ambas Cámaras no hubieran sabido nada de la disposición del Gobierno de consentir entrar en negociaciones hasta la publicación de las notas, acordadas por los Gobiernos de Chile y Bolivia. Yo habría oculatado ese propósito de nuestra Cancillería, según mis detractores.

Por mi parte, vería con agrado que el señor Presidente de la Cámara y los Comités de los distintos partidos, se dieran el trabajo de leer las actas y versiones taquigráficas de la Comisión de Relaciones Exteriores, lo que les permitiría comprobar lo que voy a afirmar: que es absolutamente falsa aquella imputación.

Hay más aún: no sólo las Comisiones de ambas ramas del Congreso tuvieron conocimiento de la negociación boliviana, acerca de su aspiración portuaria, sino que lo tuvo el país entero, pues con fecha 11 de julio de 1950, por la prensa lo seguíente:

...del Gobierno, en la línea internacional del actual Gobierno, ni siquiera la de los Gobiernos anteriores. Más adelante veremos que sólo se ha aplicado con honradez y franqueza una tesis tradicional de nuestra Cancillería. Lo que si se ha roto es la tradición honrosa de Chile de no convertir los asuntos internacionales en armas de política interna o electoral.

CARGOS INFUNDADOS SOBRE EL PROCEDIMIENTO SEGUIDO

La mayoría de los ataques y expresiones injuriosas que se han esgrimido en mi contra, no se refieren al fondo de la actitud asumida por el Gobierno al aceptar abrir conversaciones diplomáticas con Bolivia, sino a puntos de forma o procedimiento.

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Santiago, miércoles 13 de septiembre de 1950.

EL IMPARCIAL

PAGINA 7

"NO NOS DIVIDAMOS POR..."

(Continuación de la primera página)

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too big for the national opinion to swallow.

The international policy followed by the current Government –and not even the one followed by preceding governments– has not been broken in addressing the Bolivian case. We will soon see that all that has been done is applying a traditional thesis of our Foreign Ministry with honesty and frankness. What has been broken, however, is Chile's honorable tradition of not turning international affairs into weapons of internal or electoral policies.

UNFOUNDED ACCUSATIONS MADE IN RELATION TO THE PROCEDURE FOLLOWED

Most of the offensive attacks and expressions that have been put forward against me do not relate with the substance of the attitude assumed by the Government by accepting to open diplomatic conversations with Bolivia, but to aspects of form or of procedure.

These attacks have sought to give the impression that both Chambers' Foreign Affairs Commissions were unaware of the Government's decision to consent to enter into negotiations until the notes were published, by common agreement between the Governments of Chile and Bolivia. According to those who have criticized me, I had concealed that intention pursued by our Foreign Ministry.

I should be pleased to see that the President of the Chamber and the Comities of the different political parties, read the minutes, and their stenographic versions, prepared by the Foreign Affairs Commission. This will allow them to corroborate what I will now assert: the above accusation is absolutely false.

There is even more: not only were both Congress Commissions' aware of the negotiations with Bolivia, and of the latter's port aspiration, but also the whole country, inasmuch as I had declared the following to the press on 11 July:

"Chile ha manifestado en diversas oportunidades y aún en sesiones de las Sociedad de las Naciones, su buena disposición de oír, en gestiones directas con Bolivia, proposiciones de este país destinadas a satisfacer su aspiración de tener una salida propia al océano Pacífico. Esa política tradicional de nuestra Cancillería en nada amengua los derechos que confieren a Chile los tratados vigentes. El actual Gobierno es consecuente con los antecedentes diplomáticos recordados y, por lo tanto, está llano a entrar en conversaciones con Bolivia acerca del problema en referencia".

En esta declaración pública está contenido lo sustancial de la nota dirigida al señor Embajador de Bolivia que hice publicar el 31 del mes pasado. En efecto, en una y otra se hace referencia a la política tradicional de nuestra Cancillería; se declara que el actual Gobierno será consecuente con ella y que, por lo tanto, está llano a entrar en negociaciones para estudiar la aspiración portuaria de Bolivia. Todavía la nota es más explícita que la declaración de prensa, ya que precisa que igual estudio deberá hacerse sobre las compensaciones que consulten efectivamente los intereses de Chile, excluyendo las territoriales. La nota que ha motivado tanto ruido no contiene, pues, en el fondo, nada nuevo, nada que sustancialmente no se conociera en el país, como lo expuso en su elocuente discurso mi distinguido amigo el Presidente de la Comisión de Relaciones Exteriores señor Cañas Flores.

Hay todavía más. Dicha Comisión se había reunido en vez para nada precisamente para ocuparse de mi anuncio público del propósito de abrir negociaciones con Bolivia y dedicó tres sesiones a ese objeto y en los diarios y en transmisiones radiales y hasta en discursos parlamentarios, se hicieron entonces, sobre la materia de fondo, ob-

‘Chile has manifested on several occasions, including before the League of Nations, its willingness to listen, in direct negotiations with Bolivia, proposals from this country aimed at satisfying its aspiration to have its own access to the Pacific Ocean. This traditional Policy of our Foreign Ministry does not threaten the rights conferred on Chile by the treaties in force. The present Government is consistent with the diplomatic record and is therefore ready to enter into discussions with Bolivia in reference to this matter’.

This public statement contains the substance of the note sent to the Bolivian Ambassador, which I had made public on the 31st of the last month. In fact, both refer to the traditional policy followed by our Foreign Ministry; therein, it is declared that the current Government will be consistent with that policy and that, as a result, it is willing to enter into negotiations to study Bolivia’s port aspiration. The Note itself is even more explicit than the press statement, inasmuch as it records that a study must be carried out to define the compensations that effectively take into account Chile’s interests, excluding exchanges of territories. As a result, the Note that has given place to such a hullabaloo does not contain, in the substance, anything new of which the nation had been unaware –as my distinguished friend, the Head of the Foreign Affairs Commission, Mr. Cañas Flores, was right to state in an eloquent speech.

There is even more. That Commission had met precisely to address my public announcement of the intention to open negotiations with Bolivia and devoted three sessions to that matter. Newspapers, radio transmissions and parliamentary speeches made then in relation to the substance-matter

servaciones casi idénticas a las de ahora.

Se ha creído procedente por varios señores Diputados traer a este debate público frecuentes referencias a lo tratado en las sesiones secretas de la Comisión de Relaciones Exteriores. Pero no se ha cuidado de la exactitud de esas alusiones.

Yo entendía que cuando un asunto, por acuerdo de la propia Comisión, se trataba en ella en sesión secreta, el debate de la Cámara debía ser de igual naturaleza. Así lo ha entendido también el H. Senado en esta propia cuestión internacional que nos reúne.

Pero, suponiendo que yo esté equivocado, las repetidas referencias que se han hecho a las sesiones de la Comisión me impiden guardar silencio al respecto, porque no acepto que se me coloque en la imposibilidad de defenderme.

Si se quiere decir que yo no llevé a la Comisión las notas cambiadas con la Embajada de Bolivia, se afirma una verdad. Ya revemos por qué procedí así. Pero si se expresa, como se ha hecho, que yo no impuse a la Comisión del propósito del Gobierno de abrir negociaciones con Bolivia sobre su aspiración portuaria, se dice una falsedad.

Afirmo categóricamente —y aceptaría gustoso el procedimiento de comprobación que sugería al principio de mi discurso— que yo emití en el seno de la Comisión, entre otros, los siguientes conceptos:

recorded identical observations to the ones made here.

For several years Messrs. Deputies, bringing frequent references to what discussed in the secret sessions of the Foreign Affairs Commission to this public debate has been regarded fitting, but the accuracy of the references made has been overlooked.

I thought that when a matter was discussed, with the consent of the Commission, in a secret session, the Chamber's debate had to be of an identical nature. The Honorable Senate shares that view in regard to this international affair that now concerns us.

But, assuming that I am wrong, the repeated references that have been made to the Commission sessions, compel me to not remain silent inasmuch as I do not consent to being placed in a position in which I am unable to defend myself.

If what is intended is to state that I did not take to the Commission the notes exchanged with the Bolivian Embassy, then this assertion is right. We will then see why I acted in that way. But if what is intended is to state –as has happened– that I did not inform the Commission of the Government's intention to open negotiations with Bolivia to tackle its port aspiration, then this is completely false.

I hereby categorically assert –and I would gladly accept the procedure I proposed to confirm this assertion at the beginning of this address– that I had transmitted to the Commission, *inter alia*, the following concepts:

"Existe, sí, como lo he manifestado a la prensa el propósito de oír las proposiciones de Bolivia". "El Gobierno de Chile está llano, como lo han estado los Gobiernos anteriores a escuchar proposiciones bolivianas. **ABRIR NEGOCIACIONES** para oír a Bolivia sobre sus aspiraciones, sobre los diversos medios que pudieran existir para complacer esas aspiraciones". Y repetí: "El Gobierno de Chile no se niega a tener **NEGOCIACIONES** con Bolivia, porque este es el único modo de oír a un país, para escuchar las proposiciones que pueda hacer". "Lo único que **HE ACEPTADO**, expuse también, es abrir conversaciones o **NEGOCIACIONES**, como quiera llamárseles, para oír las aspiraciones de Bolivia, estudiarlas y ver si nos conviene o no nos conviene aceptar esas proposiciones".

Pero, hay algo más, señor Presidente. Entre los diputados que han terciado en este debate, impugnando la actitud del Gobierno, hay quien declaró explícitamente en la Comisión que el primer hecho que había quedado establecido en el seno de ella era que el Gobierno de Chile había aceptado dichas negociaciones.

Siendo así ¿cómo se ha alegado entonces en este recinto ignorancia de lo ocurrido.

Las rectificaciones que he hecho acerca de lo tratado en el seno de la Comisión, es la mejor respuesta que hubiera podido dar a los cargos, no sólo descomedidos, sino injuriosos que se me han hecho en esta sala. Cualquier señor diputado podrá comprobar en las actas aludidas quién ha faltado a la verdad.

Queda también establecido que, si bien los miembros de la Comisión no conocieron el texto de las notas cambiadas con el representante boliviano, conocieron lo que constituye su contenido y su objeto claro y preciso.

FACULTADES PRIVATIVAS DEL PRESIDENTE DE LA REPÚBLICA

¿Está o no autorizado el Ejecutivo para calificar la oportunidad en que dé a conocer a una Comisión parlamentaria las piezas de una gestión diplomática durante el período que precede

‘There exists, as I have stated to the press, the intention to hear Bolivia’s proposals’. The Government of Chile is willing, as the preceding Governments have been, to listen to Bolivia’s proposals, TO OPEN NEGOTIATIONS to hear Bolivia’s aspirations concerning the different possible means to satisfy its aspirations’. And I reiterated, ‘the Government of Chile does not refuse to enter into NEGOTIATIONS with Bolivia, because this is the only means to give an ear to a country and to the proposals it might make’. ‘The only thing I HAVE ACCEPTED’, I also stated, ‘is to initiate conversations or NEGOTIATIONS, whatever you might want to call them, to hear Bolivia’s aspirations, study them and see whether it is advisable or not to accept them’.

But there is something more Mr. President. Among the Deputies that have taken part in this debate, disputing the Government’s attitude, there is one who explicitly declared within the Commission that the first fact that had been established in the Commission was that the Government of Chile had accepted these negotiations.

If this is the case, how could it possibly be asserted that the Commission was not informed of the events?

The clarifications I have made in relation to what discussed within the Commission are the best response I could have given to the accusations, which are not only exaggerated but offensive, that have been made on this floor. Any of the deputies will be able to confirm, based on the minutes, who has been untruthful.

It has also been established that, while it is true that the Commission members were unaware of the text of the notes exchanged with the Bolivian representative, they were however aware of their content and clear and precise object.

POWERS RESERVED EXCLUSIVELY TO THE PRESIDENT OF THE REPUBLIC

Is the Executive Branch authorized to decide when a parliamentary Commission is to be informed of the components of a diplomatic demarche in the period preceding

al ajuste de un tratado internacional?

Sostengo con toda decisión la afirmativa. Y de eso, nada más, se trata en este caso.

Es sabido que los poderes públicos tienen dentro de nuestro régimen constitucional facultades privativas y facultades comunes o compartidas.

Uno de los ejemplos más típicos de atribuciones especiales del Presidente de la República, es la que consagra el N.º 16 del artículo 72 de la Constitución, que dice: "Mantener las relaciones políticas con las potencias extranjeras, recibir sus Agentes, admitir sus Cónsules, conducir las negociaciones, hacer las estipulaciones preliminares, concluir y firmar todos los tratados de paz, de alianza, de tregua, de neutralidad, de comercio, concordatos y otras convenciones. Los tratados, antes de su ratificación, se presentarán a la aprobación del Congreso. Las discusiones y deliberaciones sobre estos objetos serán secretas si el Presidente de la República así lo exigiere".

En consecuencia, corresponde sólo al Presidente de la República conducir las negociaciones, hacer las estipulaciones preliminares y concluir y firmar todos los tratados, de cualquiera naturaleza que sean. Y corresponde al Congreso aprobar o rechazar esos tratados.

Y el artículo 4.º de nuestra Constitución no hace sino que establecer un principio elemental de derecho público al preceptuar que "ninguna magistratura, ninguna persona, ni reunión de personas pueden atribuirse, ni aún a pretexto de circunstancias extraordinarias, otra autoridad o derechos que los que EXPRESAMENTE se les hayan conferido por las leyes. Todo acto en contravención a este artículo es nulo".

Estamos en presencia de un precepto de carácter prohibitivo. Y no sólo no existe ninguna disposición "expresa" de la Constitución que autorice a la H. Cámara de Diputados para desconocer, ni aún a pretexto de circunstancias extraordinarias, las facultades gubernativas que he señalado, sino que existe un precepto "expreso" que las asigna con la calidad de privativas del Presidente de la República.

the adjustment of an international treaty?

My response is in the affirmative. And this whole situation has to do with, and with nothing else, this faculty.

It is common-ground that public powers have exclusive and common or shared faculties under our constitution.

One of the most common examples of the special attributions conferred on the President of the Republic is the one enshrined in Article 72, N° 16, of the Constitution, which reads: ‘to maintain political relations with foreign powers, receive their Agents, admit their Consuls, hold negotiations, make preliminary stipulations, conclude and sign all peace, alliance, truce, neutrality, commerce, treaties, concordats and other conventions are the special attributions of the President of the Republic. Before their ratification, treaties must be subject to Congress approval. Discussions and deliberations on these questions shall remain secret if the President required it’.

As a result, it is the exclusive faculty of the President of the Republic to carry out negotiations, make preliminary stipulations, and conclude and sign treaties, whatever their nature. And the Congress is to either approve or reject these treaties.

And Article 4.º of our Constitution establishes an elemental public law principle by stating that ‘no judiciary entity, person, or group of people can confer upon themselves –not even under extraordinary circumstances– any other faculty or right than those EXCLUSIVELY conferred by the legislation. Any act that runs counter to this article is null’.

We are thus before a prohibitive precept, and there not only isn’t any ‘express’ provision in the Constitution authorizing the Honorable Chamber of Deputies to disown –not even under extraordinary circumstances– the Governmental faculties I have referred to, there also is an ‘express’ precept that confers these faculties to the President of the Republic as exclusive powers.

Prefiero ceder la palabra sobre esta materia al eminente parlamentario, tratadista y Ministro de Relaciones Exteriores don Miguel Cruchaga Tocornal.

El Senado le dirigió un oficio en 1933 trascribiéndole el pedido que habían formulado varios señores Senadores de que se enviara a esa corporación copias de los acuerdos públicos y de los reservados de las conferencias celebradas en Mendoza.

El Ministro señor Cruchaga se negó a enviar esas copias y, entre otras consideraciones, adujo las siguientes:

"Según el número 16 del artículo 72 de nuestra Constitución, es atribución especial del Presidente de la República, "mantener las relaciones políticas con las potencias extranjeras, conducir las negociaciones, hacer las estipulaciones preliminares, etc.". El ejercicio de esta facultad se ha entendido siempre entre nosotros, aún durante los tiempos del régimen parlamentario, que no autorizaba al Congreso para intervenir en las negociaciones **PENDIENTES.** Este es, por lo demás, un principio que no sólo ha consagrado la práctica, sino que difunden los tratadistas; y así puede verse en las obras de los comentadores de nuestra Constitución. La fiscalización parlamentaria **SOLO PUEDE EJERCERSE CON RESPECTO A UNA NEGOCIACION QUE YA HA LLEGADO A SU TERMINO,** y que, por lo tanto,

I should like to give the floor in regard to this matter to the eminent parliamentarian, treatise writer and Minister of Foreign Affairs, Mr. Miguel Cruchaga Tocornal.

In 1933, the Senate sent him a note recording the request formulated by several Senators to the effect that copies of the public and reserved agreements reached in the Mendoza conferences be sent to that organ.

Minister Cruchaga refused to send those copies and among other considerations, he put forward the following:

‘Article 72, N° 16 of our Constitution provides that to maintain political relations with foreign powers, hold negotiations, make preliminary stipulations, etc., are the special attributions of the President of the Republic. We have always understood, even in the times of the parliamentary regime, that this faculty did not authorize the Congress to intervene in PENDING negotiations. Furthermore, this is a principle that has not only materialized in the practice, but which is also promoted by treatise writers, and this can clearly be understood by reading the publications made by the commentators of our Constitution. Parliamentary oversight CAN BE EXERCISED ONLY IN RELATION TO NEGOTIATIONS THAT HAVE COME TO AN END and which, as a result,

NO PODRIA SER PERJUDICADA SI SE DIERAN A LA PUBLICIDAD SUS ANTECEDENTES".

Enviado el asunto en consulta a la Comisión de Constitución, Legislación y Justicia, me correspondió informarlo en compañía de senadores de diversos partidos, señores Nicolás Marambio, Alvaro Santa María, Raúl Puga y Aurelio Meza. Después de recordar el informe las facultades privativas del Presidente de la República, a que me he referido anteriormente, expresa:

"Durante el período de las negociaciones, cuya responsabilidad reside por entero en el Ejecutivo, sin cargo de dar cuenta a ninguna autoridad o persona del giro u orientación que quiera darles, puede el Gobierno, si lo estima conveniente para facilitar el acuerdo o por otra razón cualquiera, mantener al respecto la

CANNOT BE HINDERED IF ITS PRECEDENTS WERE DISCLOSED”.

After this question was forwarded to the Constitution, Legislation and Justice Commission, I was tasked with explaining it accompanied by senators from different political parties, Messrs. Nicolas Marambio, Alvaro Santa Maria, Raul Puga and Aurelio Meza. After recalling the report on the exclusive faculties of the President of the Republic –to which I have referred above– it was stated that:

‘In the course of negotiations, the responsibility for which rests completely on the Executive Branch, without the obligation to inform any authority or person of the changes and orientation that the latter intends to give them, the Government is able to, if it deems it fitting to facilitate the agreement –or for any other reason– keep

reserva más estricta no sólo en relación con la opinión del país, en general, SINO AUN CON LOS DEMAS PODERES DEL ESTADO, QUE NO TIENEN INTERVENCION ALGUNA EN LA GESTACION DE ESOS CONVENIOS.

Una vez que el Ejecutivo haya decidido someter al Congreso el texto convenido, nacerá para él y cualquiera de sus miembros el derecho de ser impuesto en detalle de la negociación e ilustrado acerca de sus últimas consecuencias posibles, y el consiguiente de exigir la exhibición de todos los antecedentes que crea conducentes, pudiendo negarles su aprobación si no considera debidamente esclarecida la materia por falta de los necesarios elementos de estudio".

Como síntesis de sus observaciones, la Comisión propuso el siguiente proyecto de acuerdo: "El Senado declara que su carencia de facultades fiscalizadoras no obsta a que tenga derecho a conocer la documentación sobre los negocios del Estado solicitando los antecedentes del ca-

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the strictest reserve not only in relation to the public opinion of the country in general, but EVEN IN REGARD TO THE OTHER STATE POWERS, WHICH DO NOT HAVE A VOICE IN THE DEALINGS CONCERNING SUCH COVENANTS’.

Once the Executive Branch has decided to submit to the Congress the text agreed to, the Congress and any of its Members is conferred the right to be informed in detail of the negotiation and of its ultimate possible consequences, as well as the resulting right to demand that any precedent they deem necessary to revise it be brought to their notice, and they will be able to refuse their approval if they do not consider that the matter has been dully clarified owing to a lack of necessary elements to assess it’.

Summarizing its conclusions, the Commission proposed the following agreement draft: ‘The Senate hereby declares that its lack of oversight faculties does not eliminate its right to be informed of the documentation concerning State affairs by requesting for the precedents

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57, para el ejercicio de sus diversas funciones constitucionales, SIEMPRE QUE AL OBRAR ASI NO INVADA ATRIBUCIONES ESPECIALES DEL PRESIDENTE DE LA REPUBLICA, COMO SON LAS DE NEGOCIAR LOS TRATADOS, CONCLUIRLOS Y FIRMARLOS".

Durante el debate a que dió lugar el asunto, dijo:

"En ningún país del mundo se publican los detalles de un tratado mientras esté en su periodo de gestación".

El H. Senado aprobó, con muy pocos votos en contra el informe de la Comisión.

Hoy sostengo como Ministro lo mismo que sostuve hace 17 años como miembro informante de una Comisión del Senado; lo mismo que mantuve en otras ocasiones, tanto cuando mi partido formó parte del Gobierno como cuando estaba en la oposición.

De lo expuesto resulta que yo tenía el más perfecto derecho para no llevar a la Comisión de Relaciones de la Cámara las notas confidenciales cambiadas con la Embajada de Bolivia y que envié a la misma Comisión el 30 del mes pasado e hice publicar en la prensa del día siguiente.

Se ha dicho en algunos diarios, en transmisiones radiales y hasta por parlamentarios, que yo habría negado en las Comisiones del H. Senado o de la H. Cámara la existencia de las notas aludidas. Esta afirmación es absolutamente falsa y me remito para desmentirla a las actas y versiones taquigráficas correspondientes.

of the case to exercise its diverse constitutional functions, PROVIDED THAT, BY DOING SO, IT DOES NOT INVADE THE EXCLUSIVE ATTRIBUTIONS CONFERRED ON THE PRESIDENT OF THE REPUBLIC, SUCH AS THE ONES RELATED TO NEGOTIATING, CONCLUDING AND SIGNING TREATIES’.

During the debate it was further stated that:

‘The details surrounding treaties, while these are in their gestation period, are not published in any country of the world’.

The Honorable Senate adopted, with very few votes against, the Commission’s report.

Today, acting as Minister, I uphold what I had upheld seventeen years ago as a reporting member of a Senate Commission, which is the same assertion I upheld on other occasions, both when my party integrated the Government as when it was part of the opposition.

From what I have just explained it follows that I had the right to not take to the Foreign Affairs Commission of the Chamber the confidential notes exchanged with the Bolivian Embassy, which I sent to that very Commission on the 30th of the past month and had published by the press the day after.

It has been said in some newspapers, in radio transmissions and even by some parliamentarians that I denied the existence of these notes before the Commissions of the Honorable Senate and of the Chamber. This assertion is absolutely false and to refute it I hereby invite them to read the minutes and their stenographic versions concerning these notes.

Las notas no contienen en sustancia nada que yo no haya expresado en mis declaraciones a la prensa o, especialmente, en las informaciones que di ante las Comisiones de ambas Cámaras en las que quedó establecido, como dije anteriormente, que se trataba de abrir una negociación con Bolivia sobre su aspiración portuaria con compensaciones que consultaran efectivamente los intereses de nuestro país.

Siendo así, ¿qué inconveniente podía haber tenido yo, aunque no estuviera obligado a hacerlo, para dar a conocer a la Comisión, a la que en mis breves relaciones con ella he guardado la mayor deferencia, documentos que no contenían prácticamente nada de nuevo?

Existía un sólo y grave impedimento para todo hombre de honor: existía un compromiso entre las Cancillerías de Chile y Bolivia de no dar a conocer esas notas hasta que ambas se pusieran de acuerdo para hacerlo simultáneamente, en la fecha que se fijara.

En vísperas del viaje que hizo a su país el Excmo. señor Embajador de Bolivia en Chile, se cercó en dar a la publicidad las notas el día 31 del mes pasado, o sea, cuando dicho diplomático se encontrara ya en La Paz.

Tratándose de una publicación que debía hacerse de común acuerdo, alguna influencia habría podido ejercer yo para procurar postergar aquella, toda vez que conocía la reacción que en algunos personeros de la oposición ha-

In the substance, the notes contain nothing different from what I stated before the press or, particularly, in the information I provided to both Chambers' Commissions, wherein it had been placed on record, as I said above, that the intention was to open a negotiation with Bolivia concerning its port aspiration with compensations that effectively take into account our country's interests.

Given that this was the case, what inconvenient could I have had, even if I was under no obligation to do so, to inform the Commission, in the brief contacts I keep with it, of documents which contained practically nothing new, preserving the utmost deference?

There was only one severe impediment which any honorable man would have experienced: the Foreign Ministries of Chile and Bolivia had agreed not to publish the notes until they both agreed to do so simultaneously, on a date they would fix.

On the eve of the trip the Bolivian Ambassador to Chile made to his country of origin, an agreement was reached to publish the notes on the 31st of the past month, namely, when that diplomat would already be in La Paz.

Since their publication had to be carried out by common agreement, I could have exerted some influence to try to delay it, inasmuch as I was well aware of the reaction that my public statements had caused in some representatives of the opposition

bían producido mis declaraciones públicas y comprendía la forma en que ciertos órganos de publicidad podían explotar el asunto, con motivo de la elección del Senador por Santiago.

Pero, no pasó por mi mente la idea de utilizar mi puesto de Ministro en provecho de intereses políticos, porque no considero lícito que estos últimos interfieran las cuestiones internacionales.

La víspera del día fijado para la publicación de las notas, me pareció que era un acto de deferencia, antes de entregarlas a la prensa, enviarlas a la Comisión de Relaciones Exteriores del H. Senado y de la H. Cámara de Diputados, que habían demostrado especial interés en el asunto, y así lo hice.

Aun más: no quise que las notas se publicaran en la mañana del día 31, para dar tiempo a dichas comisiones, si así lo deseaban a imponerse de ellas antes que el público, como efectivamente lo hizo la Comisión del H. Senado. De ahí es que apareciera la publicación en la tarde de ese día.

Se ha dicho en algún diario y en audiciones radiales que el señor Embajador de Bolivia se habría anticipado a publicar las notas antes de la oportunidad convenida.

Ese cargo es absolutamente infundado y arbitrario. El Excmo. señor Ostria Gutiérrez y su Cancillería se ajustaron estrictamente al compromiso contraído. Critíquese como se quiera el procedimiento que a mí me pareció conveniente seguir; pero no hay el derecho de hacer imputaciones antojadizas a un diplomático que obró con la corrección y la caballería que han caracterizado el desempeño de su misión en Chile y que no están reñidas, por cierto, con el celo con que sirve, como es su deber, los intereses de su país.

parties and I understood the way in which certain media would try to take advantage of this situation linking it with the elections concerning the Senator for Santiago. But the idea never crossed my mind that I could use my position as Minister to gain benefit for political interests, because I do not believe it appropriate that these sorts of interests should interfere in international affairs.

On the eve of the day fixed for the publication of the notes, I thought it would be an act of deference to send them to the Foreign Affairs Commission of the Senate and to that of the Chamber of Deputies –which had shown interest in this matter– before handing them over to the press, and that is exactly what I did.

What's more, I did not want the notes to be published in the morning of the 31st in order to give the Commissions time to, if they thought it fitting, read them before the public did, which is what the Commission of the Honorable Senate did. That is why the publication was made in the afternoon of that day.

Some newspapers and radio stations have asserted that the Bolivian ambassador had published the notes before the time agreed to.

This is yet another unfounded and arbitrary accusation. His Excellency, Mr. Ostria Gutierrez and his Foreign Ministry abided entirely by the commitment assumed. The procedure I thought appropriate to follow can be criticized in any way wished, but there is no right to make artificial accusations against a diplomat who acted with the correctness and nobility that have characterized him in fulfilling his mission in Chile and that, by the way, with the diligence due –as it is his duty– do not oppose to his country's interests.

El Honorable señor Undurraga expresó ante la H. Cámara que si no fuera por el señor Ostria Gutiérrez los señores diputados estarían ignorantes acerca de las notas a que me he referido.

Olvidó lastimosamente el señor diputado que el día antes de la fecha fijada para la publicación de esos documentos yo los remité a las Comisiones de Relaciones Exteriores de ambas Cámaras, de modo que era forzoso que ellos llegaran al conocimiento de los parlamentarios.

Su observación importa, además, atribuirme una torpeza extrema, que sale de lo común, ya que presupone que, sabiendo yo que la Cancillería boliviana iba a publicar las notas y que, por lo tanto, iban a ser conocidas en Chile, yo iba a exponerme, sin objeto alguno, a severas críticas por seguir manteniendo una reserva inútil e inexplicable.

Comprendo, señor Presidente, que he dado una importancia excesiva a los cargos sobre procedimiento que se me han hecho dentro y fuera de esta Cámara. Comprendo que para las personas que me conocen y juzgan sin pasión mi modesta pero larga e intensa actuación pública, las detalladas refutaciones que he hecho son innecesarias y hasta fatigosas. Pero, cuando uno palpa el ambiente político en que estamos viviendo; cuando se escuchan hora tras hora audiciones radiales que van destilando veneno y adulterando todas las intenciones sanas, estén o no equivocadas; cuando uno lee diarios que falsifican sin pudor y con inquina las informaciones para procurar hundir a un hombre, no es posible limitarse a negativas de carácter general.

Al pedir excusas a la H. Cámara

Honorable Mr. Undurraga stated before the Honorable Chamber that if it had not been by Mr. Ostria Gutierrez the Deputies would still ignore the notes in question.

Unfortunately, that Deputy forgot that the fact I had sent these documents to the Foreign Affairs Commissions of both Chambers the day before the date fixed for their publication so it would have been impossible that the Deputies were unaware of them.

This assertion, furthermore, ascribes extreme and awkward ineptitude to me, for it suggests that, aware of the fact that the Bolivian Foreign Ministry would publish the notes and that, as a result, they would become known in Chile, I had sought to expose myself, with no reason whatsoever, to severe criticism for having kept a useless and unexplainable reserve.

Mr. President, I am aware that I have given exaggerated importance to the accusations made in relation to this matter against me inside and outside this Chamber. I am aware that to those who know of and judge without passion my lengthy and intense public actions, the refutations I have made are unnecessary and even tiresome. But, when one analyses the political atmosphere we are experiencing, when one hears time after time the radio transmissions that have released their poison and have corrupted our healthy intentions –regardless of whether they are right or wrong, when one reads newspapers that shamelessly alter the information with animosity to try bring down a single man, it is simply not possible to restrict oneself to general refusals.

At the same time as I must apologize to the

por extenderme en asunto de forma, que merecieron preferencia en los debates sobre la cuestión internacional, deseo hacer breves observaciones más de igual índole antes de ocuparme en aspectos de interés general.

He señalado el motivo que me impidió llevar a la Comisión notas que no alteraban la situación conocida.

Ahora voy a dar con franqueza una razón más.

Aún en el supuesto de que yo no tuviera la noción que tengo sobre el cumplimiento de la palabra empeñada; aún en la hipótesis de que los compromisos con un Gobierno extranjero no rezaran en las relaciones con los parlamentarios, ¿podría yo haber procedido de otra manera de cómo obré cuando me consta que no existe el sígilo de lo que ocurre en las sesiones secretas? ¿No lei acaso publicado en la prensa un diálogo que sostuve en la Comisión con un señor Diputado, aunque desfigurado? ¿No hemos leído todas versiones de lo que se dice en esa clase de sesiones? ¿No me he visto yo mismo obligado a rectificar algunas de esas versiones?

No necesito abundar en este tema, porque varios señores diputados han reconocido lo que estoy diciendo.

Poco tiempo antes de la publicación de las bulladas notas el Excmo. señor Presidente de Bolivia hizo, en su Mensaje ante el Congreso de su país, una minuciosa relación de antecedentes de la política boliviana acerca de la cuestión portuaria y de los tratos con nuestro Gobierno, y no dijo una palabra sobre las comunicaciones que se habían cambiado entre ambas Cancillerías, guardando así la reserva temporal convenida.

¿Habría deseado alguno de los señores diputados que me escuchan que el Canciller chileno hubiera ofrecido ante el exterior, como contraste a esa actitud del mandatario boliviano el triste espectáculo de faltar a la palabra empeñada?

Por mi parte, rechazo esa posibilidad, con la convicción plena de haber guardado el decoro y la seriedad de mi país y del puesto que desempeño.

for having taken so long in addressing a matter of form, I also wish to make some brief similar observations before turning to aspects of general interest.

I have pointed to the reason why I was unable to take to the Commission notes which did not alter at all a well-known situation.

I will now frankly give you one more reason.

Even supposing that I did not have the view I have in relation to the word pledged; even supposing that the commitments assumed with a foreign Government have no relation with parliamentary commitments, could I have acted in a different way being aware that no secrecy is kept within secret sessions? Did I not read in the press the transcription –though distorted– of a dialogue I had held with a Deputy in the Chamber? Have we not read versions of what is said in these sessions? Have I myself not been compelled to rectify some of these reports?

I need not to delve into this matter, because many deputies have themselves acceded to what I am saying.

Soon after the publication of the controversial notes, His Excellency the President of Bolivia gave a detailed explanation before the Congress of his country of the precedents of the policy followed by Bolivia in relation to the port question and the dealings with our Government and he did not say a single word about the communications that had been exchanged between both Foreign Ministries and thus kept the temporal reserve that had been agreed to.

Would any of the Deputies have wanted me to disown the world pledged before the world in marked contrast with the attitude of the Bolivian Head of State?

For my part, I reject that possibility and I have the firm belief that I preserved the decorum and solemnity of my country and of the functions I discharge.

NUEVAS RECTIFICACIONES

El H. señor Merino afirmó en su discurso que el Ministro que habla NI SIQUIERA MENCIONO en la Comisión de Relaciones Exteriores la conversación celebrada por el Excmo. señor González Videla y el Presidente Truman.

Me ha extrañado esta aseveración en un diputado de las características del señor Lira, ya que él concurrió a las reuniones de dicha Comisión, y consta de la primera de las actas de ella que no sólo mencioné la entrevista aludida sino que expliqué también en qué consistió.

El H. señor Bulnes entregó a la publicidad el texto de un discurso que contiene conceptos injuriosos contra Bolivia, los que no puedo dejar pasar sin una formal protesta.

Se trata de una nación amiga y hermana con la cual nuestro país mantiene muy cordiales relaciones, y no comprendo el propósito que se persiga al procurar perturbarlas mediante expresiones que no se avienen con las responsabilidades que gravitan sobre un parlamentario.

El Excmo. señor Urriolagoitia fué elegido Presidente en una elección popular y ha sabido defender la estabilidad de las instituciones de su país contra los elementos totalitarios como los comunistas y otros, que han pretendido en varias ocasiones alterar el orden público para implantar formas de gobierno que nuestro país repudia.

TESIS TRADICIONAL DE CHILE ANTE EL PROBLEMA BOLIVIANO

Nuestra Cancillería ha sostenido siempre y mantiene ahora el principio de Derecho Internacional de la no revisión de los tratados.

Consecuente con esa norma, se opuso con energía a las tentativas que realizó Bolivia en Conferencias Internacionales para revisar el Tratado de 1904, que puso término a las dificultades nacidas de la guerra del 79.

En la nota que dirigí al señor Embajador de Bolivia con fecha 20 de junio último, se recuerda esa misma línea de conducta.

La sostuvieron con brío nues-

NEW RECTIFICATIONS

Honorable Mr. Merino affirmed in his address this the Minister DID NOT EVEN MENTION in the Foreign Affairs Commission the conversations held between His Excellency Mr. Gonzalez Videla and President Truman.

I was struck by this assertion made by a Deputy of the characteristics of Mr. Lira, inasmuch as he himself attended the meetings of that Commission and the first of the minutes drafted therein record that I not only mentioned the said meeting but also explained it.

Honorable Mr. Bulnes handed to the media a speech that contains offensive concepts in regard to Bolivia and I cannot overlook them without raising a formal protest.

Bolivia is a friendly and sister nation with which our country keeps very cordial relations and I do not see the purpose sought in trying to disturb these relations with statements that are inconsistent with the responsibilities incumbent upon any parliamentarian.

His Excellency, Mr. Urriolagoitia was elected President in a popular election and has sought to defend the stability of his country's institutions against totalitarian elements –as communism and others– that have intended on many occasions to alter the public order to impose government forms that our country rejects.

CHILE'S TRADITIONAL THESIS IN REGARD TO THE BOLIVIAN PROBLEM

Our Foreign Ministry has always upheld and maintains to the present the international law principle that treaties cannot be revised.

Consistently with that rule, our Foreign Ministry opposed energetically to Bolivia's appeals to International Conferences to revise the 1904 Treaty –which put an end to the differences resulting from the war of 1879.

In the note I addressed to Mr. Ambassador of Bolivia dated last 20 June, the same line of conduct is recalled.

Our delegates magnificently upheld this thesis before

tros delegados a la Conferencia de la Sociedad de las Naciones. Junto con oponerse a una revisión del Tratado con sólidas razones jurídicas y de todo orden, declararon por boca del eminente servidor de nuestra política exterior, don Agustín Edwards, en 1921:

"Bolivia puede buscar satisfacción en negociaciones directas libremente consentidas. Chile no le ha cerrado jamás esa puerta a Bolivia y estoy en situación de declarar que nada nos será más agradable que contemplar directamente con ella los mejores medios para ayudar a su desarrollo. Lo que Chile quiere es su amistad; nuestro ardiente deseo es que sea feliz y próspera. Es también nuestro interés, puesto que es nuestra vecina y su prosperidad se reflejará sobre la nuestra".

Ahí quedó fijada una línea política de nuestra Cancillería, confirmada posteriormente por diversos Gobiernos.

Así lo comprueban las declaraciones, que no necesito leer por ser muy conocidas, del Presidente Alessandri en su Mensaje al Congreso de 1922 y de los Ministros de Relaciones Exteriores don Luis Izquierdo y don Jorge Matte. Este último puntualizó que "el Gobierno de Chile no ha rechazado la idea de conceder una faja de territorio y un puerto a la nación boliviana" y aceptó considerar en principio la proposición.

Se ha dicho por varios señores diputados y en un editorial de un diario serio de oposición, que las declaraciones del Gobierno de Chile de que se trata son todas anteriores a la celebración del tratado con el Perú de 1929.

Esa afirmación es inexacta. Sin ir más lejos, el Ministro de Relaciones Exteriores, don Germán Riesco, al referirse a una declaración del Presidente Perón, favorable a la aspiración boliviana, repitió en la prensa el 1.º de enero del año pasado:

"Las cordiales relaciones chileno-bolivianas Y EL HECHO DE QUE CHILE NUNCA SE HAYA NEGADO A DISCUTIR DIRECTAMENTE CON BOLIVIA LO RELATIVO A SU MEDITERRANEIDAD, hacen innecesaria y aun perjudicial la intervención de agentes oficiosos".

the League of Nations Conference. Together with opposing to revising the Treaty with solid legal, and of all kinds, arguments they declared, through our eminent foreign affairs official, Mr. Augustin Edwards, in 1921 that:

“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 please us more 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 neighbor and its prosperity will reflect on ours”.

With this statement, a political guideline of our Foreign Ministry was established and would then be confirmed by different Governments.

This is evidenced by the statements –which I need not to read because everyone is aware of them– made by President Alessandri in his address to the Congress in 1922 and by Ministers of Foreign Affairs Luis Izquierdo and Jorge Matte. The latter, for instance, stated, ‘the Government of Chile has not rejected the idea of granting a strip of territory and a port to the Bolivian nation’ and agreed to consider the proposal in principle.

Many Deputies and an opposition newspaper editorial have stated that statements made by the Government of Chile on this matter precede the conclusion of the Treaty of 1929 with Peru.

This assertion is inaccurate. As a case in point, the Minister of Foreign Affairs, Mr. German Riesco, referring to a statement President Peron delivered in favorable terms in regard to Bolivia’s aspiration, reiterated to the press on 1 January last year that:

‘The cordial Chilean-Bolivian relations AND THE FACT THAT CHILE HAS NEVER REFUSED TO DISCUSS DIRECTLY WITH BOLIVIA THE ISSUE CONCERNING ITS LANDLOCKED CONDITION make the intervention of unofficial agents unnecessary and even detrimental’.

O sea, mantuvo el señor Riesco el concepto de que Chile no se opone a oír a Bolivia, en negociación directa, tal como se había declarado en la Liga de las Naciones y en ocasiones anteriores.

La nota que dirigí al señor Embajador de Bolivia en junio último es, en consecuencia, la simple aplicación de la tesis tradicional de la Cancillería chilena.

No he sido, pues, un inventor ni un iniciador de una política. Me he limitado a aplicarla con honradez y franqueza, tal como corresponde a la seriedad de los actos de la Cancillería chilena.

¿Alguién podría pretender que las declaraciones reiteradas de nuestro Gobierno en el sentido de que Chile estaba llamo a oír proposiciones de Bolivia sobre su aspiración portuaria, estaban buenas para el papel, pero que llegando al terreno de la práctica debíamos decir a ese país: "Nos negamos terminantemente a escuchar esas proposiciones?"

Por mi parte, por el prestigio del país, rechazo con decisión tal posibilidad.

¿Y cómo se oye en la vida diplomática a un país? Ventilando el asunto abriendo conversaciones sobre él, y no otra cosa significa la palabra negociación. Y es usual acordar abrir ésta por medio de un cambio de memorándum o notas. Es lo que se ha hecho en este caso.

En tales conversaciones se estudia el problema en todos sus aspectos, los puntos de vista de ambas partes y las compensaciones a que haya lugar.

Podrían no convenirle a Chile las compensaciones que se le ofrecen, como nos ha ocurrido con otros países; pero había una cosa que no se podía hacer: faltar a las reiteradas promesas de oír a Bolivia que venía solicitando eso en cuestión directa y amistosa desde varios años como consta de los archivos de la Cancillería.

No se trata de un asunto nuevo. Se trata de un asunto que se viene arrastrando desde hace tiempo y que Chile no puede ni debe rehuir con simples recursos dilatorios. No podemos dar a una nación

Better said, Mr. Riesco upheld the concept that Chile does not oppose to hearing Bolivia in direct negotiations, just as it had been declared before the League of Nations and on preceding opportunities.

The note I sent to the Bolivian Ambassador past June is, as a result, but an application of the traditional thesis followed by the Chilean Foreign Ministry.

Thus, I have neither invented nor pushed forward this policy. I have simply applied it with honesty and frankness, as befits the solemnity of the acts carried out by the Chilean Foreign Ministry. Could anyone have intended that our Government's repeated statements to the effect that Chile was willing to hear Bolivia's propositions concerning its port aspiration were good for the paper only but that once in the field of the practice we ought to have told Bolivia that 'we refuse categorically to hearing your proposals?'

For my part, owing to our country's prestige, I categorically reject that possibility.

And, how is a country heard in the diplomatic sphere? By discussing the matter and launching conversations on it. The word negotiation means no more than that, and it is common practice to begin negotiations by means of an exchange of memoranda or notes –as happened in the present case.

The problem, in all its aspects, is being studied in these conversations, together with both parties' viewpoints and the compensations that might be agreed upon.

The compensations offered might not be convenient for Chile, as was the case with other countries, but there was one thing that could not have been done: to break the reiterated promises made to the effect of hearing Bolivia, which had been requesting a direct and friendly demarche for many years, and this is evidenced in the archives of the Foreign Ministry.

This is not a new matter, but one that has been dragged along for a long time and which Chile cannot and must not avoid with mere dilatory resources. We cannot give a nation, or the whole

hermana ni a la América la impresión de que lo que prometemos públicamente y reiteradamente no estamos dispuestos a aplicarlo en la práctica. Tal procedimiento no se avendría con nuestro sólido prestigio de nación ni con la claridad, franqueza y lealtad con que debemos abordar los asuntos internacionales. Por mi parte, no me presta para apartarme de estas normas.

El H. señor Búlnes manifestó que las negociaciones "podrían haberse referido a declarar Arica puerto libre, o a conceder a Bolivia determinados derechos o a cualquiera otra materia análoga; pero no forzosamente a concederle como se proyecta ahora una salida propia al Océano Pacífico". Ahí es tribaría el cambio substancial en la política del Gobierno.

Pero ya hemos visto anteriormente que las declaraciones reiteradas del Gobierno de Chile se refirieron precisa y determinadamente a una salida propia al Océano Pacífico, que fué el objeto de la demanda boliviana en los congresos internacionales y el de sus constantes gestiones directas ante nuestra Cancillería.

¿A qué viene entonces el cargo y el argumento basado en que podríamos cambiar ahora de conversación para hablar de otras materias? ¿Puede fundamentarse en esta clase de observaciones la afirmación de que se ha producido ahora "un cambio sustancial" en la política gubernativa?

Repito por última vez: no ha habido tal cambio de política: ha habido sólo una aplicación sincera, franca y honrada de ella sin temor a los ataques que esta actitud pudiera producir, por cualquier motivo.

Por no fatigar a la H. Cámara, no voy a seguir al H. señor Búlnes en sus observaciones sobre un proyecto de regadío de que hablaba, según el cual sería necesario construir una cañería más larga que tres cuartas partes de la longitud de Chile. Lo que habría sido de interés para la H. Cámara era saber si nuestro Gobierno ha prohibido alguna vez ese proyecto, por que de otra manera no veo que venga al caso.

of America, the impression that we are not willing to implement in the practice what we publicly and repeatedly promised. Such a conduct would oppose to our solid prestige as a nation and would run counter to the clarity, frankness and loyalty with which we must address international affairs. For my part, I refuse to disown these rules.

Honorable Mr. Bulnes has stated that the negotiations ‘might have related to declaring Arica a free port, granting Bolivia certain rights or any other related issue, but not to give it an own access to the Pacific Ocean by force, as is now being projected’. This would allegedly have entailed a substantial change in the Government’s policy.

However, as we have seen before the reiterated the statements made by the Government of Chile referred precisely and determinately to an own outlet to the Pacific Ocean, which was the object of Bolivia’s claim before international Congresses and of constant direct demarches vis-à-vis the Chilean Foreign Ministry.

What then is the intention behind the accusation and argument that we could now change the conversation to discuss other matters? Can the assertion that a “substantial change” has been produced in the Government’s policies be founded in these considerations?

Allow me to repeat it once more, no changes have been produced in our foreign policy [in relation to Bolivia]: there has only been a sincere, frank and honest application of that policy, without any fear for the attacks that might result from this attitude, whatever their motives.

So as not to tire the Honorable Chamber, I will not continue addressing Honorable Mr. Bulnes’ observations on the irrigation project of which he spoke and according to which it would be necessary to lay a pipeline of three quarters the extent of Chile’s territory. What would have actually been in the interest of the Honorable Chamber was to know whether our Government had ever adopted such project, because I otherwise see no point in mentioning it.

Tampoco me defenderé en examinar la teoría del mismo señor diputado en el sentido de que "si el norte se convirtiera en un vergel cambiaría totalmente el régimen climático de la región, provocándose lluvias que nos harían perder nuestra riqueza salitrera. Esta teoría es contraria a los principios científicos. Aún en el supuesto de que se plantaran bosques, no por eso se originarían lluvias. Es el Mar y no los bosques lo que origina éstas, según lo ha demostrado la experiencia de diversos países.

En todo caso es prematuro hablar de proyectos, sean sobre aprovechamiento de energía eléctrica para levantar aguas subterráneas y mover industrias o de otros, porque se ha acordado únicamente entablar conversaciones con Bolivia y no se ha recibido proposición alguna que haga procedente el planteamiento de las compensaciones que aceptaría Chile.

Hay otros aspectos interesantes que justifican la actitud de nuestra Cancillería, motivo de este debate, pero estimo que sólo pueden ser tratados en sesión secreta.

Al terminar mis observaciones, Sr. Presidente invito a todos los señores diputados a que elevemos la consideración de nuestros problemas internacionales a un plano de seriedad, en el que puedan sumarse las inteligencias y los esfuerzos de los hombres dirigente de todos los sectores en busca de una orientación nacional. Relequemos nuestras discrepancias políticas al campo que les es propio. No nos dividamos por partidos en la resolución de nuestros asuntos externos, porque haremos un daño que pueda ser irreparable para los destinos de la República.

Y al resolver esos problemas, no miremos tan sólo a situaciones de la hora en que vivimos, sino que además, procuremos auscultar unidos las proyecciones futuras que puedan derivarse de nuestra acción diplomática.

Inspirémonos en un sentido de verdadera confraternidad americana, buscando no la política de grupos de países ni el aislamiento en la vida del Continente sino una amplia unión de todos los Estados que lo forman para que, debidamente cohesionados, puedan aportar una ayuda efectiva a la defensa de la civilización cristiana amenazada.

I will neither stop to examine this Deputy's theory that 'if the northern region were turned into a farming land, the climate in that region would change completely, causing rains that would result in the loss of our saltpeter wealth'. This theory contradicts scientific principles. Even supposing that forests are planted, that would not result rains. It is the sea, and not forests, that causes rains –as the experience of several countries has demonstrated.

In any case, it is too early to talk about projects on utilization of electrical energy to collect ground water and foster industry or others, because we have only agreed to enter into conversations with Bolivia and no proposal authorizing a consideration on compensations that Chile would accept has been received yet.

There are other aspects of relevance that justify our Foreign Ministry's attitude –which has caused this debate– but I believe these can be discussed in a secret session.

To conclude my observations, I hereby invite the Deputies to take the consideration of our international affairs to a field of solemnity, wherein the intelligence and efforts of the men who represent all sectors can be brought together in pursuit of a national orientation. Let's restrict our political discrepancies to the field where they belong. Let us not divide ourselves by political parties in solving our foreign affairs because we might cause irreparable harm to the fate of the Republic.

And when resolving our problems, let us not look only at the actions carried out in the present, but also look into future projections that could derive from our diplomatic actions together.

Let us be encouraged by an ideal of true American brotherhood, seeking, not the politics followed by other countries or isolation within the Continent, but a broad union of all States that integrate this continent in order for them to, once they are dully united, contribute effectively to defending the Christian civilization that is now being threatened.

Annex 277

“Ambassador Ostria spoke of the Chilean-Bolivian port problem in La Paz”, *El Diario Ilustrado* (Chile),
6 January 1951

(Original in Spanish, English translation)

El Diario Ilustrado Newspaper (Chile)

SOBRE EL PROBLEMA PORTUARIO CHILENO-BOLIVIANO HABLO EN LA PAZ EL EMBAJADOR OSTRIA

Fueron expuestas las posiciones de los dos países. Al mismo tiempo, se abrió la etapa inicial hacia una solución. Entrevista concedida a la United Press y a la prensa de La Paz

LA PAZ 5. (UP). — Entrevistado por la United Press y los diarios locales, el Embajador de Bolivia en Chile, señor Alberto Ostria Gutiérrez, recordó que en junio, Chile y Bolivia cambiaron notas sobre la cuestión portuaria y que Bolivia propuso realizar negociaciones directas para obtener una salida al mar, sobre bases que consultarán recíprocas conveniencias.

Chile ha contestado que el Gobierno está listo a entrar formalmente en una negociación directa destinada a buscar una fórmula para hacer posible dar a Bolivia una salida al mar, y, a Chile, obtener compensaciones que no tengan el carácter de territoriales.

El señor Ostria Gutiérrez dijo: "Quedó así planteado lealmente por Bolivia su problema portuario y reconocido este por Chile, abriéndose una etapa inicial de gran trascendencia y excluyéndose cualquier compensación territorial de parte de Bolivia, que ha llegado al maximum de su sacrificio con la pérdida de su litoral como consecuencia de la guerra del Pacifico".

El señor Ostria Gutiérrez agregó: "Después del cambio de notas ha seguido un campés de espera, lo cual no significa una paralización de las negociaciones, por que se han continuado cambiando ideas con el Gobierno de Chile, el cual mantiene una favorable disposición, expresada oficialmente en la nota de junio de 1950.

"Como es lógico, las negocia-

ciones internacionales requieren tiempo; necesitan vencer las etapas sucesivas, antes de llegar a su terminación. Es el caso del problema portuario boliviano".

"Luego, desmintió la versión de que Bolivia entregaría las aguas del lago Titicaca a cambio de una zona portuaria, y dijo: "Esto no pasa de ser una mera fantasía".

Declaró que Chile había comprobado la existencia de corriente de agua subterránea en la pampa del Tamarugal y que se habían descubierto emanaciones de vapor de agua en el cerro Tatío, cerca de San Pedro, en el ferrocarril de Antofagasta a Bolivia, con las cuales se podía dar energía eléctrica al Norte de Chile y a algunas zonas de Bolivia. "Además, no habría podido comprometer las aguas del Titicaca sin un previo acuerdo con el Perú, el cual ejerce el dominio del gran lago".

El señor Ostria Gutiérrez informó que "últimamente había obtenido la supresión del llamado 'impuesto a la cifra de negocios' que desde 1933 pesaba sobre las personas y mercaderías, e incluido en el tratado de 1904 y en las convenciones de 1912 y 1937. "El Presidente señor González Videla y el Ministro de Relaciones Exteriores, Horacio Walker Larraín, me anunciaron la solución del asunto favorable a la tesis boliviana; esto significaba liberar el comercio boliviano del pago aproximado de cincuenta millones de pesos chilenos".

Informó que un convenio permitía a los chilenos viajar por Bolivia con simples salvoconductos y que ahora se estudia igual derecho a los bolivianos para visitar Chile, derecho del cual se aplicaba sólo a la zona Chica.

El señor Ostria Gutiérrez informó que Chile venía superando con éxito las bases económicas a base de orden y sacrificios para los contribuyentes. "La multi-

plicación de las industrias, el desarrollo de la agricultura, las grandes usinas eléctricas, la reciente planta de acero de Huachipato, transforman aceleradamente la economía chilena".

Referente a la política interna de Bolivia, el señor Ostria Gutiérrez manifestó: "Es urgente que se impongan en Bolivia tres cosas fundamentales: primero, la cesación de las conspiraciones que permitan al Gobierno dar amnistía general; segundo, que las elecciones generales sean completamente libres; y tercero, que se respete el resultado de las elecciones".

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**AMBASSADOR OSTRIA SPOKE OF THE CHILEAN-
BOLIVIAN PORT PROBLEM IN LA PAZ**

Both countries' positions have been explained. Simultaneously, the initial stage towards a solution was opened. Interview given to United Press and the press of La Paz.

La Paz, 5. (UP) —Interviewed by the United Press and local newspapers, the Bolivian Ambassador in Chile, Mr. Alberto Ostria Gutierrez recalled that in June, Chile and Bolivia exchanged Notes on the port question and that Bolivia proposed to hold direct negotiations to obtain an outlet to the sea, on bases that take into account reciprocal advantages.

Chile has replied that the Government is willing to formally enter into a direct negotiation aimed at searching for a formula that could make it possible to give Bolivia an access to the sea, and for Chile to obtain compensation of a non-territorial character.

Mr. Ostria Gutierrez stated, "In this way, the Bolivian port problem was faithfully formulated and recognized by Chile, opening an initial stage of great transcendence and excluding territorial compensations by Bolivia, which had reached the maximum of sacrifices by losing its coastal territory as a consequence of the war of the Pacific".

Mr. Ostria Gutierrez added, "A brief break followed the exchange of Notes, but this does not mean that negotiations have been interrupted, inasmuch as ideas are still being exchanged with the Chilean Government, which retains a favorable position that has been officially expressed in the note of June 1950.

"As it is only logical, international negotiations

require time: they must overcome successive stages before reaching their closing stages. That is the case of the Bolivian port problem". He then refuted the allegation that Bolivia would give in the waters of Lake Titicaca in return for a port area and said, "This is nothing but a mere fantasy".

He declared that Chile had confirmed the presence of groundwater flows in Tamarugal prairie and that rising vents of steam had been discovered in Patio hill, close to San Pedro, in the Antofagasta-Bolivia railroad, with which electric power could be supplied to the north of Chile and some Bolivian regions. "Besides, the waters of Lake Titicaca could not have been compromised without Peru's prior consent, which shares sovereignty over that lake".

Mr. Ostria Gutierrez informed that the so-called "tax on turn over", which had been charged on people and goods since 1938, under the 1904 Treaty and the Covenants of 1912 and 1937, has recently been eliminated. "The President, Mr. Gonzalez Videla and Minister of Foreign Affairs Horacio Walker Larrain told me of the favorable solution reached for the Bolivian thesis; that is, to free the Bolivian trade from the payment of five million Chilean pesos".

He informed that a covenant entered into allowed Chileans to travel to Bolivia under simple safeguards and that what had to be examined was the right for Bolivians to visit Chile, which was applied only in zona Chica.

Mr. Ostria Gutierrez informed that Chile had successfully overcome the financial basis on grounds

of order and sacrifices for the taxpayers.

"The growth of industry, development of agriculture, important electric powerhouses, the recently created steel plant of Huachipato, are rapidly transforming the Chilean economy".

In regard to the international policy followed vis-à-vis Bolivia, Mr. Ostria Gutierrez stated, "it is essential that three things be borne in mind in Bolivia: first, cessation of conspiracies to allow the Government to give general amnesty, second, that general elections be completely free; and third, that the election results be respected".

