INTERNATIONAL COURT OF JUSTICE

OBLIGATION TO NEGOTIATE ACCESS TO THE PACIFIC OCEAN

(BOLIVIA v. CHILE)

REJOINDER OF THE REPUBLIC OF CHILE

Volume 2 of 3

(Annexes 374 - 415)

15 SEPTEMBER 2017

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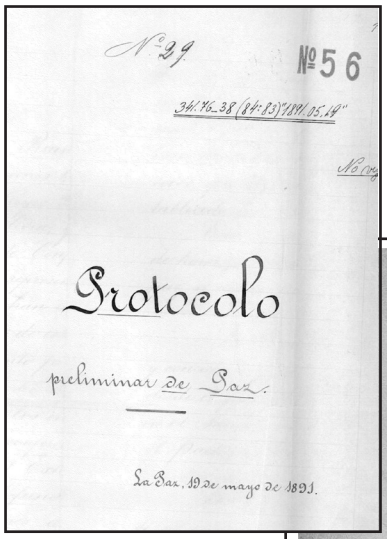
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Annex 374

Preliminary Peace Protocol between Bolivia and Chile,
19 May 1891

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile



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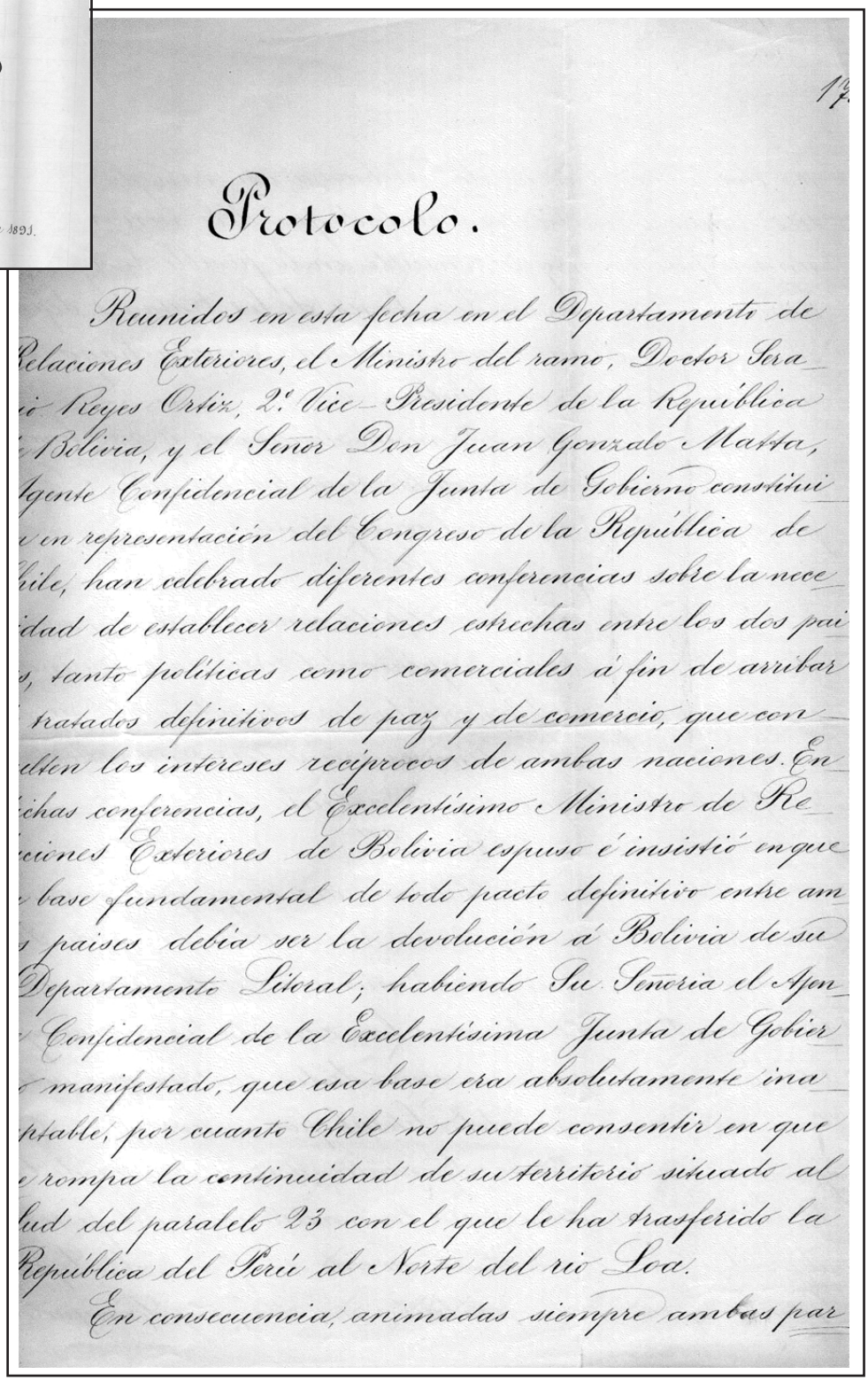
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No 029

Protocolo

preliminar de Paz.

La Paz, 19 de mayo de 1895.



Protocolo.

Reunidos en esta fecha en el Departamento de Relaciones Exteriores, el Ministro del ramo, Doctor Serapio Reyes Ortiz, 2º Vice-Presidente de la República de Bolivia, y el Señor Don Juan Gonzalo Matta, Agente Confidencial de la Junta de Gobierno constituida en representación del Congreso de la República de Chile, han celebrado diferentes conferencias sobre la necesidad de establecer relaciones estrechas entre los dos países, tanto políticas como comerciales á fin de arribar á tratados definitivos de paz y de comercio, que consulten los intereses recíprocos de ambas naciones. En dichas conferencias, el Excelentísimo Ministro de Relaciones Exteriores de Bolivia espuso é insistió en que la base fundamental de todo pacto definitivo entre ambos paises debia ser la devolución á Bolivia de su Departamento Litoral; habiendo Su Señoria el Agente Confidencial de la Excelentísima Junta de Gobierno manifestado, que esa base era absolutamente inaceptable, por cuanto Chile no puede consentir en que se rompa la continuidad de su territorio situado al Sud del paralelo 23 con el que le ha trasferido la República del Perú al Norte del rio Loa.

En consecuencia, animadas siempre ambas par-

Protocol

Gathered on this date at the Department of Foreign Affairs, the Minister of the branch, 2nd Vice-President of the Republic of Bolivia, Dr. Serapio Reyes Ortiz, and Mr. Juan Gonzalo Matta, Confidential Agent for the Governing Junta established on behalf of the Congress of the Republic of Chile, have held various conversations on the need to establish close relations between both countries, both political and commercial, in order to reach definitive treaties of peace and commerce serving the mutual interests of both nations. During such conversations, Your Excellency Minister of Foreign Affairs of Bolivia expressed and insisted that the fundamental basis for any final agreement between both countries should be the return to Bolivia of its Littoral Department; having Your Honor, the Confidential Agent for Your Excellency the Governing Junta stated that such basis was totally unacceptable, as Chile could not consent to the breaking of the continuity of its territory situated south of the 23rd parallel with the territory that the Republic of Peru has transferred to it, north of the Loa River.

Therefore, both parties, always motivated by

tes del deseo sincero de arribar á un arreglo defin
tivo inspirado en la cordialidad que debe reinar en
ambos paises y que consulte en lo posible la equid
han acordado sentar las bases de los tratados defin
tivos, que tendrán lugar tan luego como se haya re
stablecido la paz en Chile.

Esas bases, detenidamente discutidas, y que han
de hacer parte necesaria de los tratados definitivos de
paz y de comercio, son las siguientes:

1ª

La República de Chile continuará en posesi
y con dominio pleno i perpétuo del territorio comprend
desde el paralelo 23 hasta la desembocadura del rio L
en el Pacífico con los límites orientales designados en
el Pacto de tregua en su artículo 2º.

2ª

El Gobierno de Chile se hace cargo y se compro
te al pago de las obligaciones reconocidas por el de Bo
via en favor de las empresas mineras de Huanchaca,
Corocoro y Oruro, deducidas las cantidades con arreglo
al Pacto de tregua así como de los créditos que posa
ban sobre las rentas del Litoral por motivo de él. Y
que son el del Banco Garantizador de valores de Chi
le, los bonos emitidos para la construcción del ferroca
de Mejillones, el crédito reconocido en favor de Lopez
Gama, representado por la Casa Alsop y Compañi

a sincere desire to reach a final agreement inspired by the cordiality that must reign between both countries and that, as far as possible, is based on equity, have agreed to lay the bases for the definitive treaties, which are to take place as soon as peace has been restored in Chile.

Those bases, duly discussed and which ought to be a necessary part of the definitive treaties of peace and commerce, are the following:

1st

The Republic of Chile shall remain in possession of, and with full and perpetual control of the territory extending from the 23rd parallel to the mouth of the Loa River on the Pacific Ocean, with the eastern boundaries specified in Article 2 of the Truce Treaty.

2nd

The Government of Chile agrees and undertakes to pay the obligations recognized by Bolivia in favor of the mining companies in Huanchaca, Corocoro, and Oruro, deducting the amounts in accordance with the Truce Pact as well as of the credits on the Littoral Department's income under such Treaty, which are those of Banco Garantizador de Valores de Chile, the bonds issued for the construction of the Mejillones railway, the credit recognized in favor of López Gama, represented by Casa Alsop y Compañía

Valparaiso y el de cuarenta mil bolivianos en favor
familia Garday; quedando, en consecuencia lí-
de todo gravamen los rendimientos de las aduanas
rica y Antofagasta por internaciones á Bolivia.

3.a

Las cantidades que arrojan los créditos á que se
la base anterior, tomadas de los libros del Tesoro
ional de Bolivia son las siguientes:

Compañia Huanchaca	1.280,000.	—
Id. Corocoro	1.634,000	—
Id. Oruro	252,000.	
Banco Garantizador de Valores	718,000.	
Ferrocarril de Mejillones	219,000.	
Crédito Lopez Gama	835,000.	
Id Garday	40,000.	
	4.978,000.	—
Fondos depositados	535,000.	
Suman	4.443,000.	

Estas cantidades, aproximadas, son consideradas
interés; y con ellos, segun liquidación formada,
anzan al monto de seis millones seiscientos cua-
mil pesos.

Se consigna esta declaración en virtud de que
argo de intereses se halla observado por el Gobierno
Bolivia. Se declara, asimismo, que los convenios
ebrados i las liquidaciones, con intereses, practicadas

Valparaíso, and the forty thousand *bolivianos* in favor of the Garday family. Therefore, all income earned by the Arica and Antofagasta Customs Services from imports into Bolivia shall be free from any encumbrances.

3rd

The amounts of the credits referred to in the above base, taken from the books of the Bolivian National Treasury are as follows:

Compañía Huanchaca	1.280,000
Compañía Corocoro	1.634,000
Compañía Oruro	252,000
Banco Garantizador de Valores	718,000
Mejillones Railway	219,000
Credit López Gama	835,000
Id. Garday	40,000
[Subtotal]	4.978,000
Deposited funds	535,000
Total	4.443,000

These approximate amounts are considered without interest, and with them, according to the calculations performed, the total amount is six million, six hundred [illegible] thousand pesos.

This statement is entered as the interest expense has been observed by the Government of Bolivia. It is further declared that the agreements concluded and the calculations, plus interest, performed

por el Señor Heriberto Gutierrez, estipulando una re
del veinticinco por ciento han quedado sin efecto, por no
se realizado el empréstito nacional á que estaban subordin

4ª

Los productos naturales de Chile ó manufactur
con materia prima de esta República en su importa
á la de Bolivia no podrán ser gravados sinó con el
mo derecho impuesto con anterioridad á similares d
te país y viceversa.

5ª

Los alcoholes de Chile no están comprendidos en la
sula anterior, pero en ningun caso podrá imponerse
ellos una cuota mayor, que la del impuesto con que
gravados los alcoholes del extranjero, entendiendose por
cohol el aguardiente que pase de 25 grados.

Serán libres los puertos de Chile que estén en con
cación con Bolivia para el tránsito de la importación
exportación de mercaderias.

Este convenio se celebra por parte de Su Señoria
te confidencial Don Juan Genzalo Matta con la ca
de ad referendum para que sea ratificado por la Exc
sima Junta Gubernativa constituida en Iquique
forma que tienen acordado.

En fé de lo cual lo firman, por duplic
los infrascritos Ministro de Relaciones Ext
de Bolivia y Agente confidencial de la

by Mr. Heriberto Gutiérrez, providing for a [illegible] of twenty-five percent have been rendered ineffective, as the government loan to which they were subordinated has not been fulfilled.

4th

The natural products from Chile and the products manufactured with raw materials from this Republic, when imported into the Republic of Bolivia, may not be taxed except with the same right imposed formerly on similar products from this country and vice versa.

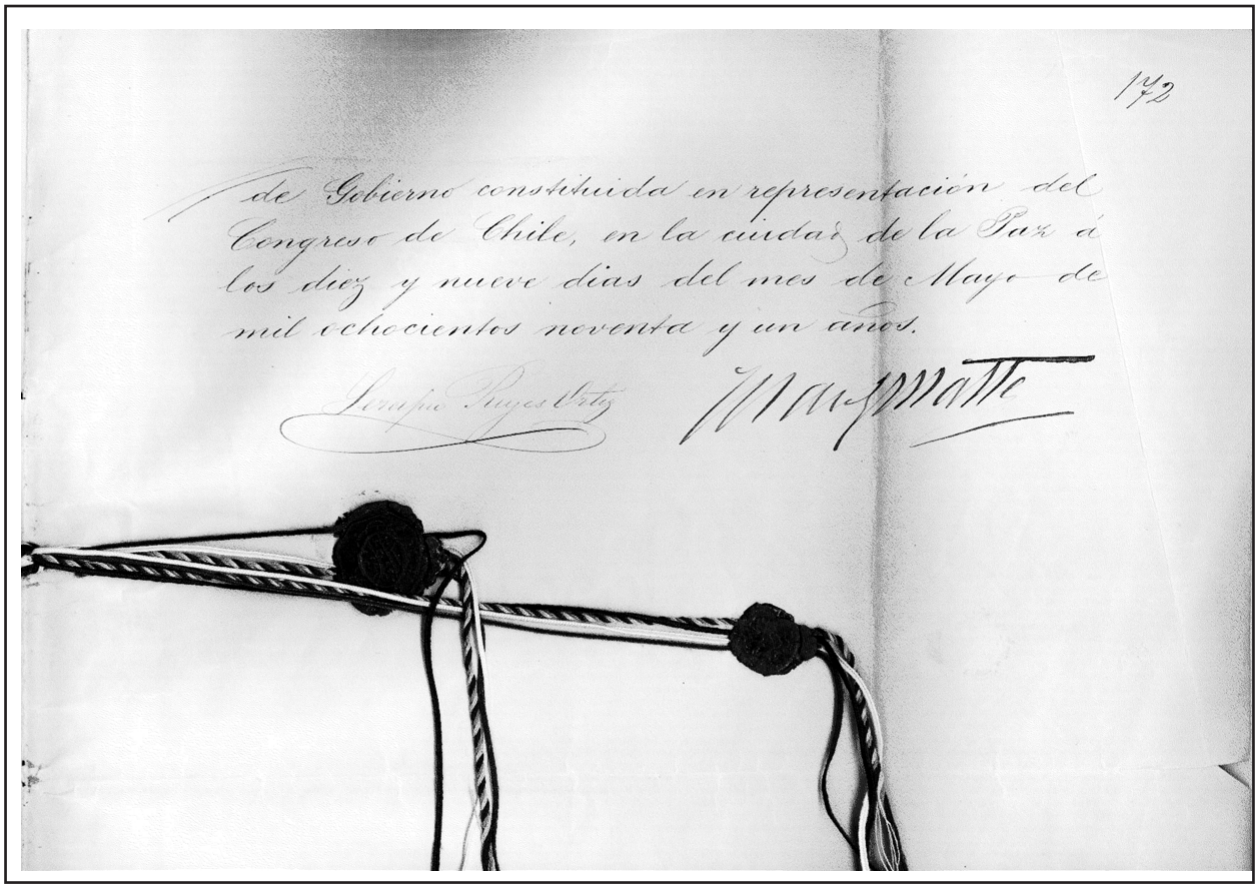
5th

Chilean alcoholic beverages are not included in the above provision, but in no event may a levy be imposed on them which is higher than the tax imposed on foreign alcoholic beverages, the term "alcoholic beverage" shall be understood to mean spirits whose content of alcohol exceeds 25 % vol.

The Chilean ports which are in communication with Bolivia for transit of imports and exports of goods shall be free.

This agreement is executed by Your Honor Confidential Agent Mr. Juan Gonzalo Matta on an *ad referendum* basis for it to be ratified by the Governing Junta established in Iquique as they have agreed.

In witness whereof, this agreement is executed in duplicate by the Minister of Foreign Affairs and the Confidential Agent for the



Governing Junta established to represent the Chilean Congress, in the city of La Paz, on 19 May 1891.

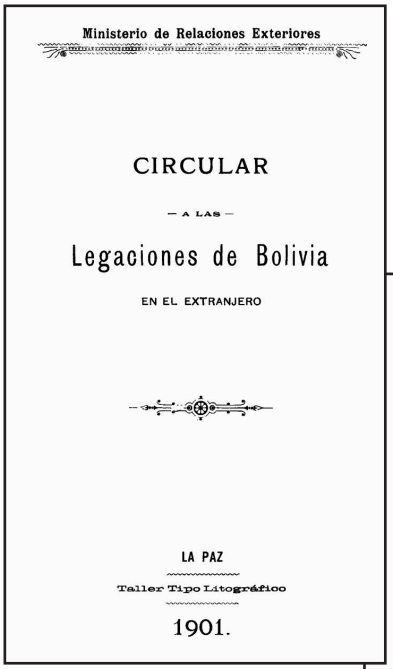
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Annex 375

Circular of the Ministry of Foreign Affairs of Bolivia to the Legations of Bolivia Abroad, 25 January 1901 (extracts)

(Original in Spanish, English translation)

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Ministerio de Relaciones Exteriores

CIRCULAR

— A LAS —

Legaciones de Bolivia

EN EL EXTRANJERO

LA PAZ

Taller Tipo Litográfico

1901.

MINISTERIO
— DE —
RELACIONES EXTERIORES

CIRCULAR A 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

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

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 tenáz aspiración á poseér 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 habitual lealtad, moderación y seriedad de que siempre hizo Bolivia uso, en sus relaciones internacionales; siendo por el contrario, natural juzgar que todos sus actos hayan sido y debido ser, siempre, inspirados en el absoluto respeto del derecho ageno; puesto que úuica y vivamente, anhelaba el respeto de los suyos propios.

Por fortuna, Bolivia que, fuera dotada por la naturaleza de su misma organización, con extensos territorios y abundancia de riquezas propias, se halla justamente fuera de toda sospecha de aspirar á ensanches territoriales, que no necesita, y á buscar fortuna, que no le falta, fuera de sus legítimas fronteras.

Empero, como la citada Circular, muestra desconocér la verdad de esos hechos, sentando afirmaciones contrarias á ellos, y hasta cierto punto, depresivas del carácter boliviano; y aún cuando la respuesta que nuestra Cancillería diera á la nota del señor König, contiene ya la refutación de varias argumentaciones dirigidas á desconocer los rectos procedi-

absolute ignorance of the rights that belong to the latter 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.

…

gridad 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 aquél 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 merced 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 siu salida. El Perú se negaba á discutir el pro-

…

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

tocolo 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 qne conviniésemos con el Perú el protocolo plebiscitario y que efectuásemos el plebiscito".

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 quién corresponde la reponsabilidad 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 série 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, aun cuando para ello le fuera preciso resignarse á la aceptación de penosos sacrificios.

Por su parte, natural era también, que Chile aspirára á la consolidación de los derechos de *propie-*

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."

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 at 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

dad 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, produjose 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 apesar de lo muy gravoso é inconveniente que se le conceptuára y de que en él se excluía por completo la idea de un puerto para Bolivia, fué, después de una séria resistencia en el Congreso boliviano, aprobado por éste; recomendándose al Gobierno que llevára adelante gestiones conducentes á mejorarlo en lo posible.

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 armonizára 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 sérias 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.

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 with 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.

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.

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.

Más, 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 *obsesión 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 contraidas 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 ámpliamente las necesidades presentes y futuras de su comercio é industria.

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

Como hubiera parecido al Gobierno de Chile, vaga aun, 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 solo 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, ámpliamente discutidos y *aprobados* ya, por el *Consejo de Estado* de aquella República.

He 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.—*Apruebánse* 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 de 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.

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.

"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 ve por el documento trascrito, que Bolivia cumplió de sus parte el deber de sancionar las estipulaciones acordadas, y que fué el Gobierno de Chile quién, en medio de constantes vacilaciones, retardó su definitiva sanción, dejando hasta hoy pendientes de la aprobación de su Congreso, los mencionados Protocolos aclaratorios.

Sin embargo Bolivia persistió aun, en su propósito de dar cima á los arreglos estipulados, é instruyó á su Legación en Chile, para que continuára activando la 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 aun se dirá que fué Bolivia quien aplazó los arreglos definitivos de paz con Chile!

"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 Acha, 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 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!

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 yá 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 cambio que se operaba en la política de Chile.— Pendientes como se hallaban de la aprobación de su Congreso, los Protocolos aclaratorios, lo natural y correcto era esperar que aquél se pronunciára, sea aprobándolos ó manifestando las fundadas razones que tuviera para rechazarlos.

Eso era lo natural; y se muestra en relieve,

Moreover, since I am discussing the solution both Governments are still trying to find, I should, even if briefly, mention that salient features of the latest efforts undertaken in La Paz, which may have led to recent statements by Chile's Government before the Chilean Congress.

Mr. Abraham König, having been accredited to this Government this past 7 March, initiated his efforts formulating proposals that are already known, the main bases of which were the consolidation of Chile's property rights and the payment to Bolivia of 6,000.000 Chilean pesos, additionally to other payments, amounting to about Bs. 5,000.000.

The new proposal, which completely suppressed the *granting of a port,* which had been offered to Bolivia by Chile in already *approved* treaties, came, as was to be expected, as an extraordinary surprise to the Bolivian Government, much more so because the proposal was accompanied by the Chilean Government's firm and preconceived determination, expressed through its Plenipotentiary, not to reach any solution that considered the granting of the aforementioned *port* on the Pacific.

Actually, the sudden change in Chilean policy could not have been more unexpected -Since the clarifying Protocols were pending approval by the Chilean Congress, it was only natural and appropriate to wait for the decision of Congress, either approving them, or stating the founded reasons for their rejection.

That was the natural thing to do; and underscores

que esa debía correctamente ser la única base de toda gestión diplomática entre ambos Gobiernos.

Por tanto, las proposiciones formuladas, por el señor König, en su nota de 13 de Agosto último, fueron, desde luego, rechazadas en su fondo, por la de respuesta de 15 de Octubre inmediato.

Con todo, y apesar de la mala impresión que la nueva iniciativa produjera, tales eran la buena voluntad y el perseverante propósito que abrigaba el Gobierno boliviano, de arribar por fin al establecimiento de una paz definitiva, que le permitiera atender más desembarazada y eficazmente al desarrollo de su comercio y de sus cuantiosos gérmenes de riqueza, que volvió á tomar en cuenta la nueva proposición, con el deseo de ver si dentro de ella, era posible hallar una mejor solución, y compensaciones que fueran más equitativas y convenientes á los intereses de ambos países y aceptables, sin desdoro, por Bolivia.

Con tal propósito, se dió lugar á un franco y amistoso cambio de ideas entre el señor Presidente de la República y el señor König, en busca de una solución posible.

Hízose notar al Plenipotenciario de Chile, que la cantidad por él fijada, á parte de ser exígua en su tasa, pues apenas correspondía á los productos de un año del Litoral perteneciente á Bolivia y ocupado hoy por Chile, constituía una mera suma de dinero, no relacionándose con propósito alguno real y de verdadero interés para Bolivia; y que era preciso buscar una base que, siendo efectiva, respondiera tanto á procurar una justa compensación, como á la satis-

that it should be the only basis for all diplomatic efforts between both Governments.

Therefore, the proposals put forward by Mr. König in his letter dated August 13 were, naturally, rejected on the merits by a letter of reply dated 15 October.

All in all, despite the bad impression created by the new initiative, such were the good will and perseverance of the Bolivian Government to ultimately secure a permanent peace that might enable it to more freely and effectively attend to the development of its trade and sources of wealth, that it again took the new proposal into consideration, in an attempt to analyze whether under such proposal it was possible to find both a better solution and methods of compensation more convenient for, and fairer to, the interests of both countries, while being acceptable to Bolivia without tainting its reputation.

With such purpose in mind, a candid, friendly exchange of ideas took place between the President of the Republic and Mr. König in search for a possible solution.

It was noted to the Chilean Plenipotentiary that the amount set by him, in addition to being small when considered as a rate, for it barely accounted for one year's production of the coastal area, which belongs to Bolivia and is nowadays occupied by Chile, was a trifling sum of money that bore no relationship to any actual purpose or real interest to Bolivia; and that it was necessary to come up with an actual base amount intended to provide fair compensation and satisfy

facción de una imperiosa necesidad sentida por el pueblo boliviano.

En consecuencia, se dijo: puesto que Bolivia hubiera de renunciar al puerto que le es necesario como una indispensable condición de su progreso y de su desarrollo comercial, preciso sería que le fueran proporcionados otros medios capaces de reemplazar esa falta, y suplir en lo posible, la ausencia de un puerto que Chile decía, estar en la imposibilidad de entregar á Bolivia.

Pensose entonces, que ese medio, acaso el único, podría ser la *construcción de ferrocarriles y carreteras*, que unieran á Bolivia, no sólo con el Pacífico, sinó también con las apartadas regiones del Oriente y NO., lo cual constituye en verdad, una de sus más premiosas necesidades.

Y como cantidad mínima, precisa para satisfacer esa necesidad, fué designada la de *2.000,000 de libras esterlinas.*

Tal cantidad fué pues, señalada, nó como suma de dinero que hubiera de recibirse en pago de los territorios cedidos, sinó, como un medio de reemplazar la falta de puerto, con el establecimiento de necesarias vías de comunicación; como compensación de un elemento de progreso que se suprimía, por otro que podía ser proporcionado.

Después de una detenida discusión, convino el señor König en la fijación de esa suma, proponiendo que fuera pagada en 5 anualidades, y ofreciendo consultar á su Gobierno. El señor Villazón puso á su vez, el hecho en conocimiento del Congreso.

a pressing need felt by the Bolivian people.

Therefore, it was said: if Bolivia were to renounce its port, necessary as an indispensable condition for its progress and commercial development, it was required that Bolivia be provided with other means capable of making up the absence of a port, and be compensated, as far as possible, for the absence of a port, which Chile stated it could not grant to Bolivia.

It was then thought that said means, perhaps the only means possible, could be the construction of *railways and roads* connecting Bolivia not only with the Pacific Ocean but also with isolated regions in the west and northwest, which actually is one of Bolivia's most pressing needs.

The minimum amount required to satisfy such need was set at *two million pounds sterling*.

Such amount was designated not as a sum of money to be received in payment for the territories ceded, but as a means to replace the lack of a port by building much-needed communication routes; and as compensation for an element of progress that was being eliminated by another that could be provided.

Following a thorough discussion, Mr. König agreed to such amount, suggesting that it be paid in five annual installments, and offering to consult with his Government. In turn, Mr. Villazón informed Congress of this event.

Como éste rehusára pronunciarse sobre el particular, el señor König resolvió volver á Chile.

Al dar término á esta Circular, y dejar cumplido el ineludible deber de levantar los cargos que, sin justicia alguna, se quisiera hacer pesar sobre Bolivia, debo hacer constar, á usted, señor Ministro, para los fines consiguientes, que nuestro Gobierno abriga el perseverante propósito de procurar la conclusión de un amistoso y equitativo arreglo, que tanto tiempo há vienen persiguiendo ambos pueblos. No dudo que en esa labor ha de contarse con el concurso de la buena voluntad de los hombres pensadores é ilustrados de los dos países, á fin de alcanzar la *paz* que, como bien ha dicho el mismo señor Errázuriz Urmeneta, es el *supremo bien de las Naciones.*

Federico Diez de Medina.

As Congress refused to give an opinion on the matter at hand, Mr. König decided to return to Chile.

As this Circular is concluded, and by fulfilling the unavoidable duty to withdraw the charges that were unlawfully intended to be brought against Bolivia, I would like to bring to your attention, Mr. Minister, that in an attempt to attain such ends, our Government will persist in its unwavering efforts to secure an amicable, equitable arrangement, which both nations have been pursuing for so long. There is no doubt in my mind that such task will require the willingness of learned, sensible men from both countries, so that *peace* may be secured, which, as Mr. Errázuriz Urmeneta himself has pointed out, constitutes the *ultimate interest of Nations.*

Federico Diez de Medina

Annex 376

Letter from the Legation of Bolivia in Chile to the President of Bolivia, 10 April 1902

(Spanish transcription, English translation, original in Spanish)

National Archive of Bolivia (Sucre)

Santiago, 10 de Abril de 1902

Señor General [B.] Jose M. Pando,

Presidente Constitucional de Bolivia

La Paz

Mi respetado General:

Tuve la fortuna de encontrarme en Antofagasta con el Señor F. Avelino Aramayo y hacer juntos el viaje desde este puerto hasta Santiago.

La presencia del Sr. Aramayo aquí ha sido de todo punto importante para el desarrollo de los asuntos internacionales con Chile y para concretar y discutir las bases esenciales sobre las que tendrán que apoyarse las futuras estipulaciones.

Hemos encontrado preparado el terreno y una buena y uniforme disposición – así en la opinión pública, como en las esferas oficiales —para el arreglo con Bolivia; de tal suerte, que el Señor Aramayo, con una que le honran, dio forma al pensamiento y lo sometió al Gobierno de Chile para su estudio; así lo verá Ud. por las comunicaciones que hoy le dirige el Sr. Aramayo.

En la Conferencia solemne que hemos celebrado con el Exmo Sr. Riesco y su Gabinete, hemos llegado a recoger el pensamiento de este Gobierno y ciertas declaraciones concretas, que han de darnos mucha luz para las soluciones futuras. Así, ya podemos dar por efectivas las siguientes bases para el Tratado de Paz: reconocimiento de nuestras deudas, conforme á lo que ya se estudió en los Tratados de Mayo de 1895 y en las proposiciones de la misión König; libertad aduanera, y, por consecuencia, reconquista de nuestra soberanía comercial, indemnización decorosa por la cesión del Litoral y suficiente para cubrir nuestras necesidades de viabilidad, como desea el Gobierno del país. Estas ideas primordiales condensadas y encarnadas en las bases del tratado que, confidencialmente, sometió el Honorable Sr. Aramayo al Gobierno de Chile, no merecieron seria oposición ni fundamentales reparos, habiendo quedado en estudio en la Cancillería, para dar franca idea sobre ellas. Yo creo que no sufrirán trascendentales modificaciones ni hallarán insuperables resistencias; creo, al contrario, que este Gobierno aprovechará de la situación y oportunidad que lo ofrecemos para llegar á esta solución que persiguen con interés.

El Señor Riesco ha ofrecido la aprobación del Congreso al tratado y dice que asegurará los elementos que han de apoyarlo, y, según su opinión, y la nuestra , este negocio se debe concluir rápidamente para evitar su fracaso, dando á la discusión pública, siempre apasionada, tiempo para destruirlo y descomponerlo.

Hoy quizá de su opinión el Ministro de Relaciones Exteriores y así podremos comunicarlos á U. algo solido y concreto.

Santiago, 10 April 1902

To General B. José M. Pando

Constitutional President of Bolivia

La Paz

To my most respected General,

I had the good fortune to meet Mr. F. Avelino Aramayo in Antofagasta and to share with him the trip from this port to Santiago.

Mr. Aramayo's presence here has been of utmost importance to developing foreign affairs with Chile and to discussing and establishing the essential bases over which the future provisions shall be founded.

We have found that there was a way paved and a good and consistent willingness (both in terms of public opinion and in the attitude of the official authorities) to make an arrangement with Bolivia in such a way that Mr. Aramayo grasped the spirit of these thoughts and put them to the consideration of the Government of Chile. You will be able to notice this from today's communications from Mr. Aramayo.

In the solemn Conference held with Mr. Riesco and his Cabinet, we managed to capture the thoughts of this Government and certain specific declarations that should shed plenty of light for future solutions. Thus, we can already assume the following bases as effective for the Peace Treaty: recognition of our debts, in conformity with what has already been studied in the May 1895 Treaties and in the proposals of the König mission; customs freedom and, consequently, regaining our trade sovereignty, decent compensation for the cession of the Littoral, sufficient to cover our sustainability needs, as desired by the country. These crucial ideas, summarized and embodied in the bases of the treaty which, confidentially, Mr. Aramayo submitted to the Government of Chile, did not receive any opposition or fundamental objections; the Ministry of Foreign Affairs is currently analyzing them to express their frank opinion. I believe that they will not undergo any transcendental modifications and will not meet any fierce opposition. On the contrary, I believe that the Government will appreciate the situation and opportunity we are offering to reach the solution they are so eager to find.

Mr. Riesco has offered Congress approval of the treaty and claims he can guarantee the elements that will support him; and, in his opinion, and ours, the business should be concluded quickly to avoid failure, to prevent it from failing if public discussions, which are always passionate, are given enough time to destroy and dismantle it.

The Minister of Foreign Affairs may express his opinion today, allowing us to provide you with solid and concrete information.

La presencia del Señor Canciller en Santiago es precisa, y con el Señor Aramayo hemos hablado y convenido en hacer que venga aquí y cambie ideas con el Sr. Riesco y los hombres de su Gobierno. Este paso servirá para orientar al Señor Canciller en la política internacional que ha de seguir y, si se llega á convenir en el arreglo, para dejar ya sentadas las bases y convenido el plan que debe seguirse para llevar a término el negocio. El Señor Canciller encontrará preparada la opinión de Chile y tendrá una atmosfera simpática y agradable que hará fácil cuanto se proponga hacer en beneficio del país.

Desde luego, lo principal esta asegurado: podemos ya decir que nuestro progreso depende solo de nosotros y de nuestra cordura y que tendremos, desde luego, seguridad de tener, por lo pronto, dos ferrocarriles que muevan nuestras industrias y pongan en juego los capitales extranjeros.

Sobre el monto de la compensación creo que no hemos de tener mayor dificultad y podremos contar con los dos millones de libras, que es como tuve ocasión de expresarla alguna vez. También el punto esencial de nuestra independencia aduanera, lo conseguiremos, aunque con dificultad, pues Chile quiere conservar su preponderancia en nuestro mercado y tener en Bolivia un centro asegurado para su exportación. Así nos lo dieron a comprender el Sr. Riesco y su Sr. Canciller, insistiendo este último en la idea de proteger (decía) el comercio americano. Chile no ha perdido de vista este punto y aspira á mantener, ya no por supuesto con carácter de vencedor, las ventajas que le proporcionó el Pacto de Tregua.

También se habló de Chilcaya, y habiendo preguntado el Señor Presidente que si teníamos seguridad de que todo Chilcaya era muestro, el Señor Aramayo le contestó que sí, que nuestros títulos nos daban ese derecho y que los estudios científicos, últimamente practicados, nos aseguraban la soberanía indiscutible.

El punto de arbitraje para las cuestiones que emergiesen del tratado, fue recibido con aplauso por el Señor Riesco y dijo que aún se le podía dar mayor amplitud, si fuese preciso.

Luego se pasó á tratar del establecimiento de agencias aduaneras en los puertos chilenos, en la misma forma de la que existe en Antofagasta. Entonces dijo el Sr. Riesco que las dificultades últimamente surgidas en este puerto (Antofagasta) habían hecho comprender al Gobierno la necesidad de levantar el permiso de establecer agencias extranjeras; que con este sistema se protegía el contrabando y se desmoralizaba la administración; que el Gobierno de Chile dará al de Bolivia toda clase de facilidades para el establecimiento de las aduanas en la frontera. Manifestada la conveniencia de dejar la agencia en Antofagasta, tal como ahora se encuentran, se convino en estudiar este punto.

The presence of the Minister in Santiago is required, and with Mr. Aramayo we have discussed and agreed to have him come here to exchange ideas with Mr. Riesco and the men of his Government. This step will provide the Minister with the guidance in international policy he must follow and, should an arrangement be reached, this will set the bases and devise the plan that must be followed to conclude this business. The Minister will find that Chile's opinion is set, and he will meet a pleasant and hospitable atmosphere that will facilitate what he intends to do for the benefit of the country.

Of course, the essential elements have been secured: we can already state that our progress depends only on us and on our behavior, and we will thus have the certainty of having, in the meantime, two railroads to move our industries and to bring foreign capital into action.

With regard to the amount of the compensation, I believe that we will not meet major difficulties and we will be able to count on the two million pounds, as I expressed previously. Additionally, we will attain the essential goal of our customs independence, albeit with certain difficulty, since Chile intends to maintain its prevalence over our market and to have, in Bolivia, a sure destination for its exports. This is what Mr. Riesco and his Minister of Foreign Affairs expressed, and the latter insisted on the idea of protecting (as he called it) the American trade. Chile has not forgotten about this item and aspires to maintain, of course not as a victor, the advantages it enjoyed under the Truce Pact.

Chilcaya was also discussed, and when the President asked if we had any certainty that the entire Chilcaya was ours, Mr. Aramayo replied in the affirmative, that our title granted us that right and that the latest scientific studies guaranteed indisputable sovereignty General J.M.P.

The issue of the arbitration for issues arising from the treaty was welcomed by Mr. Riesco and he said that it could be given greater scope, if necessary.

Next, the creation of customs agencies in Chilean ports in the same manner as the one located in Antofagasta was discussed. Mr. Riesco took the floor and said that due to the recent difficulties arising in connection with this port (Antofagasta), in the opinion of the Government, the permit to set foreign customs agencies should be revoked given that this encouraged smuggling and undermined the administration powers; and the Government of Chile will give to the Government of Bolivia all sorts of facilities to the establishment of customs agencies at the border. Following the arguments as to the convenience of leaving the agency in Antofagasta *as is,* the attendees agreed to study this question.

El Señor Riesco manifiesta más interés en la construcción del ferrocarril de Iquique; el Señor Aramayo le probó, sobre el mapa, que ese ferrocarril era dañoso a Chile, pues haría fuerte competencia al de Antofagasta y, por consiguiente, al mismo comercio de Chile. Insistimos en demostrar la necesidad de la construcción de los ferrocarriles á la región de nuestros ríos, desvaneciendo la idea del alejamiento de las industrias chilenas y del desviamiento de la corriente comercial del Pacifico, que es lo que aquí se tramó.

El Señor Riesco fue el primero en hablar des anualidades de £200,000 para cubrir los gastos de ferrocarriles: habiéndomelo expresado primero á mi en la visita de cortesía que le hice y después al Sr. Aramayo en la conferencia del 8. Habiendo preguntado el termino de estas anualidades, que dejamos en blanco el proyecto de las bases, expresó el Señor Aramayo que serían por 20 años.

Estos son los puntos principales que ocuparon la hora y media de conferencia con el Presidente Riesco y su Gabinete.

En este momento recibo esquela verbal del Ministro de R.E. invitándonos a las G.V.M. á su despacho para hablar de estos asuntos.

Con todo respeto me suscribo su atento amigo

Mr. Riesco expressed greater interest in the construction of the Iquique railway; Mr. Aramayo proved to him, using the map, that this railway was harmful to Chile, since it would create great competition for the Antofagasta railway and, consequently, to Chilean trade itself. We insisted on proving the need to build railways to reach the region of our rivers, erasing the idea of a departure from the Chilean industries and the deviation of the Pacific trade flow, which was concocted here.

Mr. Riesco was the first one to mention annuities of £200,000 to cover the expenses of the railways: he had expressed it to me in the courtesy visit I paid to him and later to Mr. Aramayo in the conference held on the 8th. With regard to the term of these annuities, which we left incomplete in the proposed bases, Mr. Aramayo stated that the duration would be 20 years.

These are the main issues that were discussed during the hour-and-a-half conference with President Riesco and his Cabinet.

I have received a verbal invitation from the Minister of Foreign Affairs, inviting us to his office to discuss these matters.

Respectfully,

[Signed]

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(Copia)

Santiago, 10 de Abril de 1902

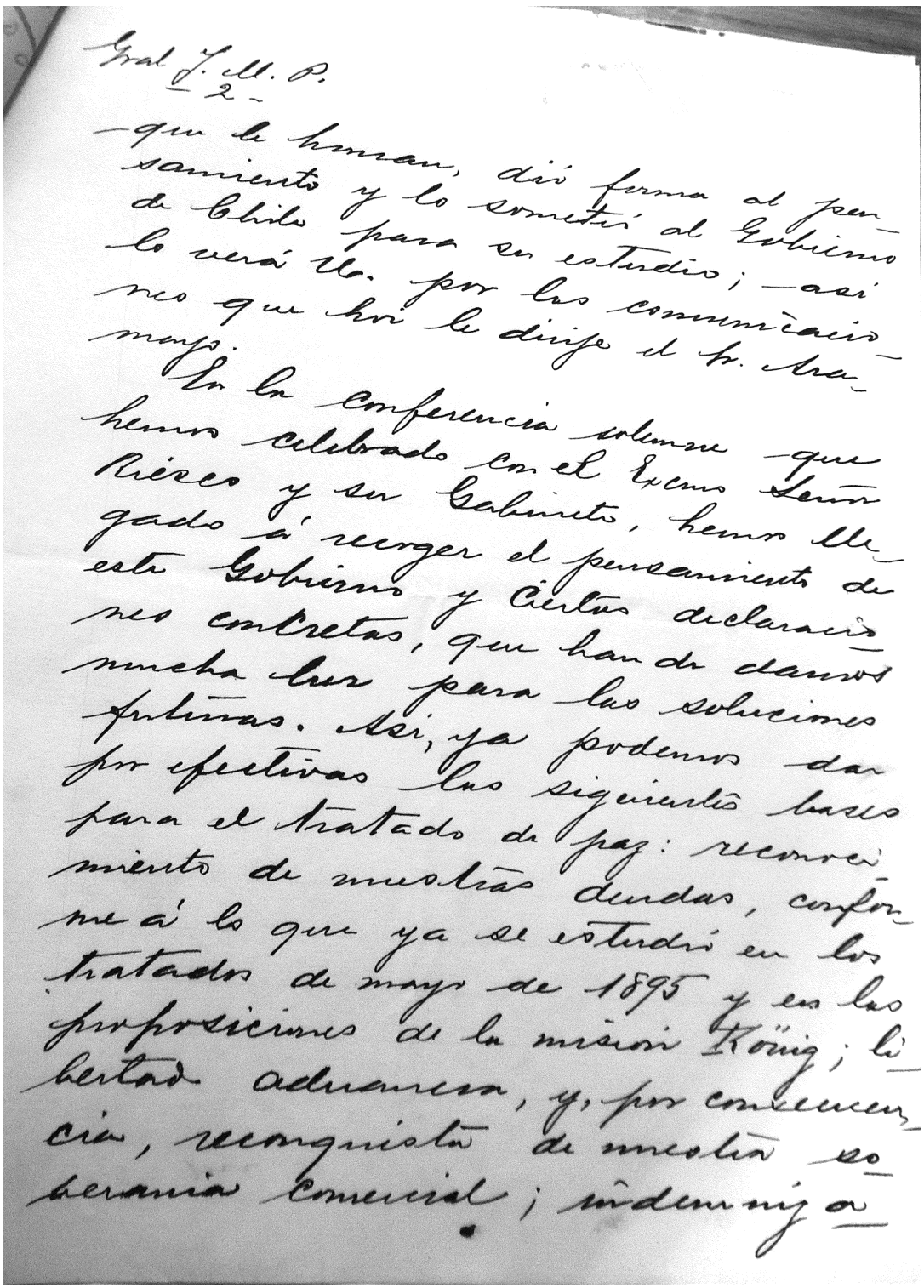
Señor General D. José Ml. Pando,
Presidente Constitucional de Bolivia
La Paz

Mi respetado General:

Tuve la fortuna de encontrarme en Antofagasta con el Señor F. Avelino Aramayo y hacer juntos el viaje desde este puerto hasta Santiago.

La presencia del Sr. Aramayo aquí ha sido de todo punto importante para el desarrollo de los asuntos internacionales con Chile y para concertar y discutir las bases esenciales sobre las que tendrán que apoyarse las futuras estipulaciones.

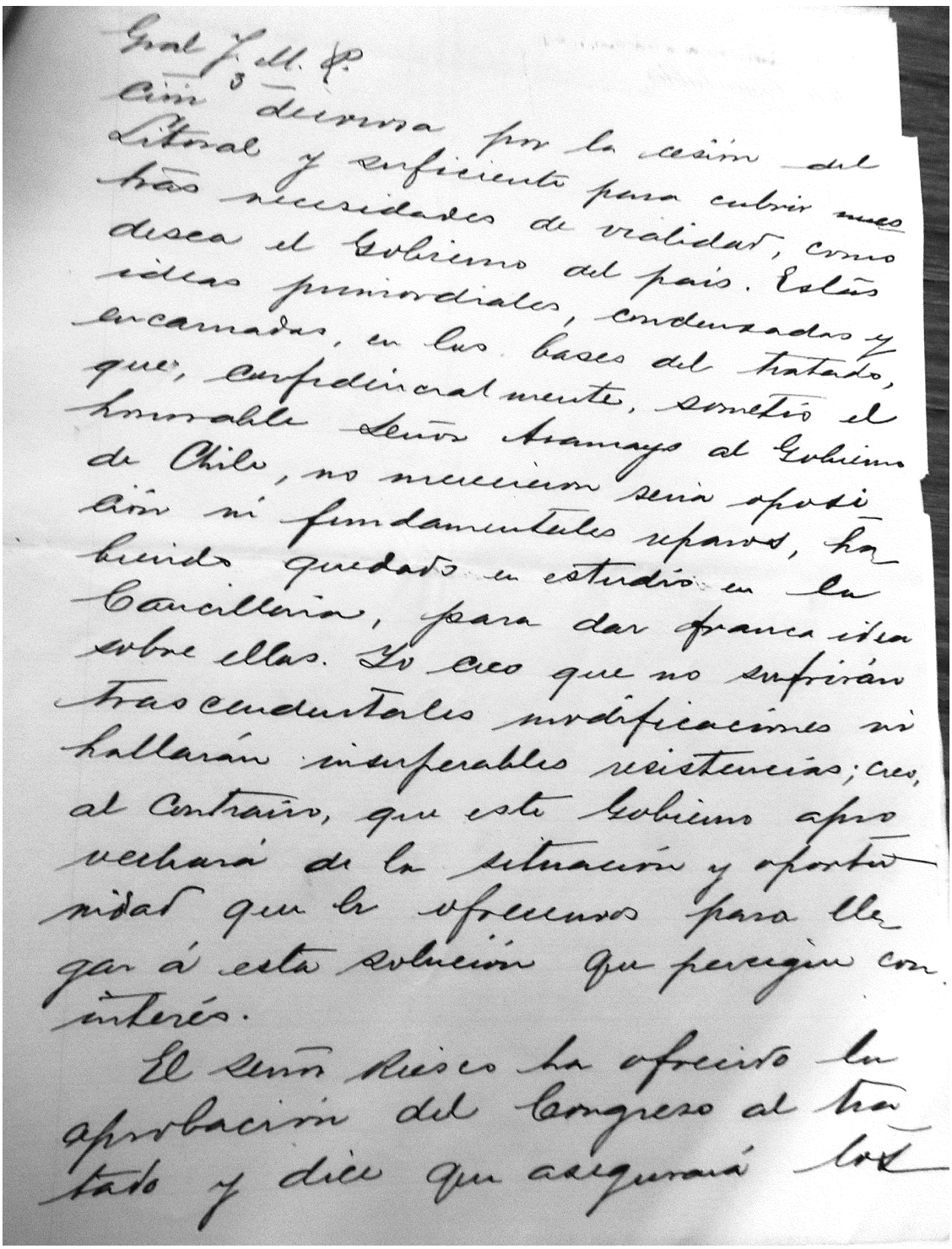
Hemos encontrado preparado el terreno y una buena y uniforme disposición — así en la opinión pública, como en las esferas oficiales — para el arreglo con Bolivia; de tal suerte, que el Señor Aramayo, con una



Gral J. M. P.
2 -

-que le hemos, dió forma al pensamiento y lo sometió al Gobierno de Chile para su estudio; -así lo verá Ud. por las comunicaciones que hoy le dirije el Sr. Ministro.

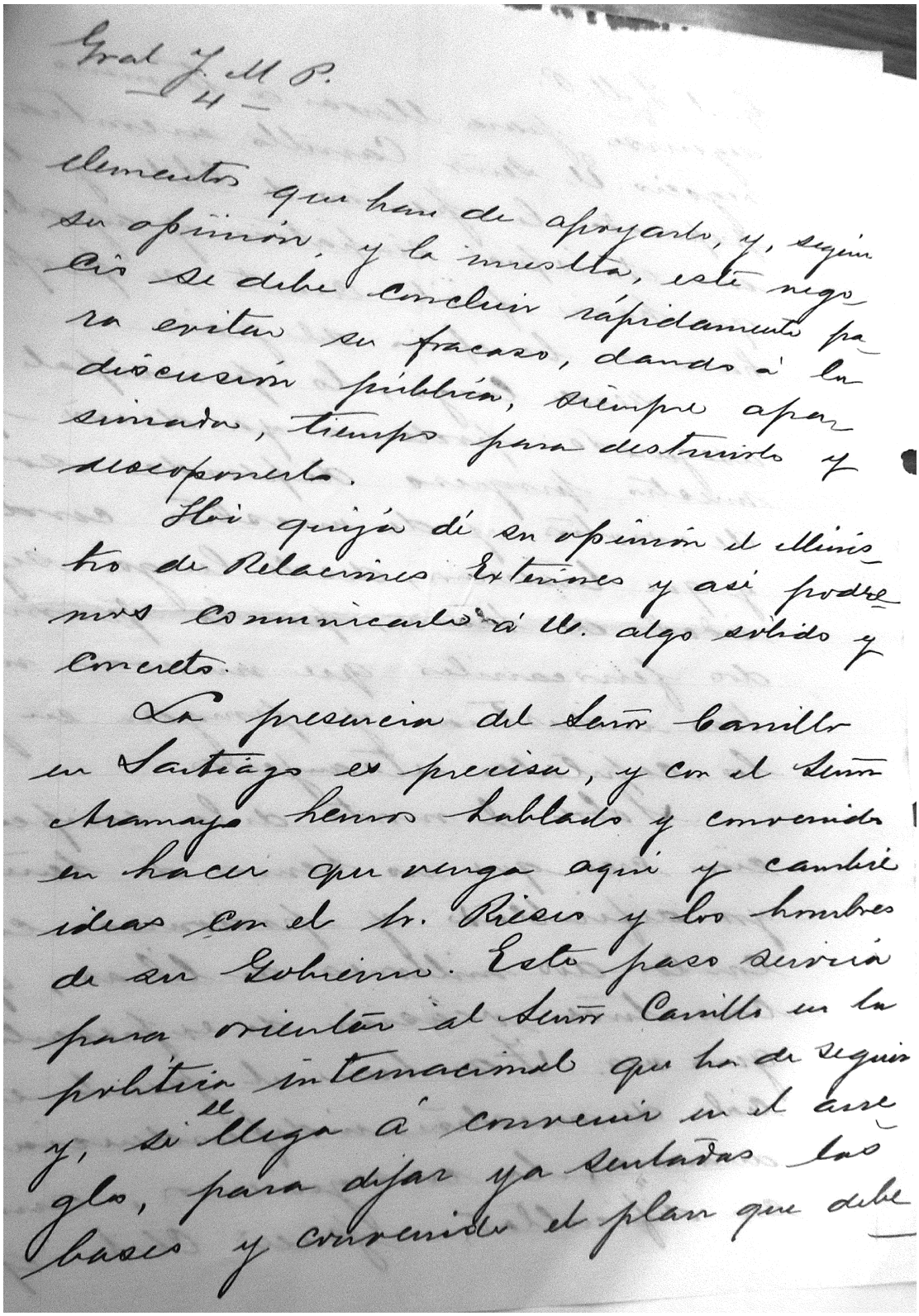
En la conferencia solemne que hemos celebrado con el Excmo Señor Riesco y su Gabinete, hemos ratificado el rumbo del pensamiento de este Gobierno y ciertas declaraciones concretas, que han de darnos mucha luz para las soluciones futuras. Así, ya podemos dar por efectivas las siguientes bases para el Tratado de paz: reconocimiento de nuestros derechos, conforme á lo que ya se estudió en los tratados de mayo de 1895 y en las proposiciones de la misión König; libertad aduanera, y, por consecuencia, reconquista de nuestra soberanía comercial; indemnización



Gral J. M. R.

Sin duda por la razón del Litoral y suficiente para cubrir mas
tras necesidades de vialidad, como
desea el Gobierno del país. Estas
ideas primordiales, condensadas y
encarnadas, en las bases del tratado,
que, confidencialmente, sometió el
honorable Señor Aramayo al Gobierno
de Chile, no merecieron sino aproba
ción ni fundamentales reparos, ha
biendo quedado en estudio en la
Cancillería, para dar franca idea
sobre ellas. Yo creo que no sufrirán
trascendentales modificaciones ni
hallarán insuperables resistencias; creo,
al contrario, que este Gobierno apro
vechará de la situación y oportu
nidad que le ofrecemos para lle
gar á esta solución que persiguen con
interés.

El Señor Risco ha ofrecido la
aprobación del Congreso al tra
tado y dice que asegurará los

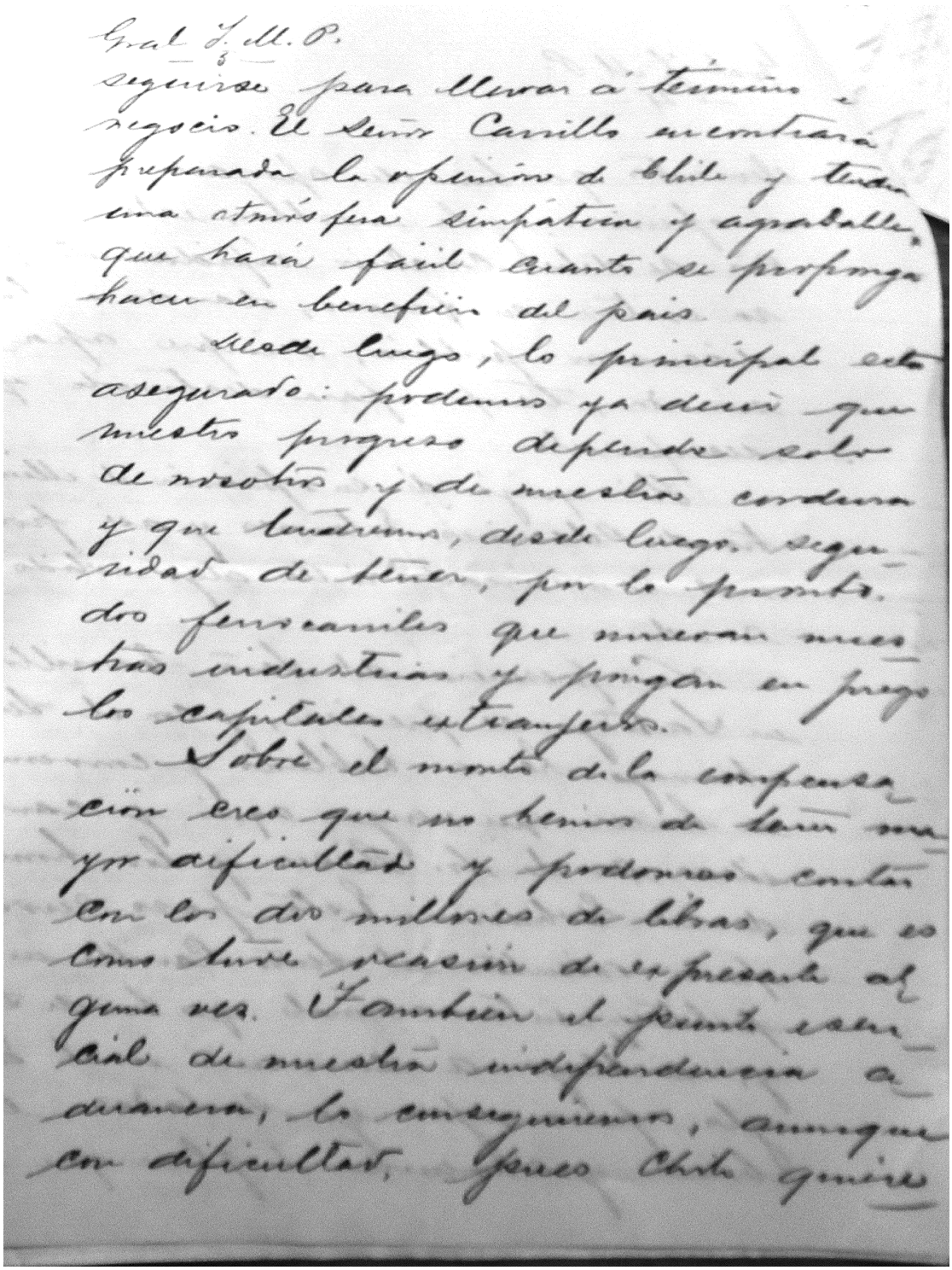


Gral J. M P.
4 —

elementos que han de apoyarle, y, segun
su opinion, y la mia tambien, este negocio se debe concluir rápidamente para
evitar su fracaso, dando á la
discusion pública, siempre apasionada, tiempo para desarmarse y
descomponerse.

Hoi quiza dé su opinion el Ministro de Relaciones Esteriores y asi podremos comunicarle á V. algo estudiado y
concreto.

La presencia del Señor Castillo
en Santiago es precisa, y con el Señor
Aramayo hemos hablado y convenido
en hacer que venga aquí y cambie
ideas con el Sr. Ricaut y los hombres
de su Gobierno. Esto pasa doble razon
para orientar al Señor Castillo en la
política internacional que ha de seguir
y, si llega á convenir en el asesinato, para dejar ya sentadas las
bases y convenido el plan que debe



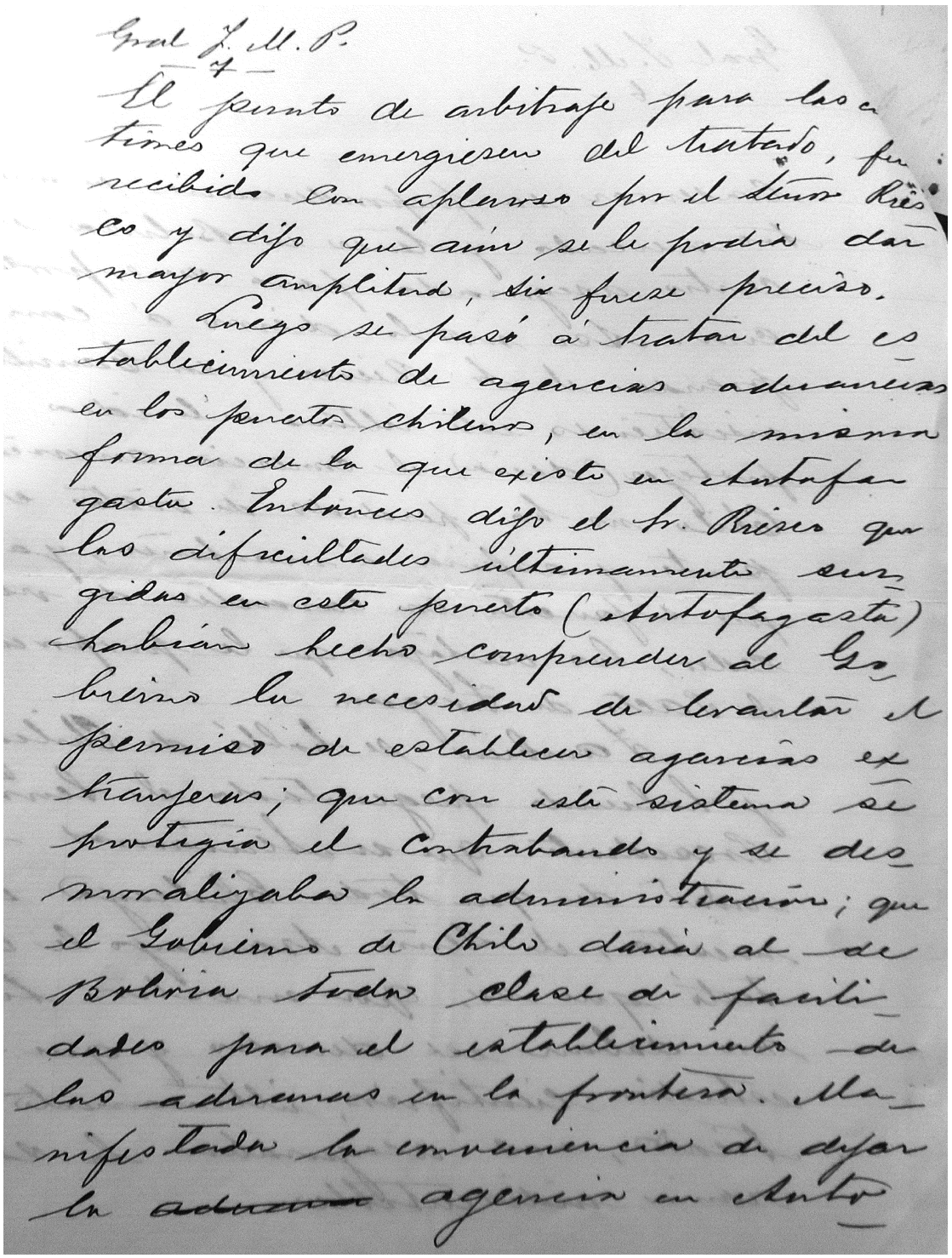
Gral J. M. P.
2
seguirse para llevar á término
negocio. El Señor Carrillo encontrará
preparada la opinion de Chile y tam-
una atmósfera simpática y agradable,
que hará fácil cuanto se proponga
hacer en beneficio del pais.
Desde luego, lo principal está
asegurado: probamos ya decir que
nuestro progreso depende solo
de nosotros y de nuestra constancia
y que tendremos, desde luego, segu-
ridad de tener, por lo pronto,
dos ferrocarriles que muevan nues-
tras industrias y pongan en juego
los capitales estranjeros.
Sobre el monto de la compensa-
cion creo que no tenemos de tener ma-
yor dificultad y podemos contar
con los dos millones de libras, que es
como tuve ocasion de espresarle al
guna vez. Y cumplido el punto capi-
tal de nuestra independencia a
duanera, lo demas vendrá, aunque
con dificultad. Jesus Cristo quiere

Gral J. M. R.

— 6 —

Conservar su preponderancia en nues-
tro mercado y tener en Bolivia un
centro asegurado para su exporta-
cion. Asi nos lo dijimos á' com-
prender el Sr. Risco y su Canciller,
insistiendo este último en la idea de
proteger (decia) el comercio americano.
Chile no ha perdido de vista este
punto y aspira á' mantener, ya no
por supuesto con caracter de ven-
cedor, las ventajas que le proporcionó
el Pacto de Tregua.

También se habló de Chilcaya,
y habiendo preguntado el Señor
Presidente que si Sirianos sa-
bia de que todo Chilcaya era
nuestro, el Señor Aranjo le con-
testó que sí, que nuestros títulos
nos daban ese derecho y que los
estudios científicos, últimamente prac-
ticados, nos aseguraban la sobe-
rania indiscutible.

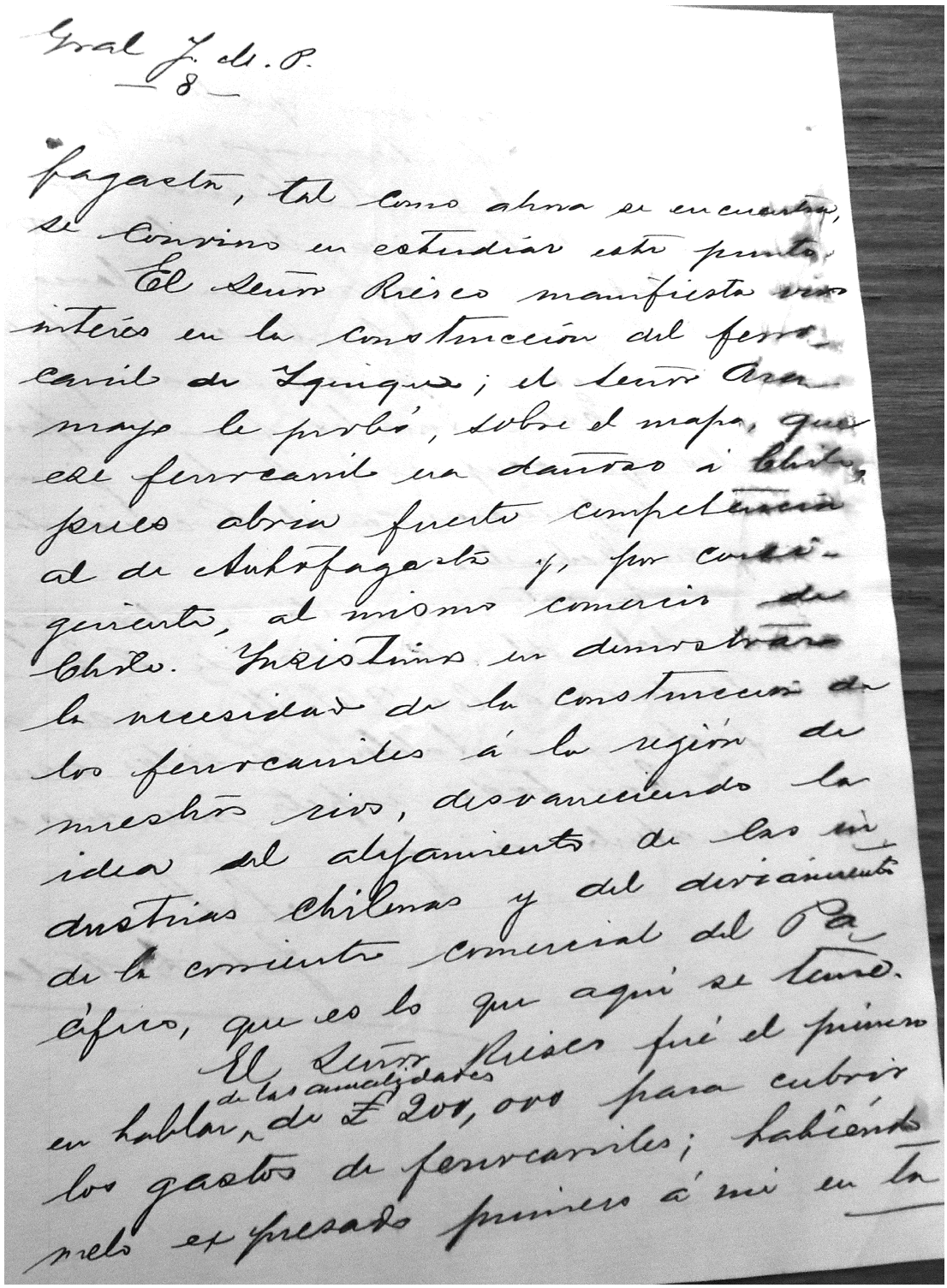


Gral J. M. B.

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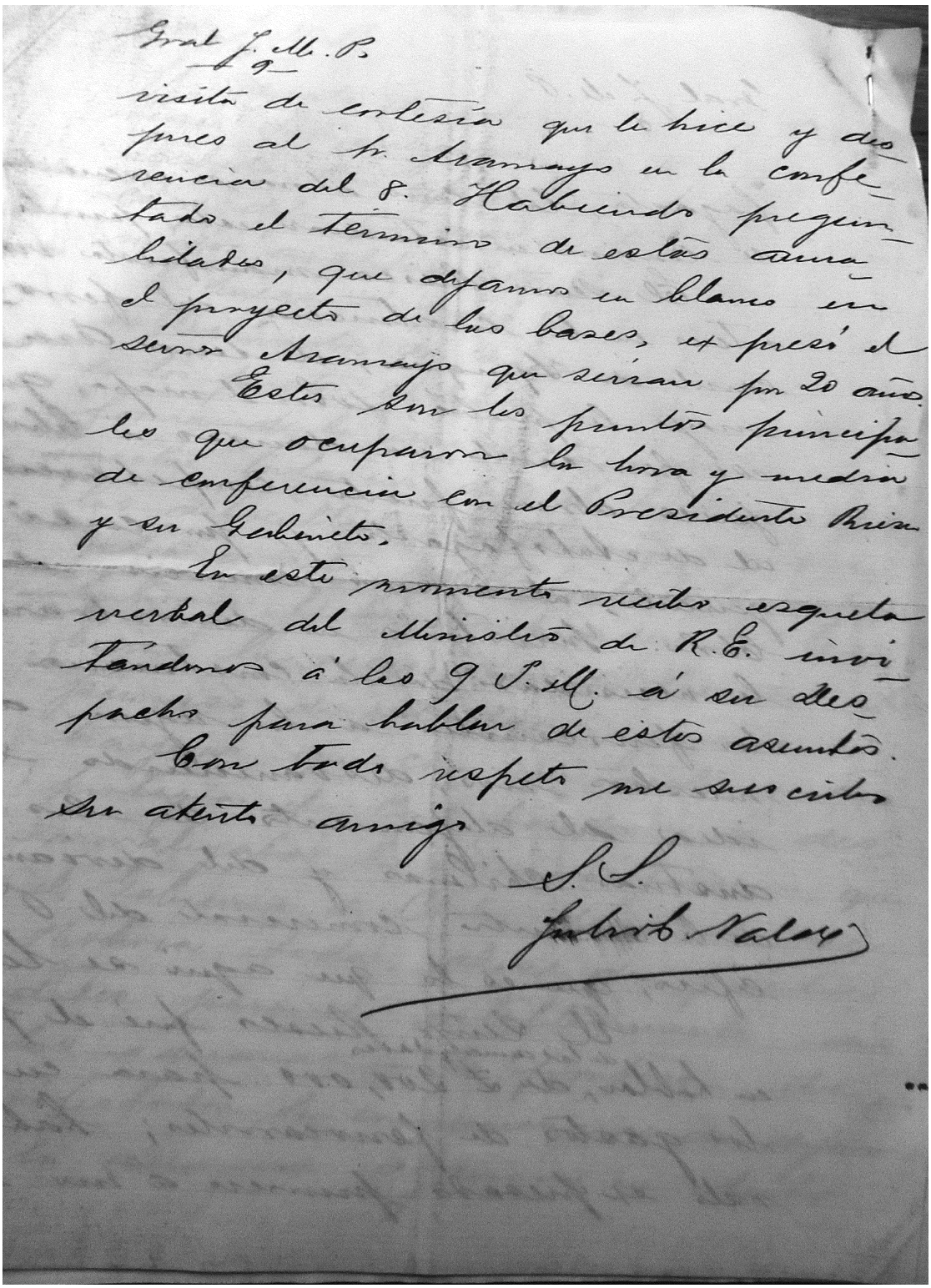
El punto de arbitraje para las cuestiones que emergiesen del tratado, fue recibido con aplauso por el Señor Ríos Co y dijo que aún se le podría dar mayor amplitud, si fuese preciso.

Luego se pasó á tratar del establecimiento de agencias aduaneras en los puertos chilenos, en la misma forma de la que existe en Antofagasta. Entonces dijo el Sr. Ríos que las dificultades últimamente surgidas en este puerto (Antofagasta) habían hecho comprender al Gobierno la necesidad de levantar el permiso de establecer agencias extranjeras; que con este sistema se protegía el contrabando y se desmoralizaba la administración; que el Gobierno de Chile daría al de Bolivia toda clase de facilidades para el establecimiento de las aduanas en la frontera. Manifestada la conveniencia de dejar la ~~aduana~~ agencia en Antofa-



Gral J. de O.
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Pagaeta, tal como ahora se encuentra,
se convino en estudiar este punto.
El Señor Risco manifestó vivo
interés en la construcción del ferro-
carril de Iquique; el Señor Ara-
mayo le probó, sobre el mapa, que
ese ferrocarril en daño á Chile,
pues abría fuerte competencia
al de Antofagasta y, por conse-
guiente, al mismo comercio de
Chile. Ambos Señores demostraron
la necesidad de la construcción de
los ferrocarriles á la región de
nuestros ríos, desvaneciendo la
idea del alejamiento de las in-
dustrias chilenas y del desaliento
de la corriente comercial del Pa-
cífico, que es lo que aquí se teme.
El Señor Risco de las anualidades fué el primero
en hablar de £ 200,000 para cubrir
los gastos de ferrocarriles; habiendo
sido expresado primero á mí en la



Gral J. M. B.

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visita de cortesía que le hice y después al Sr. Aramayo en la conferencia del 8. Habiendo pregun-
tado el término de estas ausen-
tidades, que dejamos en blanco en
el proyecto de las bases, el pesó el
señor Aramayo que serían por 20 años.
Estos son los puntos principa-
les que ocuparon la hora y media
de conferencia con el Presidente Ibáñez
y su Gabinete.

En este momento recibo esquela
verbal del Ministro de R.E. invi-
tándome á las 9 P.M. á su des-
pacho para hablar de estos asuntos.

Con todo respeto me suscribo
su atento amigo

S.S.

Gabriel Valdés

Annex 377

Treaty on Demarcation of Frontiers between Peru and Bolivia, 23 September 1902

(English translation)

1909 3(4) *American Journal of International Law, Supplement: Official Documents*, pp 381-383

ARTICLE 17.

The ratifications of this treaty shall be exchanged at La Paz or at Lima within one year from the day of its date.

In testimony whereof, the undersigned have signed and sealed this treaty, prepared in duplicate, in the city of La Paz, on the 21st day of the month of November, 1901.

FEDERICO DIEZ DE MEDINA.
FELIPE DE OSMA.

BOLIVIA–PERU. TREATY RELATING TO THE DEMARCATION OF FRONTIERS.

Signed, September 23, 1902.

The government of the republic of Peru and of the republic of Bolivia, having in view the solution by peaceful and friendly means of the controversy as to limits now pending between both countries, have agreed to define and fix the divisionary line, and have appointed for this purpose their plenipotentiary, viz:

His excellency the president of Peru has appointed Dr. Felipe de Osma its envoy extraordinary and minister plenipotentiary to the Government of Bolivia.

His excellency the president of the republic of Bolivia has appointed Dr. Eliodoro Villazou, the minister of foreign affairs.

These parties, after exhibiting their full powers and finding them to be in due form, have agreed to the following articles:

ARTICLE 1.

The two high contracting parties agree to proceed to the demarcation of the frontier, from the point of intersection between this and the boundary of the territories occupied by Chile, in accordance with the third clause of the treaty of peace of 1883, on the west, and as far as the snow fields or Palomani on the east, it being understood that in this region the terminating point of the divisionary line is to be fixed in accordance with the surveys and indications of the commission of limits. The settlement of the question as to the remainder of the frontier is reserved for another special convention.

ARTICLE 2.

The high contracting parties likewise agree to proceed, in accordance with the conditions of the present treaty, to the demarcation of the line

which separates the Peruvian provinces of Tacua and Africa from the Bolivian province of Carangas, immediately after the said provinces are once more under the sovereignty of Peru.

ARTICLE 3.

The frontier pointed out in the first article shall be surveyed by a mixed demarcation commission, composed, on each side, of a national commission capable of examining and appreciating the titles relating to the limits, a chief geographical engineer, an assistant engineer, a secretary, and the necessary auxiliary staff. These commissions shall be duly constituted, and shall commence their labors as soon as the interchange of ratifications has taken place.

ARTICLE 4.

The surveys shall comprise at least a league in extent on each side of the limit now recognized, and as regards the points about which there exists dispute they shall include the whole of the disputed territory, with its irregularities and topographical details.

ARTICLE 5.

The mixed commission shall make plans, dividing them into numbered sections, and shall set down in them the irregularities of the grounds, the limits more or less recognized at the present time, and the advances or limits claimed by the commissioners of each nation. Having come to an agreement, it shall proceed to the demarcation and placing of landmarks on the divisionary line, and while ordering them to be placed in their proper position, shall draw up a document setting forth the facts and also the number of landmarks. Should there be any disagreement, each commission will mark on a plan the limit which ought to be fixed, according to its judgment, and will accompany the same with a concise memorandum, stating what are the titles and which are the reasons.

ARTICLE 6.

The plans or maps shall be submitted to the examination and approval of the respective governments, and by means of a general protocol, or other partial ones, the definite divisionary line of both nations shall be fixed, and on the said line shall be set up the landmarks, their respective localities being duly set forth in as many minutes of the proceedings as may be necessary.

ARTICLE 7.

If the high contracting parties should be unable to resolve between themselves the cases which may arise of disagreement between the respective commissions, they shall submit the same to arbitration.

ARTICLE 8.

The detailed instructions for the commissions to commence their labors shall be agreed upon in due time, by means of a special protocol, and they shall be handed to the respective commissions, which, for this purpose, shall have assembled in the city of La Paz or in that of Puno.

In witness whereof the undersigned have set their hand and seal to the present treaty, drawn up in duplicate, in the city of La Paz, on the 23d day of September, 1902.

FELIPE DE OSMA.
ELIODORO VILLAZOU.

BOLIVIA–PERÚ. TREATY OF ARBITRATION RESPECTING LIMITS.

Signed, December 30, 1902.

The president of the republic of Peru and the president of the republic of Bolivia, being desirous of settling the question of limits now pending between the two states, have for this purpose appointed as their pleni potentiaries:

His excellency the president of Peru has appointed Dr. Felipe de Osma its envoy extraordinary and minister plenipotentiary to the government of Bolivia.

And his excellency the president of the republic of Bolivia has appointed Dr. Eliodoro Villazou, the minister of foreign affairs.

These parties, after exhibiting their full powers and finding them to be in due form, have agreed, in accordance with the second clause of the general arbitration treaty of November 21 of last year, to the following:

ARTICLE 1.

The high contracting parties submit to the judgment and decision of the government of the Argentine Republic, as arbitrator and judge of rights, the question of limits now pending between both republics, so as to obtain a definite and unappealable sentence, in virtue of which all the territory which in 1810 belonged to the jurisdiction or district of the

Annex 378

Protocol to the 1904 Treaty of Peace and Amity between Bolivia and Chile, 20 October 1904

(Original in Spanish, English translation)

National Archive of Chile

Ejemplar del Ilustre Ministro Plenipotenciario de Bolivia Don Alberto Gutierrez

En Santiago a veinte dias del mes de Octubre de 1904, reunidos en el Ministerio de Relaciones Exteriores de Chile el Enviado Extraordinario Ministro Plenipotenciario de Bolivia en Chile, don Alberto Gutierrez, i el Ministro del ramo, don Emilio Bello Codecido, con el objeto de suscribir el Tratado de Paz i Amistad concluido en esta misma fecha entre los Gobiernos de ambos paises, el Representante de Bolivia expuso:

Que, de acuerdo con el espiritu que ha guiado a los Gobiernos de Bolivia i de Chile al celebrar el referido Pacto, e interpretando los propositos de cordialidad i de armonia manifestados por su Gobierno en el curso de las negociaciones que acaban de terminar, Bolivia empeñará todos sus esfuerzos, ya sea conjunta

"Copy for the Illustrious Minister Plenipotentiary of Bolivia Mr. Alberto Gutiérrez"

"In Santiago, on the 20th day of the month of October of 1904, gathered at the Ministry of Foreign Affairs of Chile the Extraordinary Envoy and Minister Plenipotentiary of Bolivia in Chile, Alberto Gutiérrez, and the Minister of this branch, Emilio Bello Codecido, with a view to signing the Treaty of Peace and Amity entered into on this same date between the Governments of the two countries, the Bolivian representative stated:

That, in accordance with the spirit that has guided the Governments of Bolivia and Chile when entering into the said Pact, and interpreting the purposes of cordiality and harmony manifested by your Government in the course of the negotiations that they have just completed, Bolivia will make every effort, whether jointly

a separadamente con Chile, para que los territorios de Tacna i Arica se incorporen definitivamente al territorio chileno.

Por su parte, el Ministro de Relaciones Exteriores expresó que, de acuerdo con su Gobierno consideraba que los intereses comunes de Chile i de Bolivia establecían entre ambas Repúblicas el compromiso de unir su acción i sus esfuerzos en el sentido de hacer definitivo el dominio de Chile en los territorios de Tacna i Arica.

Agregó, asimismo, que en reciprocidad Chile prestaría a Bolivia su apoyo diplomático en favor de los derechos de Bolivia sobre el territorio que actualmente ocupa, si llegara a serle disputado por otra Nación vecina, ofreciendo su mediación, los buenos oficios u otro recurso amistoso.

Y para constancia convinieron en protocolizar esta conferencia, firmando i sellando la presente en doble ejemplar.

(firmado) - A. Gutierrez.

(firmado) - Emilio Bello C.

with or separately from Chile, so that the territories of Tacna and Arica are definitively incorporated into Chilean territory.

For his part, the Minister of Foreign Affairs stated that in accordance with his Government considered that the common interests of Chile and Bolivia established between the two Republics the commitment to unite their actions and efforts in order to make definitive Chile's dominion over the territories of Tacna and Arica.

He also added that in reciprocity Chile would provide diplomatic support to Bolivia in favor of Bolivia's rights over the territory it currently occupies, should it be disputed by another neighboring nation, with Chile offering mediation, good offices or other amicable recourse.

In witness whereof, they agreed to record this session, signing and sealing this document in two counterparts.

[signed] H. Gutiérrez
[signed] Emilio Bello C."

Annex 379

Treaty on Rectification of Borders between Peru and Bolivia, 17 September 1909

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Peru, <https://apps.rree.gob.pe/portal/webtratados.nsf/Tratados_Bilateral.xsp?action=openDocument&documentId=605E>

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Reunidos en el Ministerio de Relaciones Exteriores de Boliv á los diez y siete días del mes de Septiembre de 1909, los infrascritos Señor Don Solón Polo, Enviado Extraordinario y Ministro Plenipotenciario del Perú y Doctor Daniel S. Bustamante, Ministro del Ramo; con el objeto de acordar lo conveniente en consecuencia del laudo arbitral, expedido por Su Excelencia el Presidente de la República Argentina, el 9 de Julio último, en virtud del Tratado especial de arbitraje de 30 de Diciembre de 1902 entre los Gobiernos del Perú y de Bolivia, convinieron en lo siguiente:

I

A efecto de que los límites fijados, por el Arbitro, se amolden en lo posible á los accidentes naturales del terreno y respondan mejo á las conveniencias recíprocas de ambos países interesados, los Gobiernos del Perú y de Bolivia han resuelto, mediante el presente pacto, efectuar la permutas y concesiones de terrenos que, de común acuerdo, consideran necesarias al propósito que abrigan de que las fronteras de uno y otro país queden arregladas en forma que consulte su seguridad y eviten toda desinteligencia posterior.

II

En tal virtud, la línea de demarcación entre los territorios del Perú y de Bolivia, partirá del lugar en que las actuales fronteras coinciden con el río Suches, cruzará el lago del mismo nombre y se dirigirá por los cerros Palomani-Tranca, Palomani-Kunca, pico de Palomani y cordillera de Yaguayagua. De allí se dirigirá por las cordilleras de Huajra, de Lurini y de Ichocorpa, siguiendo la línea de división de aguas entre los ríos Lanza y Tambopata hasta los 14° de latitud Sud y de allí avanzará hasta encontrar en el mismo paralelo el río Mosoj-Huaico ó Lanza, y continuará por este río hasta su confluencia con el Tambopata. Desde la confluencia del río Tambopata con el río Lanza, la frontera irá á encontra la cabecera occidental del río Heath, y seguirá por éste, aguas abajo, hasta el río Amarumayu ó Madre de Dios. Desde la confluencia del río Heath con el Madre de Dios, se trazará una línea geodésica que, partiendo de la boca del Heath, vaya al occidente de la barraca Illampu, sobre el río Manuripi, y dejando esta propiedad, del lado de Bolivia, la línea de frontera se dirigirá á la confluencia del arroyo Yaverija con el río Acre, quedando de propiedad definitiva y perpétua de Bolivia todos los territorios situados al oriente de dichas líneas y de propiedad definitiva y perpétua del Perú los territorios situados al occidente de las mismas.

At a meeting in the Bolivian Ministry of Foreign Affairs on the seventeenth day of September 1909, the undersigned Mr. Solón Polo, Extraordinary Envoy and Minister Plenipotentiary of Peru, and Dr. Daniel S. Bustamante, Responsible Minister, for the purpose of reaching an agreement further to the arbitral award issued by His Excellency the President of the Argentine Republic this past 9 July, pursuant to the special arbitration agreement of 30 December 1902 between the Governments of Peru and Bolivia, agreed as follows:

I

In order that the boundaries fixed by the Arbitrator correspond, to the extent possible, to the natural features of the land, and best harmonize with the reciprocal agreements of the interested countries, the Governments of Peru and of Bolivia have resolved, by means of this agreement, to effectuate the swaps and concessions of land that, by common agreement, they consider necessary for their stated purpose that the borders of the two countries be arranged such that their security is taken into account and all subsequent confusion is avoided.

II

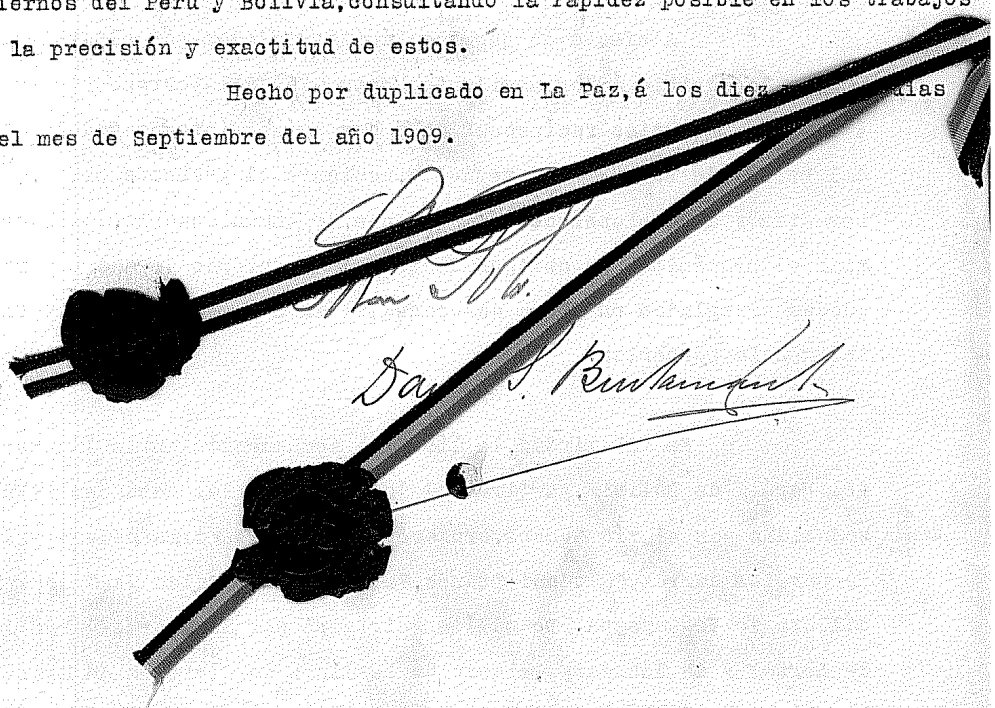
Consequently, the line of demarcation between the territories of Peru and of Bolivia will originate at the place where the current borders coincide with the Suches River; it will cross the lake of the same name and will follow the Palomani-Tranca, Palomani-Kunca, Palomani Peak and Yaguayagua Range mountains. From there it will follow the Huajra, Lurini and Ichocorpa ranges, along the watershed between the Lanza and Tambopata rivers to 14° south latitude; thence it will proceed until it meets the Mosoj-Huaico or Lanza River on the same parallel and will continue along this river until it meets the Tambopata. From the confluence of the Tambopata River and the Lanza River, the border will continue to the western source of the Heath River and will follow it downstream to the Amarumayu or Madre de Dios River. From the confluence of the Heath River with the Madre de Dios, a geodetic line will be drawn from the mouth of the Heath in a westerly direction from the barraca Illampu, over the Manuripi River; and leaving this property, on the Bolivian side, the border line will continue to the confluence of the Yaverija Creek with the Acre River, with all territories located to the east of said lines belonging permanently and perpetually to Bolivia and the territories located to the west of said lines belonging permanently and perpetually to Peru.

III

Las Altas Partes Contratantes se comprometen á canjear las ratificaciones del presente Convenio, en el término de treinta días de la fecha; y dentro de seis meses, quedarán constituidas las Comisiones Mixtas Demarcadoras encargadas de fijar sobre el terreno la línea de fronteras, conforme á las anteriores estipulaciones.

El personal de estas Comisiones, asi como las instrucciones á que deban sujetarse, se determinarán por acuerdo especial de los Gobiernos del Perú y Bolivia, consultando la rapidez posible en los trabajos y la precisión y exactitud de estos.

Hecho por duplicado en La Paz, á los diez [illegible] días del mes de Septiembre del año 1909.



Lima, 27 de setiembre de 1909

Pásese al Congreso Nacional para los efectos de la atribución á que se refiere el inciso 16.° del artículo 59 de la Constitución de la República.

III

The High Contracting Parties undertake to exchange ratifications of this Agree-ment within 30 days from the date hereof; and within six months the Mixed Demarcation Commissions charged with placing markers along the boundary line will be established in accordance with the foregoing provisions.

The personnel of these Commissions, as well as the instructions to which they will be subject, shall be determined by special agreement of the Governments of Peru and Bolivia, giving due consideration to the speed with which the work can be accomplished and its precision and accuracy.

Signed in duplicate in La Paz on the seventeenth day of September 1909.

Lima, 27 September 1909. Send to Congress for exercise of authority referred to in Article 59, Section 16 of the Constitution of the Republic.

Annex 380

Letter from the Minister of Foreign Affairs of Bolivia to the Minister Plenipotentiary of Chile in Bolivia, 29 April 1910

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

Ministerio de Relaciones Exteriores y Culto

La Paz 29 de Abril de 1910.

Nº 272.

SEÑOR MINISTRO:

He leído con particular interés su oficio Nº 4 de fecha de ayer, en el cual se digna V.E. pedirme ratifique algunas expresiones que vertí en el curso de nuestra Conferencia de 25 del actual.

Tengo la más viva satisfacción al asegurar á V.E. que la Cancillería de mi cargo, al formular sus vehementes aspiraciones á la posesión de un puerto en el Pacífico, escuchará con absoluta deferencia los consejos y la opinión de Chile, y que si en el concepto del Gobierno de la Moneda fuese más conveniente aplazar el estudio de este negocio por no ser propicio el momento actual, mi Gobierno procedería siempre con el propósito de no alterar en lo más mínimo la cordial aproximación que por fortuna existe entre nuestros dos países.

Con sentimientos de alta consideración, reitero á V.E. las expresiones de mi distinguido aprecio

Dan. L. Bustamante

AL EXCMO. SEÑOR DON GUILLERMO PINTO AGUERO, E.E. Y MINISTRO PLENI-
REPUBLICA DE CHILE.

Ministry of Foreign Affairs
and Worship

La Paz, 29 April 1910.

No. 272

MINISTER:

I have read with particular interest your letter no. 4 dated yesterday, in which Your Excellency asked me to confirm certain statements that I made in the course of our Conference on the 25th of this month.

I am most pleased to assure Your Excellency that the Ministry of Foreign Affairs of which I am in charge, when formulating its vehement aspirations to the possession of a port on the Pacific, will listen with absolute deference to the advice and opinion of Chile, and that if the Chilean government deems it more appropriate to postpone the study of this matter because it is not the proper time to do so, my Government will proceed at all times with the purpose of not altering, in the least, the cordial relationship that fortunately exists between our two countries.

With sentiments of high consideration, I repeat to Your Excellency the expressions of my distinguished appreciation.

[Signed Daniel S. Bustamante]

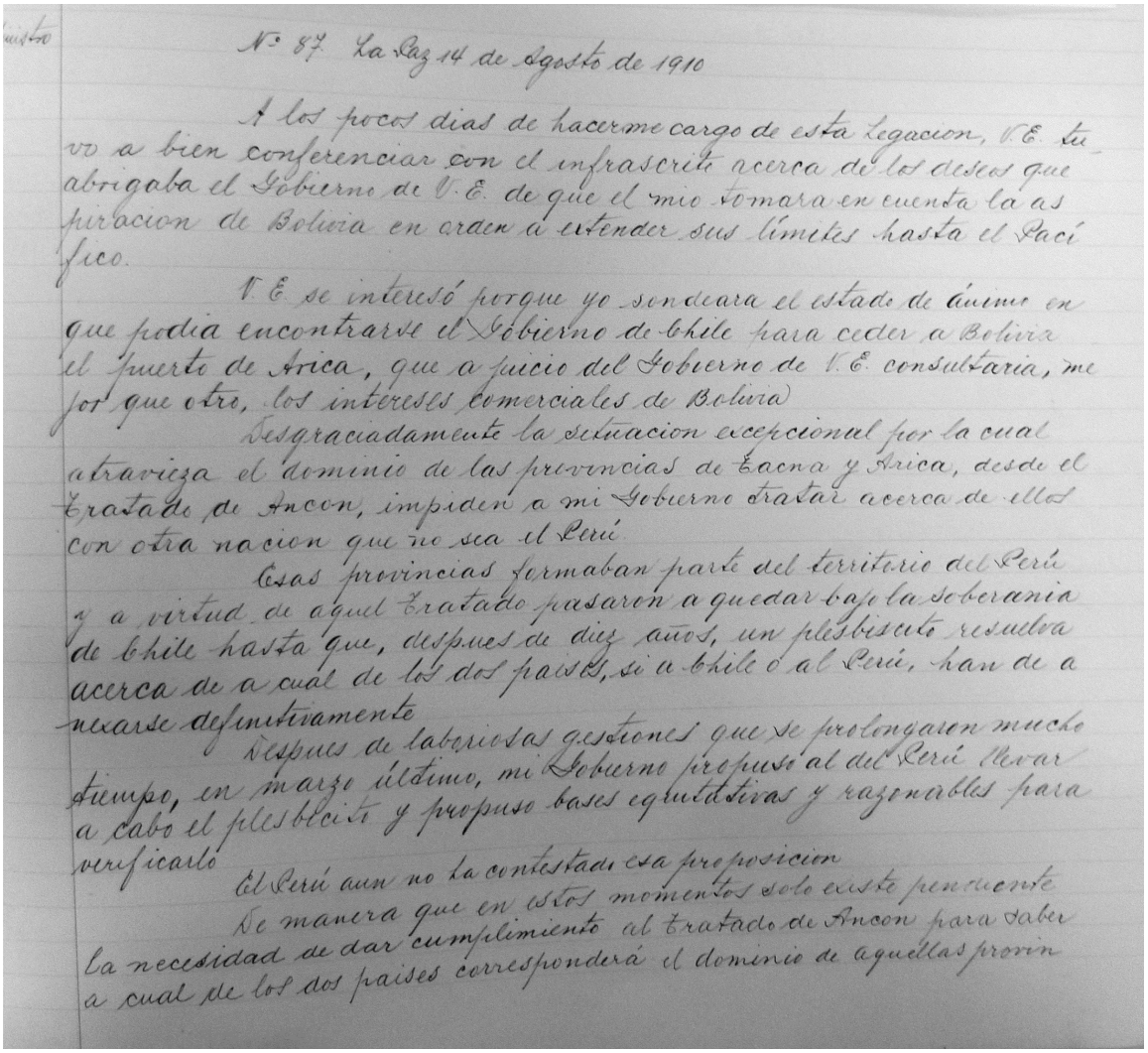
TO HIS EXCELLENCY MR. GUILLERMO PINTO AGÜERO, EXTRAORDINARY ENVOY AND MINISTER PLENIPOTENTIARY OF THE REPUBLIC OF CHILE.

Annex 381

Letter from the Minister Plenipotentiary of Chile in Bolivia to the Government of Bolivia, 14 August 1910

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile



Cuarto

N° 87 La Paz 14 de Agosto de 1910

A los pocos dias de hacerme cargo de esta Legacion, V.E. tuvo a bien conferenciar con el infrascrito acerca de los deseos que abrigaba el Gobierno de V.E. de que el mio tomara en cuenta la aspiracion de Bolivia en orden a estender sus límites hasta el Pacífico.

V.E se interesó porque yo sondeara el estado de ánimo en que podia encontrarse el Gobierno de Chile para ceder a Bolivia el puerto de Arica, que a juicio del Gobierno de V.E. consultaria, mejor que otro, los intereses comerciales de Bolivia

Desgraciadamente la situacion excepcional por la cual atraviesa el dominio de las provincias de Tacna y Arica, desde el Tratado de Ancon, impiden a mi Gobierno tratar acerca de ellas con otra nacion que no sea el Perú

Esas provincias formaban parte del territorio del Perú y a virtud de aquel Tratado pasaron a quedar bajo la soberania de Chile hasta que, despues de diez años, un plesbiscito resuelva acerca de a cual de los dos paises, si a Chile ó al Perú, han de anexarse definitivamente

Despues de laboriosas gestiones que se prolongaron mucho tiempo, en marzo último, mi Gobierno propuso al del Perú llevar a cabo el plesbicito y propuso bases equitativas y razonables para verificarlo

El Perú aun no ha contestado esa proposicion

De manera que en estos momentos solo existe pendiente la necesidad de dar cumplimiento al Tratado de Ancon para saber a cual de los dos paises corresponderá el dominio de aquellas provin

…

No. 87. La Paz, 14 August 1910

A few days after I was appointed as Head of this Legation, Your Excellency agreed to hold a meeting with the undersigned concerning the wishes of Your Excellency's Government that mine take into account Bolivia's aspirations to extend its borders to the Pacific Ocean.

Your Excellency asked me to assess the Chilean Government's state of mind concerning the cession of the Port of Arica to Bolivia, which in the opinion of Your Excellency's Government would suit, more than anything else, the commercial needs of Bolivia.

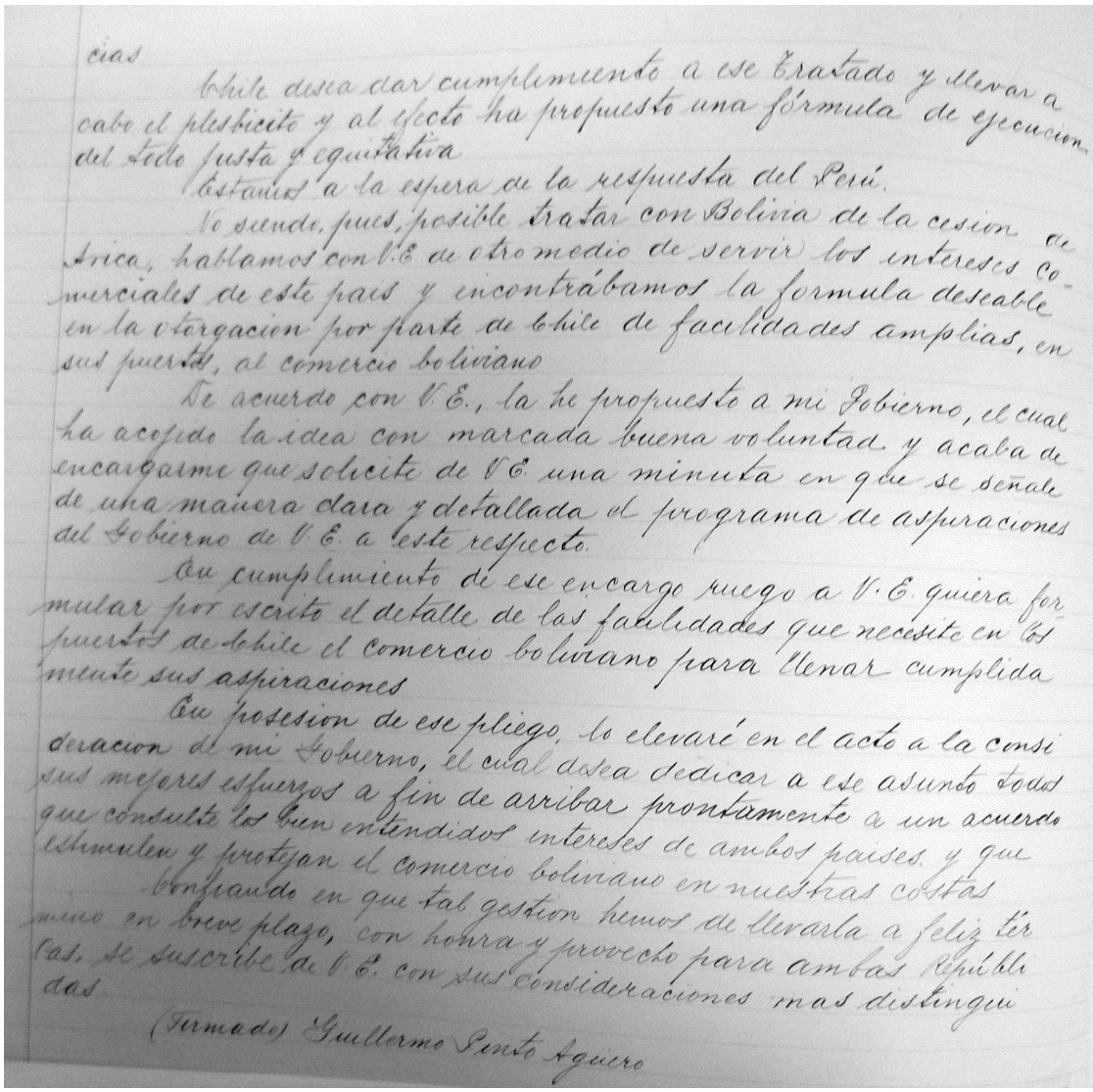
Unfortunately, the exceptional circumstances concerning the dominion of the provinces of Tacna and Arica, since the Treaty of Ancón, prevent my Government from dealing with the matter with countries other than Peru.

The provinces used to form part of the Peruvian territory; however, by virtue of the Treaty mentioned, they came under the sovereignty of Chile until, after a period of ten years, a plebiscite resolves to which of the two countries, Chile or Peru, they were they to be definitively annexed.

After laborious efforts, which lasted for a long time, last March, my Government proposed to the Government of Peru to carry out the plebiscite and proposed equitable and reasonable bases to do so.

Peru has not yet responded to our proposal.

Thus at the moment the only pending matter is the need to implement the Treaty of Ancón so as to determine which of the two countries will have dominion over the abovementioned



cias

Chile desea dar cumplimiento a ese Tratado y llevar a cabo el plebiscito y al efecto ha propuesto una fórmula de ejecucion del todo justa y equitativa

Estamos a la espera de la respuesta del Perú.

No siendo, pues, posible tratar con Bolivia de la cesion de Arica, hablamos con V.E de otro medio de servir los intereses comerciales de este pais y encontrábamos la formula deseable en la otorgacion por parte de Chile de facilidades amplias, en sus puertos, al comercio boliviano

De acuerdo con V.E., la he propuesto a mi Gobierno, el cual ha acojido la idea con marcada buena voluntad y acaba de encargarme que solicite de V.E. una minuta en que se señale de una manera clara y detallada el programa de aspiraciones del Gobierno de V.E. a este respecto.

En cumplimiento de ese encargo ruego a V.E. quiera formular por escrito el detalle de las facilidades que necesite en los puertos de Chile el comercio boliviano para llenar cumplidamente sus aspiraciones

En posesion de ese pliego, lo elevaré en el acto a la consideracion de mi Gobierno, el cual desea dedicar a ese asunto todos sus mejores esfuerzos a fin de arribar prontamente a un acuerdo que consulte los bien entendidos intereses de ambos paises y que estimulen y protejan el comercio boliviano en nuestras costas

Confiando en que tal gestion hemos de llevarla a feliz término en breve plazo, con honra y provecho para ambas Repúblicas, se suscribe de V.E. con sus consideraciones mas distinguidas

(Firmado) Guillermo Pinto Agüero

provinces.

Chile wishes to comply with the Treaty and carry out the plebiscite. To that end, it has proposed a fair and equitable formula for its implementation.

We are still waiting for Peru's response.

Since it is not possible to deal with the cession of Arica with Bolivia, we talked with Your Excellency about other means to serve the commercial interests of your country and we found as a desirable formula the grant by Chile of ample advantages, in its ports, to Bolivia's commerce.

In agreement with Your Excellency, I made this proposal to my Government, which embraced the idea with noted goodwill. I have just been instructed to request that Your Excellency issue minutes setting forth Your Excellency's Government's aspirations in this regard in a clear and detailed manner.

In compliance with the referred instructions, I would like to kindly request that Your Excellency specify in writing, in a detailed manner, the advantages the Bolivian commerce needs in the Chilean ports to meet its aspirations fully.

Once in possession of such minutes, I shall promptly submit them to the consideration of my Government, which wishes to use its best efforts quickly to reach an agreement to satisfy the fair interests of both countries and promote and protect the Bolivian commerce on our coasts.

Trusting that we will bring our efforts to a successful conclusion very soon for the honor and benefit of both Republics, I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Signed) Guillermo Pinto Agüero

Annex 382

Letter from the Ministry of Foreign Affairs of Bolivia to the Minister Plenipotentiary of Chile in Bolivia, 29 August 1910

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

MINISTERIO DE RELACIONES EXTERIORES
Y CULTO

SECCION DIPLOMATICA

No. 677

Asunto

La Paz, 29 de Agosto de 191

SEÑOR MINISTRO:-

Con particular satisfacción me he impuesto de las declaraciones que Vuestra Excelencia hace en su nota No. 87 de 14 del mes en curso, respecto á la buena voluntad que tiene el Gobierno de Chile para dar toda clase de facilidades en sus puertos al comercio boliviano.

En respuesta, tengo el honor de expresar á Vuestra Excelencia que en la debida oportunidad me será grato remitirle un Memorandum que contenga los deseos de mi Gobierno en el particular, á fin de que podamos llegar á un acuerdo, como dice Vuestra Excelencia, con honra y provecho para ambas Repúblicas.

Renuevo, con este motivo á Vuestra Excelencia, las seguridades de mi alto y distinguido aprecio.

David S. Kementchedjy

Al Excmo. Señor Don GUILLERMO PINTO AGUERO, E. E. y Ministro Plenipotenciario de la República de Chile.

-S A N T I A G O.-

MINISTRY OF FOREIGN AFFAIRS AND WORSHIP

OFFICE OF DIPLOMATIC AFFAIRS

La Paz, 29 August 191[0]

No. 64

Subject

MR. MINISTER: -

I am pleased to inform you that I am aware of the declarations made by Your Excellency in note No. 87 of the 14th of this month, regarding the good will that the Government of Chile has to provide all kind of facilities in its ports for the Bolivian commerce.

In response, I am honored to express to Your Excellency that, in due time, I will be pleased to send you a Memorandum containing the wishes of my Government on this matter, in order to be able to reach an agreement, as Your Excellency expresses, that is righteous and beneficial for both Republics.

I reaffirm, on this occasion, that I have the highest and greatest regard for Your Excellency.

[Signature]

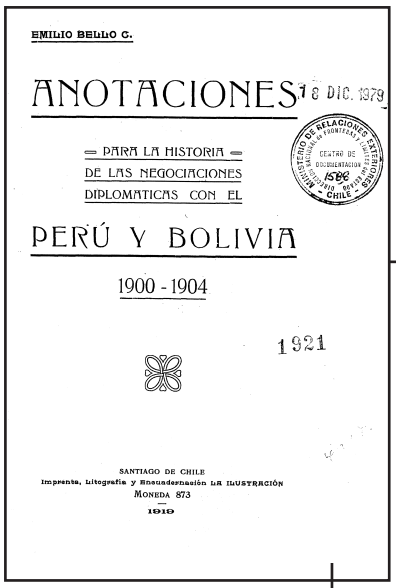
To Honorable Mr. GUILLERMO PINTO AGUERO, Extraordinary Envoy and Minister Plenipotentiary of the Republic of Chile.

-SANTIAGO.-

Annex 383

E.B. Codesido, *Annotations to the History of Diplomatic Negotiations with Peru and Bolivia 1900-1904* (1919), pp 188-192 (extract)

(Original in Spanish, English translation)



EMILIO BELLO C.

ANOTACIONES

= PARA LA HISTORIA =
DE LAS NEGOCIACIONES
DIPLOMATICAS CON EL

PERÚ Y BOLIVIA

1900 - 1904

1921

SANTIAGO DE CHILE
Imprenta, Litografía y Encuadernación LA ILUSTRACIÓN
MONEDA 873
1919

18 DIC. 1979
MINISTERIO DE RELACIONES EXTERIORES
CENTRO DE DOCUMENTACION
CHILE

De aquí se infiere que, desde que se ajustó con Bolivia el Pacto de Tregua, quedó ligado su más primordial anhelo de obtener una salida al Pacífico, a la expectativa de que Chile obtuviera un título definitivo de soberanía sobre Tacna y Arica, circunstancia que conviene anotar desde luego para apreciar el futuro aspecto de este problema internacional.

Las negociaciones seguidas con posterioridad sobre la misma base de satisfacer las exigencias de Bolivia de puerto en el Pacífico, llegaron en 1895 a consagrarse en la fórmula que más se ha acercado al *desideratum* anhelado por ese país.

Los Tratados de Paz y Amistad, de Transferencia de Territorio y de Comercio firmados en Santiago el 18 de Mayo de aquel año, parecían convertir en una realidad la solución completa de las cuestiones debatidas por los Gobiernos de Bolivia y Chile hasta esa fecha.

Pero, en esta solución quedaba indeterminado el puerto o sección de territorio que adquiriría Bolivia, desde que se interponía una circunstancia incierta, cual era la de conocer de antemano el resultado del plebiscito en Tacna y Arica para averiguar si Chile podría transferir esos territorios a Bolivia, o si, en el caso de no poder nuestro país obtener el dominio definitivo de esa zona, entregaría la caleta Vítor u otra análoga.

Los protocolos complementarios que tendían a precisar las obligaciones contraídas por Chile en orden a satisfacer la transferencia de territorio exigida por Bolivia, en las diversas eventualidades contempladas en el respectivo Tratado, dejaron de manifiesto que no existía acuerdo sobre la base fundamental de los pactos celebrados, y su no aprobación por los respectivos Congresos, hizo ineficaces estos pactos en su totalidad, como expresamente lo establecieron ambos gobiernos en notas aclaratorias cambiadas al efecto.

Aquí podemos decir que terminó la primera faz de las negociaciones con Bolivia sobre la base de procurar a este país una salida propia al Pacífico.

Sucedió a este período de actividad, la consiguiente paralización en las gestiones diplomáticas para preparar nuevas y más viables soluciones.

En realidad, sobre la acción de los Gobiernos, inspirada en

…

-188-

…

The supplementary protocols that served to specify the obligations undertaken by Chile in order to satisfy the transfer of territory that Bolivia demanded, in the various alternatives contemplated in the respective Treaty, made it clear that there was no agreement on the fundamental basis of the concluded treaties, and the lack of approval by the respective Congresses made these treaties wholly unenforceable, as expressly established by both governments in explanatory notes exchanged to that effect.

Here, we can say that the first stage of the negotiations with Bolivia based on providing this country with its own outlet to the Pacific ended.

After this active period, the diplomatic negotiations ceased to prepare new and more viable solutions.

Actually, on the action of the Governments, inspired by

un sincero propósito de armonía y de paz, habíanse impuesto factores que eran parte de otro conflicto internacional, el de Tacna y Arica, cuyas dificultades no permitían anticipar resoluciones sobre cesiones de territorio que tropezarían siempre con lo incierto y lo desconocido.

Este estado de cosas se mantuvo durante varios años. En el interregno fué abriéndose camino una nueva base para un tratado de paz con Bolivia, quedando eliminada por impracticable la idea de ofrecer a este país una zona de acceso al mar, lo que, aunque fuera una lógica y muy legítima aspiración, dada su condición de pueblo mediterráneo, no estaba en manos de Chile otorgar. Las negociaciones de 1895, así lo habían demostrado.

En el año 1900 se concretaron por parte de Chile las bases para la celebración de un Tratado definitivo de paz con Bolivia, de acuerdo con la nueva faz que presentaba el problema para ambas Cancillerías después de los obstáculos surgidos para las anteriores soluciones.

Estas Bases, propuestas por nuestro Gobierno, eran las siguientes:

"El Gobierno de Chile está dispuesto a hacerse cargo y comprometerse al pago de las obligaciones contraídas por el Gobierno de Bolivia, a favor de las empresas mineras de Huanchaca, Corocoro y Oruro y del saldo del empréstito boliviano levantado en Chile en 1867, una vez deducidas las cantidades que hubieren sido de abono a esa cuenta según el artículo 6 del Pacto de Tregua.

El Gobierno de Chile podría, así mismo, satisfacer los siguientes créditos que pesaban sobre el litoral boliviano: el que corresponde a los bonos emitidos para la construcción del ferrocarril de Mejillones a Caracoles; el crédito a favor de don Pedro López Gama, representado hoy por la casa Alsop y Cía.; y el de don Enrique Meiggs, representado por don Eduardo Squire procedente del contrato celebrado por el primero con el Gobierno de Bolivia en 20 de Marzo de 1876, sobre arrendamiento de las salitreras fiscales del Toco; el reconocido a favor de la familia de don Juan Garday.

a true purpose of harmony and peace, certain factors had been imposed that were part of a different international conflict, that of Tacna and Arica, whose difficulties did not allow the anticipation of resolutions on the cession of territory that would always be met with the unknown and the uncertain.

This state of affairs lasted several years. In the meantime, new bases for a peace treaty with Bolivia arose, and the idea of offering this country an area with access to the sea was disregarded because it was impracticable, although it was a logical and legitimate aspiration, given its condition as a landlocked country. This was not for Chile to grant. The 1895 negotiations had demonstrated this point.

In 1900, Chile confirmed the bases for the signing of a definitive peace treaty with Bolivia, pursuant to the new face that the problem was showing to both Ministries of Foreign Affairs after the hindrances that had come up in relation to the prior solutions.

These Bases, proposed by our Government, were the following:

"The Chilean Government is willing to assume and undertake to pay the obligations incurred by the Government of Bolivia to the mining companies in Huanchaca, Corocoro and Oruro, and the outstanding balance of the Bolivian loan taken out in Chile in 1867, after deducting any amounts paid to such account, as per article 6 of the Truce Pact.

The Government of Chile may also honor the following debts of the Bolivian littoral: the debt pertaining to the bonds issued for the construction of the Mejillones to Caracoles railway; the debt owed to Mr. Pedro López Gama, who is currently represented by Alsop y Ca; the debt to Mr. Enrique Meiggs, represented by Mr. Eduardo Squire, derived from the contract entered into by the former with the Bolivian Government on 20 March 1876, for the lease of the Toco nitrate deposits; and the debt acknowledged in favor of the family of Mr. Juan Garday.

Estos créditos serán objeto de particular liquidacion y de una especificación detallada en un protocolo suplementario.

El Gobierno de Chile abonará, además, una suma de dinero que será fijada de común acuerdo por ambos Gobiernos y que deberá invertirse en la construcción de un ferrocarril que úna algún puerto de Chile con el interior de Bolivia, o que continúe el ferrocarril actual de Oruro.

Tanto la suma como la determinación de los puntos de partida y de término, se fijarán de común acuerdo; pero puede avanzarse que el Gobierno de Chile está dispuesto a abonar hasta la cantidad de seis millones de pesos.

El punto elegido como inicial del ferrocarril será declarado franco para los productos y mercaderías que por él se internen en tránsito para Bolivia y para los productos y mercaderías bolivianas que por él mismo se exporten.

En cambio de estas concesiones, el Gobierno de Bolivia estará dispuesto a celebrar el tratado de paz que asegure la cesión definitiva del litoral boliviano ocupado por Chile, en virtud del Pacto de Tregua".

En la memoria de relaciones correspondiente al año de 1902, se dejaba constancia en los siguientes términos del resultado de la misión confidencial del distinguido hombre público de Bolivia, don Félix Avelino Aramayo, encargado de avanzar el estudio de bases de arreglo con nuestro país:

"Si bien es sensible para el infrascrito no haber arribado aún al arreglo amistoso y equitativo de las cuestiones pendientes con el Perú, es satisfactorio en cambio dejar testimonio de la buena inteligencia que desde hace algún tiempo se viene acentuando con la República de Bolivia.

La discreta y atinada gestión que con arreglo a las instrucciones del Departamento ha tenido a su cargo el representante de Chile en ese país, ha encontrado de parte del actual Gobierno de Bolivia la más favorable acogida, y ha venido ella a traducirse en hechos concretos con la llegada a Chile del señor don Félix Avelino Aramayo, Ministro de Bolivia en la Gran Bretaña.

El señor Aramayo, sin venir investido de una misión espe-

Such debts will be subject to particular payment and to a specification detailed in a supplementary Protocol.

The Government of Chile will also pay a sum of money that will be fixed by mutual agreement between both governments, and that must be invested in the construction of a railway connecting some port of Chile with the Bolivian interior, or continuing the existing Oruro railway.

The amount, as well as the starting and ending points, will be fixed by mutual agreement; but it may be anticipated that the Government of Chile is willing to pay up to six million Pesos.

The point selected as the start of the railway will be declared duty free for all products and goods entering thereby in transit to Bolivia, and for all Bolivian products and goods exported thereby.

In exchange for such concessions, the Bolivian Government will be willing to enter into the Peace Treaty, ensuring the definitive cession of the Bolivian littoral, occupied by Chile, pursuant to the Truce Pact."

The 1902 memoir explained in the following terms the results of the confidential mission of Bolivia's distinguished public figure, Félix Avelino Aramayo, in charge of analyzing the bases for the agreement with our country:

"Although I regret not having yet reached an amicable and equitable solution of the pending matters with Peru, I am satisfied to be able to leave testimony of the good understanding that we have been reaching with Bolivia.

The discrete and accurate endeavor that, pursuant to the instructions of the Department, Chile's representative has had in that country has been most welcomed by the current Bolivian Government, and translated into concrete facts with the arrival in Chile of Félix Avelino Aramayo, Bolivia's Minister in Great Britain.

Mr. Aramayo, without having a special mission,

cial, trajo bases de arreglo aceptadas por el Gobierno de Bolivia y se esforzó porque fueran estudiadas para llegar a un acuerdo que pudiera ser solemnizado en seguida por la vía diplomática.

Constatada suficientemente la efectividad de este hecho, se entró a la discusión de las bases de un Tratado, con asistencia del Encargado de Negocios de ese país, señor don Julio César Valdés.

En las conferencias celebradas sobre este particular se trató especialmente de los puntos que siguen:

1.º Abandono por parte de Bolivia de toda pretensión a un puerto en el Pacífico;

2.º Independencia comercial de este país, quedando Chile sometido a la condición de la nación más favorecida;

3.º Abono por parte de Chile de una suma de dinero, entregada por anualidades, que se destinaría a la construcción de ferrocarriles que den fácil salida al Pacífico a los productos de Bolivia.

Sobre estos particulares se llegó a una inteligencia casi completa, quedando la negociación suficientemente avanzada para darle término una vez que se constituyera la representación diplomática de uno y otro país, por medio del nombramiento de Ministros Plenipotenciarios".

La Memoria presentada al Congreso de Bolivia en Agosto de 1903 por el Ministro de Relaciones Exteriores, don Eliodoro Villazón, refiriéndose al estado de las negociaciones con Chile y su nueva orientación, decía:

"En el año que ha pasado no se ha producido ningún cambio en las relaciones amistosas que hemos continuado cultivando con esta República. El actual mandatario, animado de sentimientos elevados y del deseo de poner término a la situación creada por el Pacto de Tregua, manifestó, desde los principios de su administración, las más benévolas disposiciones para seguir con las negociaciones que pudieran llevarnos a un tratado definitivo de paz. Con este laudable designio constituyó una nueva Legación, encomendada al Excmo. señor Beltrán Mathieu. De nuestra parte también acreditamos un nuevo Representante diplomático, enviando como Ministro Plenipotenciario, a don Alberto

brought bases accepted by the Government of Bolivia and made sure they were analyzed to reach an agreement that could be formalized immediately by diplomatic means.

After the effectiveness of this fact was verified, the bases for a Treaty were discussed, with the assistance of that country's Chargé d'Affaires, Julio César Valdés.

In the meetings held on this matter, the following items received particular treatment:

1. Bolivia's abandonment of any aspiration to a port on the Pacific;

2. This country's trade independence, granting Chile most favored nation status;

3. Payment by Chile of a sum of money, in annuities, destined for the construction of railroads that will provide an easy outlet to the Pacific for Bolivia's products.

An almost complete agreement was reached with regard to these items, and the negotiation progressed enough for it to be completed once the diplomatic representations of each country were established, through the appointment of the Ministers Plenipotentiary."

The Memoir submitted to the Congress of Bolivia in August 1903 by the Minister of Foreign Affairs, Eliodoro Villazón, referring to the status of the negotiations with Chile and its new direction, read:

"There was no change last year in the amicable relations we have been cultivating with this Republic. The current President, filled with elevated feelings and with the desire to end the situation created by the Truce Pact, expressed, from when he took office, the most benevolent willingness to continue the negotiations that could lead to a definitive peace treaty. With this laudable purpose, he established a new Legation, appointing Mr. Beltrán Mathieu as its head. We also appointed a new diplomatic Representative, sent as Minister Plenipotentiary, Alberto

Gutiérrez. Regularizadas así las relaciones diplomáticas, las negociaciones fueron reanudadas y en el curso de ellas se ha procurado buscar soluciones para las diversas cuestiones que interesan a uno y otro país, tales como las siguientes: cesiones territoriales y las compensaciones consiguientes—nueva delimitación de fronteras—relaciones comerciales y aduaneras - y en fin, pago de las indemnizaciones de guerra y demás obligaciones contraídas en diferentes épocas, por contratos garantizados con rentas del litoral.

En puntos sustanciales hubo acuerdo y quedaban pendientes la liquidación de los créditos y la forma de pago y la fijación de la frontera, especialmente desde el lago Ascotán hasta el de Chungara".

.....

"Dada la importancia de nuestras múltiples cuestiones con la República de Chile y la prepotencia militar y financiera de esta Nación con relación a nosotros nunca he participado de la conducta que en estos negocios han observado algunos grupos políticos de Bolivia, trazándose programas a beneplácito y alimentándose con esperanzas ilusorias. Un hombre de estado no tiene el derecho de vivir fuera de la realidad; tiene que anunciar a los pueblos la verdad, por dolorosa y triste que ella sea, presentando soluciones que les permitan pasar adelante el camino del progreso.

Con mayor convencimiento que otros, he anhelado y gestionado con vivo interés la adjudicación de un puerto sobre el Pacífico para asegurar nuestra independencia comercial y política, aspiración legítima y cuya justicia sería incontestable. Cuando he visto que esta aspiración era irrealizable, no he vacilado en tentar otros arreglos, que siendo igualmente equitativos contribuyan a la prosperidad de Bolivia, previniendo de esta manera otras complicaciones y peligros que podrían presentarse. Sin ideas preconcebidas, tenía la firme resolución de concluir y suscribir un Tratado de Paz en estas condiciones, asumiendo toda la responsabilidad consiguiente a un acto tan transcendental. Hemos escollado en los últimos detalles, y por lo mismo que han sido los últimos, han llevado a mi ánimo el convencimiento

Gutiérrez. This regularized diplomatic relations, and the negotiations were resumed. During the negotiations, solutions were sought for the various matters of interest for one country and the other, such as: cession of territory and the ensuing compensations–new delimitation of frontiers–trade and customs relations– and, finally, payment of the war indemnities and other obligations undertaken at different times, under contracts guaranteed with income from the littoral.

Agreements were reached in connection with material issues, and the liquidation of debts, form of payment and fixing of the frontier, especially from the Ascotán lake to the Chugara lake, remained pending."

…

Annex 384

Note from the Ministry of Foreign Affairs of Bolivia to the Extraordinary Envoy and Minister Plenipotentiary of Bolivia in Chile, 21 November 1919

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 43 to its Memorial

Ministerio de Relaciones Exteriores
y Culto

La Paz, 21 de Noviembre de 1919.

Sección del Archivo.

No. 31

Señor Ministro:

El día 11 del mes en curso dirigí a a Ud. mi cablegrama cifrado cuya traducción dice:

Traducción. "Andes.- Santiago.- Con respecto proposición chilena explicada en oficio 13 de Septiembre esta Cancillería piensa que debe formularse una contra-proposición en sentido que Bolivia, Chile, Perú inicien gestión tripartita pidiendo mediación Estados Unidos para solución problema Tacna y Arica. Caso aceptar este temperamento Chile pedirá seguramente que Bolivia vaya con él ante Estados Unidos gestionar plebiscito juntos su triunfo y cedernos faja al norte Arica. Como ni país ni Gobierno aceptarán la exclusión de Arica, insistiremos en que proposición chilena comprenda dicho puerto. Siendo asi la idea se abriría paso. Sírvase manifestar esa Cancillería será dificil que opinión pública boliviana acepte avenimiento que excluya espectativa Arica para su soberanía y que en todo caso Gobierno Bolivia considera proposición chilena como acto de amistosa actitud hacia nosotros.(Fdo.) Carlos Gutiérrez"

Sabe esa Legación que la proposición chilena consiste en la cesión, por dicho país, a Bolivia de una zona de territorio al norte del puerto de Arica siempre que Chile triunfe en el plebiscito contra el Perú, para lo cual nuestro país deberá aunar su acción diplomática a la de Chile para que este consolide su soberania en las provincias de Tacna y Arica.

A raíz de esta iniciativa y de la insistente gestión del Ministro señor Bello Codesido para que

Al señor don Claudio Pinilla, E. E. y
Ministro Plenipotenciario de Bolivia.

Santiago.

Ministry of Foreign Affairs
and Worship

La Paz, 21 November 1919.

Archive Section
Note Nº 31

Mister Minister,

On 11 November last I addressed to you an encrypted cablegram the translation of which states:

Translation. "Andes.- Santiago.- With regard to the Chilean proposal explained in letter of 13 September this Foreign Ministry believes a counter proposal must be formulated in the sense that Bolivia, Chile, and Peru start a tripartite demarche requesting the mediation of the United States for a solution to the Tacna – Arica problem. In the event that this proposal is accepted, Chile will certainly ask Bolivia to go together before the United States to deal with the plebiscite and its success and to cede the strip to the north of Arica to us. Since neither country nor Government will accept the exclusion of Arica, we will insist on the fact that the Chilean proposal should include said port. If that is the idea, the path shall be opened. Please inform the Foreign Ministry that it would be difficult for the Bolivian public opinion to accept a compromise which excludes Arica from its expected sovereignty and that in any event, the Government of Bolivia considers the Chilean proposal as an act of friendliness towards us. (Signed) Carlos Gutiérrez".

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

In view of this initiative and the insisting efforts of Minister Mr. Bello Codesido so that

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

Santiago.

la Cancillería le dé una respuesta categórica, ha celebrado el suscrito varias entrevistas con dicho diplomático.

Una de ellas tuvo lugar en el Palacio de Gobierno con la concurrencia del señor Presidente de la República, a solicitud del Ministro de Chile, señor Bello Codesido, y en este amplió la proposición de su país, en sentido de que, caso de aceptarla Bolivia, el puerto de Arica se neutralizaría, no debiendo por tanto haber en él tramitaciones aduaneras chilenas; tampoco se harían fortificaciones, ni se mantendrían allí fuerzas de línea.

El representante de la Moneda expresó asimismo que no deseando se conceptúe la proposición de entente chileno-boliviana como una maniobra tendiente a poner a Bolivia mal con el Perú, expresaba que Chile proponía a Bolivia, concurrir juntos y de acuerdo a cumplir extrictamente el Tratado de Ancón suscrito entre su país y el Perú.

Tanto el Primer Magistrado como el Canciller que suscribe, le expresaron que Bolivia consideraba la proposición chilena como un acto amistoso hacia nuestro país, ya que avanzaba el reconocimiento de nuestro derecho de salir al mar. Pero necesitaba el Gobierno inspirarse en las corrientes de opinión del país y para ello pensaba invitar a una reunión a los hombres mas capacitados y consultarles el asunto en cuestión, ya que la actitud de Bolivia, aceptando la proposición chilena, tal como se hallaba formulada podría dar nacimiento a la semilla de nuestra futura guerra con el Perú.

En una entrevista que celebró el infrascrito con los Miembros de la H. Comisión de Negocios Diplomáticos de la H. Cámara de Diputados, se uniformó la idea de que el Gobierno de Santiago aspiraba con su proposición, a alejarnos totalmente del Perú, lo cual no convenía.

the Foreign Ministry provides a categorical reply, the undersigned has held many meetings with that diplomat.

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

The Representative of La Moneda also expressed that for the purpose of avoiding that the Chilean-Bolivian proposal for an agreement be seen as a maneuver tending to discredit Bolivia vis-à-vis Peru, Chile proposed Bolivia to concur together and in accordance to strictly comply with the Treaty of Ancón concluded between his country and Peru.

Both the President and the undersigned Minister for Foreign Affairs, told him that Bolivia considered the Chilean proposal as a friendly act towards our country, for it acknowledged our country's right to an access to the sea. But the Government needed to be inspired by the opinions of the country and for that he thought of inviting the most capable men to a meeting to consult with them on the matter in question, given that the Bolivian attitude, of accepting the Chilean proposal as it was formulated, could seed our future war with Peru.

In a meeting held by the undersigned and the Members of the honorable Commission of Diplomatic Affairs of the Honorable Chamber of Deputies, the idea that the Government of Santiago's proposal aspired to separate us from Peru, which was not convenient, was generalized.

Ministerio de Relaciones Exteriores y Culto

Es después de esa reunión, y de conferencias celebradas con el señor Presidente de la República y los Miembros del Gabinete, que el Canciller que suscribe llegó a la conclusión de que no debia aceptarse la proposición del señor Bello Codesido, tal como estaba formulada, sino presentarle una contra-proposición en sentido de concurrir con Chile y el Perú a pedir la mediación de los Estados Unidos para la solución del problema de Tacna y Arica.

No se ocultarán al ilustrado criterio y experta versación de Ud. las ventajas que esta forma de solución aparejaría en nuestro favor, pudiendo llegar al mismo resultado propuesto por Chile, de asistir juntos y de acuerdo, cuando llegase el momento, ya que el Perú se ha encastillado en la más absoluta intransigencia; y que también el ferrocarril de Arica a La Paz ha ligado nuestros intereses a los de Chile, con la circunstancia ademas de que nuestra personería, hasta ahora discutible en el litigio, quedaría establecida, con el consentimiento de las dos partes que han sostenido la controversia.

El 14 del actual el señor Bello Codesido estuvo en la Cancillería, donde expuso al infrascrito las susceptibilidades que había ocasionado en su espíritu la respuesta de Bolivia al cablegrama, en que el Perú preguntaba si era verdad haber Bolivia "celebrado o estar por celebrar" un pacto con Chile respecto de la suerte futura de las provincias de Tacna y Arica.

Le expresó el suscrito que la contestación afirmativa de Bolivia en nada afectaba a las negociaciones que pudieran seguirse con Chile, pues no era sino la enunciacion de

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Ministry of Foreign Affairs
and Worship

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

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

On 14 November, Mr. Bello Codesido was at the Foreign Ministry, where he informed the undersigned about the susceptibility that the spirit of the response of the Bolivian Government to the cablegram had caused; in Peru, people wondered if it was true that Bolivia had "concluded or was about to conclude" a pact with Chile on the future fortune of the Provinces of Tacna and Arica.

The undersigned expressed that the affirmative reply of Bolivia in no way affected the negotiations that could be followed with Chile, since it was nothing but the enunciation

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una verdad del momento.

En seguida manifestó el Canciller que, ya que se hallaba en presencia del representante del Gobierno de la Moneda, creía conveniente informarle haberse producido en sesiones reservadas del Congreso Nacional, respecto de la proposición chilena, corrientes favorables a buscar un arreglo tripartito entre Bolivia, Chile y el Perú.

Mala fué la impresión que causó al Ministro señor Bello esta declaración tendiente a explorar el ánimo de Chile pues dijo el representante de la Moneda que esta nueva actitud importaba una inesperada reacción en sentido de una gestión tripartita contra lo antes manifestado.

Como no había tal reacción, así le manifestó el Canciller y ese concepto fué confirmado por el señor Presidente de la República en una entrevista celebrada con posterioridad en compañía del suscrito, y , como la anterior, a solicitud del Ministro de Chile.

Conceptúa el señor Bello Codesido que la promesa de Chile de ceder Arica a Bolivia importaría tanto como ceder al Perú los territorios sujetos al plebiscito, puesto que no habría estímulo para los votantes chilenos.

La susceptibilidad de Chile respecto de la declaración hecha al Perú de que Bolivia no ha celebrado ni está por celebrar pacto alguno con Chile respecto de las provincias de Tacna y Arica, ha sido confirmada en la nota cuya copia acompaño al presente oficio, con la respuesta de la Cancillería de mi cargo.

Queda Ud. así impuesto de las últimos incidentes producidos.

Con este motivo, renuevo a usted las seguridades de mi consideración distinguida.

of a current truth.

The Minister then expressed that since the Representative of the Government of La Moneda was there, he believed that it was convenient to inform him that there have been favorable views to seek a tripartite arrangement between Bolivia, Chile and Peru in the reserved sessions of the National Congress when they addressed the Chilean proposal.

This declaration aiming at exploring the spirit of Chile caused a bad impression in Minister Bello, because, as said by the representative of La Moneda, this new attitude implied an unexpected reaction in the sense of a tripartite demarche proposed against the aforementioned.

As there was no such reaction, as expressed to him by the Foreign Minister, and that concept was confirmed by the President of the Republic in a meeting held subsequently in company of the undersigned, and, as the previous one, at the request of the Minister of Chile.

Mr. Bello Codesido conceptualized that Chile's promise to cede Arica to Bolivia would be as important as ceding to Peru the territories subject to the plebiscite, for there would be no motivation for the Chilean voters.

Chile's susceptibility with regard to the declaration made before Peru that Bolivia had not concluded, nor is it about to conclude, any pact with Chile on the provinces of Tacna and Arica, has been confirmed in the note whose copy is attached to this letter, along with the reply of the Foreign Ministry under my charge.

You are now informed of the recent events.

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

[Signed Carlos Gutiérrez]

C O P I A

LEGACION DE CHILE

La Paz,19 de Noviembre de 1919.

Señor Ministro:

Con motivo de las publicaciones hechas en la prensa respecto de los telegramas cambiados recientemente entre las Cancillerías de La Paz y Lima,V. E. tuvo a bien acceder a mi solicitud,expresada verbalmente el día 14 del actual,de darme a conocer el texto de la contestación telegráfica que V. E. dirijió al señor Ministro de Relaciones Exteriores del Perú con fecha ocho del presente.

Impuesto mi gobierno de la declaración contenida en el despacho telegráfico de V.E.,en la cual V.E. deja constancia de que "el gobierno de Bolivia no ha celebrado ni está por celebrar pacto alguno con el de Chile referente a la suerte futura de las provincias de Tacna y Arica",me ha encargado manifestar al de V.E. la extrañeza que le ha causado tal declaración,concebida en términos tan absolutos,que parecen excluir,desde luego y en forma inusitada,la prosecución de las gestiones de caracter esencialmente amistoso iniciadas por esta Legación,en el mes de Septiembre último,y encaminadas a producir un acuerdo entre nuestros países que habría de significar un nuevo vínculo en sus relaciones futuras,a la vez que una manifestación del sincero anhelo de Chile de cooperar por su parte a la realización de la aspiración de Bolivia de obtener una salida propia al Pacífico.

Esta inesperada actitud del Gobierno de V.E., en los momentos en que el infrascrito aguardaba conocer el pensamiento de este gobierno sobre las bases concretas de un arreglo que sintetizan las ideas expuestas al honorable antecesor de V.E. dentro del

A S.E. el señor CARLOS GUTIERREZ
Ministro de Relaciones Exteriores de Bolivia
LA PAZ.

COPY

CHILEAN LEGATION

La Paz, 19 November 1919.

Mister Minister,

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

Aware of the declaration embodied in the telegraphic note addressed by Your Excellency in which Your Excellency evidences that the "Government of Bolivia has not concluded, nor is it about to conclude, a pact with the Government of Chile on the future fortune of the provinces of Tacna and Arica", my Government has instructed me to express to Your Excellency the surprise that such a declaration has caused, conceived in such absolute terms, which indeed seem to exclude, in an unusual form, the continuation of the essentially friendly dealings begun by this Legation last September and aimed at producing an agreement between our countries which would signify a new tie in their future relations, as well as a manifestation of Chile's sincere longing to cooperate on its part to the fulfilment of Bolivia's aspiration to secure a sovereign access to the Pacific.

This unexpected attitude of the Government of Your Excellency, when the undersigned was awaiting to know the views of this Government on the concrete grounds for an arrangement which synthesizes the ideas exposed by the honorable former colleague of Your Excellency within the

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

espíritu cordial y amistoso a que obedece la misión del representante de Chile, y que en este concepto habían sido apreciadas, mueven a mi gobierno a inquirir el alcance que puede tener la seguridad dada al Perú en el sentido de que el gobierno de Bolivia no está por celebrar pacto alguno con el de Chile referente a la suerte futura de las provincias de Tacna y Arica.

Al solicitar de V.E. una necesaria aclaración a este respecto, creo de mi deber anticipar que mi gobierno no puede suponer que haya obrado en el ánimo de V.E. el propósito de poner brusco término a las amistosas gestiones pendientes por medio de una declaración hecha a un gobierno extraño, cuya política se caracteriza por la hostilidad permanente hacia el de Chile, y que, por el contrario, está cierto de encontrar en los elevados móviles que inspiran los actos de la Cancillería de Bolivia, en sus relaciones con los países amigos, la explicación de este incidente diplomático, que si bien ha podido prestarse a comentarios y apreciaciones ingratas, no habrá de tener efectos perturbadores para la buena armonía y cordialidad en que, felizmente, se han venido desarrollando los mutuos esfuerzos de nuestros gobiernos en favor de un acercamiento más estrecho y duradero entre ambos países.

Aprovecho esta oportunidad para reiterar a V.E. las seguridades de mi más alta y distinguida consideración.

(Fdo.) Emilio Bello Codesido.

cordial and friendly spirit to which the mission of the representative of Chile obeys to, and which in this concept had been appreciated, moves my Government to inquire about the scope that the certainty given to Peru in the sense that the Government of Bolivia is not about to conclude a pact with Chile on the future fortune of the provinces of Tacna and Arica could have.

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

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

(Signed) Emilio Bello Codesido.

C O P I A

SECCION DIPLOMATICA

No 30.

La Paz, 21 de Noviembre de 1919.

Señor Ministro:

He tenido la honra de recibir la atenta comunicación de V.E., de fecha 19 del presente mes, en la que, por encargo de su Gobierno, manifiesta V.E. la extrañeza que le ha causado el contenido del despacho telegráfico de esta Cancillería en respuesta al que le fué dirigido por la del Perú, por considerar V.E. que los términos en que está concebido aquel son demasiados absolutos y parecen excluir la prosecución de las gestiones iniciadas por V.E. en el mes de Septiembre último.

Añade V.E. que la actitud de mi Gobierno, en el preciso momento en que la Legación de su cargo juzgaba que le sería manifestado el pensamiento de la Cancillería boliviana sobre un arreglo amistoso entre ambas entidades, lo mueve a inquirir el alcance que puede tener la seguridad dada al Perú en el sentido de que el Gobierno de Bolivia no está por celebrar pacto alguno con el de Chile respecto a la suerte futura de las provincias de Tacna y Arica.

Satisfaciendo el deseo de V.E., de aclarar el criterio con que la Cancillería boliviana ha dado a la del Perú la respuesta de que nos ocupamos, cúmpleme manifestarle que ésta, lejos de obedecer al propósito de poner fin a las amistosas gestiones iniciadas por V.E., no tiene más alcance que la enunciación de una verdad del momento, ya que efectivamente mi país no ha celebrado pacto alguno con Chile respecto de la suerte futura de las provincias de Tacna y Arica y tampoco está por celebrar acuerdo ninguno, puesto que en el

Al Excelentísimo señor don Emilio Bello Codesido
E E y Ministro Plenipotenciario de Chile en Bolivia
Presente.

COPY

DIPLOMATIC SECTION

La Paz, 21 November 1919.

NOTE Nº 30

Mister Minister,

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

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

Fulfilling the desire of Your Excellency of clarifying the criteria with which the Bolivian Foreign Ministry replied to that of Peru, I must express that this reply, far from obeying the purpose of ending the friendly dealings entered into by Your Excellency has no other scope but that of the enunciation of the current truth, for, indeed, my country has not concluded a pact with Chile on the future fortune of the provinces of Tacna and Arica and it is not about to conclude one either because, currently,

To Mr. Emilio Bello Codesido,
Extraordinary Envoy and Plenipotentiary Minister of Chile in Bolivia

Hand delivered.

instante actual, si bien está pendiente en esta Cancillería una proposición chilena, aun no existen bases de recíproco acuerdo que autoricen la inminencia de un pacto encaminado a definir la suerte de aquellos distritos, hoy litigiosos entre Chile y el Perú, siganatarios del Tratado de Ancón y Bolivia que conceptúa poder también constituirse como parte en esa controversia, porque anhela realizar su primordial aspiración de salir al Pacífico, mediante la incorporación de Arica u otro puerto a su soberanía.

Queda, pues, el Gobierno en plena libertad de acción para celebrar con el ilustre representante de la Moneda y con cuantas potencias puedan cooperar a la realización del legítimo anhelo boliviano de salir al mar, los acuerdos que se inclinen a facilitar esa aspiración y la no menos acentuada de robustecer aun más, si cabe, las relaciones de cordial amistad que mi país y el de V.E. mantienen con caracter felizmente inalterable.

Aprovecho la oportunidad para renovar a V.E. las seguridades de mi alta y distinguida consideración.

(Firmado) Carlos Gutiérrez.

whereas a Chilean proposal is pending in this Foreign Ministry, there still are not grounds for a reciprocal agreement which authorize the imminence of a pact aimed at defining the fortune of those districts, in dispute nowadays between Chile and Peru, signatories of the Treaty of Ancón, and Bolivia believes that it is a party to that controversy because it longs to fulfil its fundamental aspiration of accessing the Pacific by means of the incorporation of Arica or another port into its sovereignty.

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

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

(Signed) Carlos Gutiérrez.

Annex 385

Note from the Minister of Foreign Affairs of Chile to the Minister Plenipotentiary of Bolivia in Chile, 21 December 1921

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 237 to its Reply

Recibida
Contestada XII-22-21

REPÚBLICA DE CHILE.
MINISTERIO
DE RELACIONES ESTERIORES.

Santiago, 21 de Diciembre de 1921.

Sec.Diplomática.
Nº 1.725.-

Señor Ministro:

El Excelentísimo señor Ministro de Relaciones Exteriores de Bolivia, don Alberto Gutierrez, ha tenido a bien dirijir al suscripto una atenta comunicacion telegráfica directa, para cuya respuesta no he creido 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-

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

Received on _____
Answered on 22 December 1921

Santiago, 21 December 1921.

[Coat of Arms of Chile]
REPUBLIC OF CHILE
MINISTRY
OF FOREIGN AFFAIRS

Diplomatic Section.
No. 1725.-

Mr. Minister,

His Excellency Mr. Alberto Gutierrez, the Minister of Foreign Affairs of Bolivia, has sent the undersigned an attentive and direct telegraphic communication, a reply to which I believe should not exclude Your Excellency, since you are the highest representative of your homeland in our country in your capacity as Extraordinary Envoy and Minister Plenipotentiary.

This communication states the desire, in relation to the diplomatic controversy in which Chile and Peru currently find themselves, to consider Bolivia's rights and interests regarding the problem of the Pacific, with respect

TO YOUR EXCELLENCY MR. MACARIO PINILLA,
EXTRAORDINARY ENVOY 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 cúmpleme 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 jestión 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 ensancharon los medios, existentes entonces, de comunicacion de Bolivia con la costa, tomando Chile a su cargo y expensas la construccion del Ferro-

to such a solution the Minister of Foreign Affairs of Bolivia suggested the dispositions that he believes would be adequate and appropriate.

In response, it is my duty to express to Your Excellency that the pending negotiation between the Government of Chile and the Government of Peru arises from an international Treaty signed between those two countries, in which Bolivia has not had any direct or indirect involvement in the past nor at the moment.

Every act on the part of Bolivia aimed at becoming involved in this disagreement entails an interference contrary to diplomatic practices and the good relations between our two countries.

The dealings before the Government of Peru had the purpose of complying with what is still pending in clause 3 of the Treaty of 1883. With Bolivia, the situation is completely different: The 1884 Truce Pact turned into the 1904 Treaty of Peace and Amity, which was signed by His Excellency Alberto Gutierrez, the current Minister of Foreign Affairs, on behalf of Bolivia. The Treaty set forth conditions of justice and equity convenient for both countries and broadened Bolivia's then existing means of communication with the coast; Chile took charge of the costs of building the railway

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-

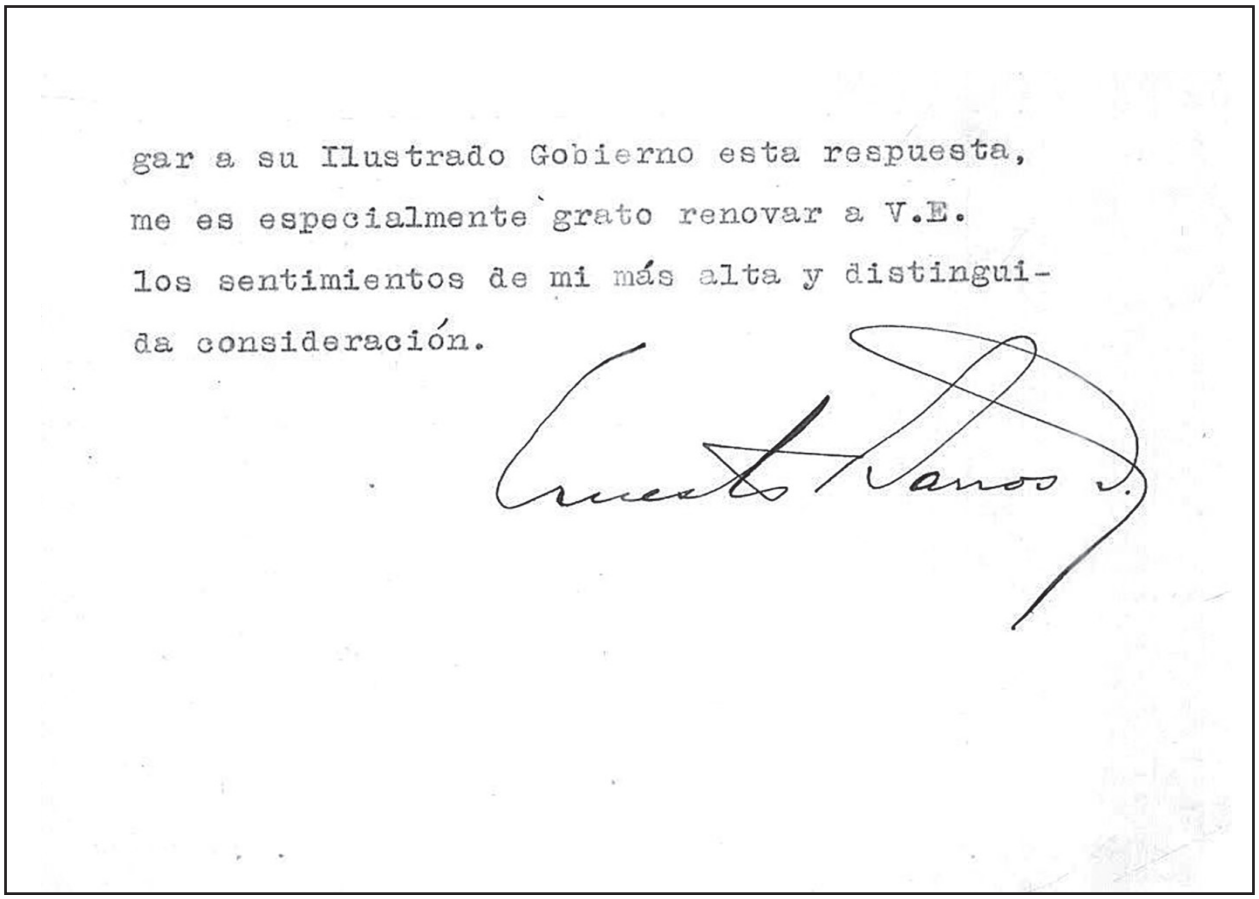
from Arica to La Paz, half of which would pass to Bolivia in the near future at no charge to that country. In this way Bolivia was linked to the sea by means of three railways: the ones in Arica and Antofagasta, in Chile, and the one in Mollendo, in Peru.

It should be noted that the Treaty referred to has been applied and complied with without any controversy regarding its enforcement or interpretation ever arising from it.

For all this, Your Excellency's Government has been publicly and formally invited, first in Geneva and later in La Paz and Santiago, to directly explain to Chile its points of view regarding the aspirations to have a port in the Pacific.

However, through a Note dated 16 November, Your Excellency informed me that you had received "instructions to declare that Your Excellency's Mission did not involve any proposal or initiative regarding Bolivia's aspirations to obtain a port in the Pacific, for the time being."

The antecedents presented lead me to declare to Your Excellency that my Government believes it is excused from considering the proposals contained in the telegraph note to which I reply; I request that Your Excellency deliver



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.

this answer to your Illustrious Government, I avail myself of this opportunity to renew to Your Excellency the assurance of my highest and distinguished consideration.

[Signature]

Annex 386

Letter from the Legation of Chile in Bolivia to the Minister of Foreign Affairs of Bolivia, 5 December 1926

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

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Nº 116

La Paz, 5 de Diciembre de 1926

Señor Ministro:

En cumplimiento de instrucciones de mi Gobierno, tengo el honor de presentar a V. E., para información de su Excmo. Gobierno, el adjunto Memorandum en que el señor Ministro de Relaciones Exteriores de Chile ha contestado la proposición de S. E. el Secretario de Estado de los Estados Unidos, relativa al problema de Tacna y Arica.

Mi Cancillería me ha instruido tambien para dar a la prensa de esta ciudad copias de dicho Memorandum a fin de que pueda ser publicado el dia de mañana y de evitar versiones inexactas.

Me es grato, con este motivo, renovar a V. E. los sentimientos de mi mas alta y distinguida consideración.

Manuel Barros

Excmo. Señor don Alberto Gutierrez
Ministro de Relaciones Exteriores
Presente.-

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No. 116
La Paz, 5 December 1926

Minister,

In compliance with the instructions from my Government, I am honoured to submit to Your Excellency, for the information of your Hon. Government, the attached Memorandum wherein the Ministry of Foreign Affairs of Chile answered the proposal from His Excellency, the United States Secretary of State, related to the Tacna and Arica problem.

My Ministry has also instructed me to furnish the press in this city with copies of said Memorandum, so that it can be published tomorrow in order to avoid inaccurate versions.

For this purpose, I am pleased to renew my highest appreciation for Your Excellency in this greeting.

[Signature]

Mr. Alberto Gutierres
Minister of Foreign Affairs,
Hand delivered.-

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Copia tomada del telegrama del Departamento, Nº 98, 5-XII-1926

MEMORANDUM

El Gobierno de Chile se ha impuesto con vivo interes del "Memorandum" en que S. E. el Secretario de Estado de los Estados Unidos somete a su consideración las líneas generales de un plan destinado a procurar una solución definitiva de la controversia sobre Tacna y Arica.

Las reflexiones que el Secretario de Estado hace, al exponer los antecedentes que lo han inducido a propiciar aquella fórmula, determinan al Gobierno de Chile a rememorar, aunque sea brevemente, las principales fases históricas y diplomáticas de la cuestión.

Sabe el señor Secretario de Estado que podemos exhibir con dignidad nuestra tradición de un siglo de política exterior, caracterizada permanentemente por un espíritu de cordial amistad para todos los pueblos americanos. Nunca omitimos sacrificio alguno, por grande que fuera, cuando un principio de solidaridad panamericana así lo exigió a fin de resguardar la independencia política de una Nación de este continente.

No queremos recordar las causas históricas que produjeron el rompimiento, a que los Tratados con el Perú de 1883 y con Bolivia de 1904, pusieron, en nuestro concepto, un término que restablecía lealmente la cordialidad y la paz en que por mas de cincuenta años vivimos con estas naciones.

Una sola cuestión quedó pendiente al liquidarse la guerra del Pacífico: la nacionalidad definitiva del territorio de Tacna y Arica, que habría de determinarse por sus habitantes diez años despues de la fecha del Tratado.

Durante cuarenta años, a pesar de nuestras reiteradas iniciativas para producir un acuerdo que fijara las bases a que debia sujetarse esa consulta popular, no nos fué posible alcanzar un resultado satisfactorio.

En tranquila posesión del territorio, y seguros de que

...

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MEMORANDUM

The Government of Chile has taken a keen interest in the "Memorandum" in which His Excellency, the United States Secretary of State, put forward for its consideration the general guidelines for a plan to reach a final solution to the controversy regarding Tacna and Arica.

The considerations made by the Secretary of State in describing the antecedents which led him to promote such formulation, cause the Government of Chile to account, even if briefly, for the main historical and diplomatic stages of the matter.

The Secretary of State is aware that we may show, with dignity, our centennial tradition in foreign policy, permanently marked by a spirit of cordial friendship toward all American peoples. We never omitted any sacrifice, no matter how big it was, whenever the principle of Pan-American solidarity so required in order to safeguard the political independence of a Nation in this continent.

We do not intend to recall the historical reasons that caused the rupture, which, in our opinion, the Treaties with Peru in 1883 and with Bolivia in 1904 brought to an end and loyally re-established the cordiality and peace under which we have lived for more than fifty years with these nations.

One single matter remained outstanding at the conclusion of the War of the Pacific: the definitive nationality of the territory of Tacna and Arica, which would be determined by the inhabitants ten years after the date of the Treaty.

For forty years, in spite of our reiterated initiatives to produce an agreement to set forth the bases on which the plebiscite should be grounded, it was not possible for us to reach a satisfactory result.

In the tranquil possession of the territory, and confident

el tiempo sería nuestro mejor aliado para consolidar la situación que alcanzamos en esas provincias, a cuyo progreso moral y material hemos dedicado nuestras mejores energías, renunciamos expontaneamente a esa situación privilegiada, yendo a Washington a buscar una solución definitiva de esta vieja cuestión, inspirados por nuestro elevado concepto de la confraternidad internacional.

El Protocolo de Washington entregó a S. E. el Presidente de los Estados Unidos la fijación de las bases de aquella solución, y su fallo consagró enteramente la tésis chilena que defendía el principio de la determinación de los territorios por la libre voluntad de sus habitantes.

Los procedimientos plebiscitarios evidenciaron la enorme mayoría electoral existente allí a favor de Chile, consagrando nuestro derecho a la anexión definitiva de Tacna y Arica al territorio chileno.

Si ese veredicto hubiera sido contrario a Chile, nuestro Gobierno y nuestro pueblo se habrían apresurado a cumplirlo honradamente.

A pesar de esta legítima expectativa, el Gobierno de Chile no ha vacilado en acoger las insinuaciones del Departamento de Estado tendientes a la división del territorio, sacrificio aceptado solo como un generoso esfuerzo en homenaje a la paz. El Secretario de Estado, que invoca con justicia el sentimiento nacional como elemento de fundamental consideración en este problema, comprenderá toda la extensión de este sacrificio, si aprecia la obra de cultura llevada a cabo en esos territorios por hombres que allí ofrendaron los mejores años de su vida por hacerlos disfrutar de todos los beneficios de la civilización. Maestros, soldados, misioneros, industriales, fueron los obreros infatigables de esta cruzada.

La República de Bolivia, que, veinte años despues de terminada la guerra, renunció expontaneamente a todo litoral marítimo, exigiendo, como mas conveniente a sus intereses,

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that time would be our best ally to consolidate the situation achieved in those provinces, to whose moral and material progress we have devoted our best energies, we spontaneously renounced that privileged situation and went to Washington in order to seek a final solution to this old issue, inspired by our lofty understanding of international brotherhood.

The Washington Protocol entrusted to your Excellency, the President of the United States, the determination of the bases for such solution, and his decision fully enshrined the Chilean thesis defending the principle of self-determination of the territories through the free will of the inhabitants.

The plebiscitary proceedings evidenced the huge electoral majority existing there in favour of Chile, thus upholding our right to the final annexation of Tacna and Arica to the Chilean territory.

Had this verdict been contrary to Chile, our Government and our country would have hastily complied with its terms.

In spite of this legitimate expectation, the Government of Chile has not hesitated to receive the suggestions from the State Department to divide the territory, a sacrifice accepted only as a generous effort in pursuit of peace. The Secretary of State, who in justice calls upon the national sentiment as a fundamental element in considering this matter, will understand the full extent of this sacrifice, provided that it values the cultural work carried out in such territories by the men who offered the best years of their lives to facilitate the enjoyment of all the benefits of civilization. Teachers, soldiers, missionaries, industrialists, they have all been restless workers in this crusade.

The Republic of Bolivia, which spontaneously waived all maritime littoral twenty years after the end of the war, demanding, as being more convenient to its interest,

compensaciones financieras y de vías de comunicación, ha expresado su anhelo de ser considerada en las negociaciones que se celebran para resolver la nacionalidad de estos territorios.

Ni en justicia ni en equidad, puede encontrarse una justificación de esta exigencia, que hoy formula erigiéndola como un derecho. Sin embargo, el Gobierno de Chile no ha dejado de considerar este nuevo interés del Gobierno de Bolivia y ha subordinado su discución, como era lógico, al resultado de la controversia pendiente con el Gobierno del Perú.

Aun mas; en el curso de las negociaciones proseguidas durante el presente año ante el Departamento de Estado, y dentro de la fórmula de división del territorio, el Gobierno de Chile no ha rechasado la idea de conceder una faja de territorio y un puerto a la Nación Boliviana. Las proposiciones, altamente inspiradas, que el Gobierno de Chile ha aceptado sobre este particular, no han encontrado la acogida que merecian de parte del Gobierno del Perú y la cuestión ha quedado pendiente hasta el momento actual.

Nuestro Gobierno se mantiene dentro de las estipulaciones del Tratado de Ancon, siguiendo así su larga tradición, jamas interrumpida, de respeto a la palabra empeñada y de fiel y exacto cumplimiento de los compromisos internacionales.

Con el mismo criterio, ha acatado el Laudo del Presidente Coolidge, y piensa que la mejor solución del problema es la aplicación del método señalado en el artículo tercero del Tratado de Ancon y confirmado por la sentencia del Arbitro.

Definida, conforme a estas disposiciones, la posesión definitiva de los territorios entre Chile y el Perú, el Gobierno de Chile haría honor a sus declaraciones en órden a considerar las aspiraciones bolivianas.

La proposición del Departamento de Estado vá mucho mas allá de las concesiones que generosamente ha podido otorgar el Gobierno de Chile. Ella envuelve la cesión definitiva, a la República de Bolivia, del territorio disputado, y si bien,

financial compensations and communication ways, has expressed its longing to be included in the negotiations being held to resolve the issue regarding the nationality of these territories.

Neither at law nor in equity can a justification be found to this demand, which is currently asserted as a right. However, the Government of Chile has not disregarded this interest raised by the Government of Bolivia and has subordinated its discussion, as was logical, to the outcome of the pending controversy with the Government of Peru.

Even more so, during the negotiations followed over this year before the Department of State, and within the formula of territorial division, the Government of Chile has not rejected the idea of granting a strip of land and a port to the Bolivian Nation. These highly inspired proposals that the Government of Chile has accepted in this regard have not been given the consideration they deserved on the part of the Peruvian Government, and the matter has remained outstanding to the present date.

Our Government remains under the stipulations of the Ancon Treaty, thus following our long-standing, uninterrupted tradition of respect for the word pledged, and loyal and exact compliance with international commitments.

In the same line of thought, the award of President Coolidge has been accepted, and it is believed that the best solution to the problem is the application of the method established under Article Three of the Ancon Treaty, which was confirmed by the Arbitrator's decision.

Once the final possession of the territories between Chile and Peru has been defined pursuant to these provisions, the Government of Chile would honour its declarations with regard to the Bolivian aspirations.

The proposal from the Department of State goes far beyond the generous concessions which the Government of Chile has been able to grant. It involves the final cession, to the Republic of Bolivia, of the disputed territory and,

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como el Secretario de Estado lo dice, esta solución no hiere la dignidad de ninguno de los paises contendientes y se armoniza con el deseo, repetidas veces manifestado por el Gobierno de Chile, de ayudar a la satisfacción de las aspiraciones bolivianas, no es menos cierto que ella significa un sacrificio de nuestros derechos y la cesión de un territorio incorporado desde hace cuarenta años a la República en virtud de un Tratado solemne, situación que no puede ser juridicamente alterada, sino por un plebiscito, cuyo resultado no ofrece duda alguna en el sentir del pueblo chileno.

En ningun momento el Gobierno de Chile ha abandonado esta sólida situación jurídica, en que lo colocaron el Tratado de Ancon y el fallo arbitral, y no la abandonará tampoco ahora.

No obstante, en obsequio a la gran causa de la confraternidad americana, y llevado por su anhelo de favorecer la reconciliación de los paises envueltos en la guerra del Pacífico, Chile ha estado siempre dispuesto a escuchar toda proposición de arreglo que pueda contribuir a tan altos fines, y que al mismo tiempo le ofrezca compensaciones proporcionadas al sacrificio de aquella parte de sus legítimos derechos que tales proposiciones importan.

Pero desea dejar testimonio, una vez mas, de que, al discutir tales proposiciones, no abandona esos derechos, sino que simplemente ha considerado la posibilidad de sacrificarlos libre y voluntariamente en aras de un superior interes nacional o americano.

En este sentido, el Gobierno de Chile accede a considerar, en principio, la proposición, dando con ello una nueva y elocuente demostración de sus propósitos de paz y cordialidad.

Con justicia, el Secretario de Estado atribuye especial importancia a las vinculaciones comerciales entre los paises interesados.

Comprendemos y compartimos este alto propósito, no so-

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as the Secretary of State says, although this solution does not hurt the dignity of any of the countries in dispute and is in harmony with the repeated wish of the Chilean Government to help satisfy Bolivian aspirations, it is equally true that such cession entails a sacrifice of our own rights and a cession of territory which has been incorporated to the Republic forty years ago pursuant to a solemn Treaty, a situation that cannot be legally altered except by a plebiscite, the results of which raise no doubt in the feelings of the Chilean people.

At no time has the Government of Chile abandoned this solid legal situation, brought about by the Ancon Treaty and the arbitral award, and it will not abandon it now, either.

Nevertheless, to honour the higher cause of American brotherhood, and led by its longing to favour the conciliation between the countries involved in the War of the Pacific, Chile has always been willing to hear every proposal of arrangement that may contribute to such lofty purposes, while including offers of proportional compensation for the sacrifice of that part of its legitimate rights that such propositions entails.

But it wishes to leave testimony, once again, that when discussing such proposals it has not abandoned such rights, but has merely considered the possibility of freely and voluntarily sacrificing them for the sake of a higher national or American interest.

In this regard, the Government of Chile thus agrees to consider, in principle, giving a new and eloquent demonstration of its purposes of peace and cordiality.

In justice, the Secretary of State affords special relevance to the commercial bonds between the interested countries.

We understand and share such lofty purposes,

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lo en el sentido de solucionar la cuestión pendiente sino de restablecer la amistad entre los pueblos separados por la contienda de 1879.

Pensándolo así, damos importancia primordial a la celebración previa, entre los tres paises, de tratados comerciales, de acuerdos sobre el régimen aduanero, portuario y demás materias de esta índole que sirvan de sólido vínculo en el presente, aseguren la armonía en el porvenir y cimenten la unión económica de Bolivia, el Perú y Chile, como base de una mas amplia inteligencia entre todos los pueblos de la América Latina, facilitando su comercio e impulsando el progreso del Continente en beneficio de la humanidad.

En consecuencia, estimamos conveniente que los tratados comerciales y acuerdos aduaneros que el Secretario de Estado insinua que se celebren con el Gobierno del Perú, deben extenderse al Gobierno de Bolivia, en obedecimiento a nuestro constante deseo de aproximarnos a esta Nación. Ello no sería para Chile sino la consagración, sobre sólidas bases, de la intensa corriente comercial que hoy existe entre Chile y Bolivia y que a ambos pueblos conviene intensificar.

El Gobierno de Chile atribuye capital importancia al pensamiento que el Secretario de Estado consigna en su "Memorandum" relativo al caracter de perpetua neutralidad en que deben ser mantenidos estos territorios. Coincidimos, pues, con él, en que el término "desmilitarización" de esa región debe ser entendido en su mas amplio concepto, eliminando en forma absoluta toda posibilidad de que en ella o en sus aguas territoriales puedan ser mantenidas bases o fuerzas terrestres, aéreas o navales.

Debemos,a este respecto, expresar al Secretario de Estado, con franqueza y claridad, nuestro pensamiento. Si entregamos una vía de comunicación al Pacífico destinada a desenvolver la vida económica de Bolivia, tenemos el derecho de asegurar que el sacrificio que hacemos, en obsequio a un elevado ideal, no importe un peligro futuro para nuestra seguridad exterior.

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not only in order to solve the pending issue but also to re-establish the friendship between the peoples separated by the 1879 conflict.

In this understanding, we give prevalence to the prior execution of commercial treaties between the three countries, together with agreements on customs and port regimes, and on other related matters that may serve as a strong link, established in the present to ensure harmony in the future and set the foundations for an economic union between Bolivia, Peru and Chile, as the basis for a broader understanding between all Latin American peoples, to facilitate trade and boost the progress of the Continent to the benefit of mankind.

Consequently, we deem it convenient that the commercial treaties and customs agreements which the Secretary of State suggests should be executed with the Government of Peru should be extended to the Government of Bolivia, in accordance with our constant desire to approach this Nation. For Chile, this would entail the consolidation of intense commercial flows currently existing between Chile and Bolivia on solid foundations, whose intensification suits the interests of both peoples.

The Government of Chile attributes the utmost importance to the criterion set forth by the Secretary of State in his “Memorandum”, related to the perpetual neutrality in which these territories ought to be maintained. Thus, we agree with him in that the term “demilitarization” in the region should be understood in its broadest sense, absolutely eliminating any possibility for maintaining naval, air or land bases or forces there or in territorial waters.

In this respect, we are to frankly and clearly express our thoughts to the Secretary of State. If we do hand over a communication way to the Pacific in order for Bolivia to develop an economic life, we have the right to ensure that the sacrifice we make in favour of a lofty ideal will not imply a future risk to our external security.

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Como natural corolario de este concepto, sería indispensable estipular que el territorio, cuya cesión se propone, no podría ser transferido, en todo ni en parte, a ninguna de las naciones contratantes, ni a otra potencia.

Aceptar otro criterio, equivaldría a desnaturalizar el noble móvil que ha determinado al Secretario de Estado a formular su proposición.

En el curso de las negociaciones a que esta proposición dé origen, presentaremos en forma definitiva las observaciones anteriormente formuladas, someteremos todas aquellas que contemplen nuestros intereses, y oiremos, con atención, las que las otras partes interesadas puedan, a su vez, sugerir. Las proposiciones del Secretario de Estado y las sugestiones que formulen las partes, las estimaremos como un solo todo indivisible, que corresponde al elevado propósito del Gobierno de los Estados Unidos, ampliamente compartido por el Gobierno de Chile, de solucionar definitivamente la cuestión y de afirmar la paz y la confraternidad entre todas las naciones de América.

Santiago, 4 de diciembre de 1926.-

(Firmado) Jorge Matte, Ministro de Relaciones Exteriores de Chile.

Conforme con el original cablegráfico.- La Paz, 5 de diciembre de 1926.-

Manuel Carrasco L.

E. E. y Ministro Plenipotenciario de Chile

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As a natural corollary to this concept, it would be indispensable to establish that the territory whose cession is being proposed could not be further transferred, either as a whole or in part, to any of the contracting State parties, or to other powers.

Otherwise, such an acceptance would be tantamount to distorting the noble purposes which the Secretary of State has determined in formulating his proposal.

In the course of the negotiations which this proposition gave rise to, we shall submit our final considerations as previously formulated, put forward any others that contemplate our interests, and attentively hear those that other interested parties could also suggest. The proposals by the Secretary of State and the suggestions by the parties shall be regarded as an indivisible entirety, aimed at the lofty goal pursued by the Government of the United States, as widely shared by the Government of Chile, of definitively solving the issue and reaffirming the peace and brotherhood between all American countries.

Santiago, 4 December 1926.

(Signed). Jorge Matte, Minister of Foreign Affairs of Chile.

True copy of the original wire cable. - La Paz, 5 December 1926.

[Signature]

[Seal:] Extraordinary Envoy and Minister Plenipotentiary of Chile

Annex 387

Circular of the Ministry of Foreign Affairs of Bolivia to the Legations of Bolivia Abroad, 21 January 1927

(Original in Spanish, English translation)

A. Vergara Vicuña, *The Sea, Link of Peace between Bolivia and Chile* (1936), pp 314-322

EL MAR, NEXO DE PAZ ENTRE BOLIVIA Y CHILE

POR

Aquiles Vergara Vicuña

Adicto Militar a las Legaciones de Chile en Cuba y en Venezuela; alumno de la Escuela Superior de Guerra de España; Diputado al Congreso Nacional; Presidente de la Comisión de Relaciones Exteriores de la Cámara Jóven durante las negociaciones del Protocolo de Washington; Ministro de Justicia e Instrucción Pública en las Administraciones Figueroa Larrain e Ibáñez del Campo, y «Ad-interim» de Relaciones Exteriores en la última; Consejero de la Caja de Crédito Hipotecario, de la Caja Nacional de Ahorros y de la Caja de Crédito Agrario; ex-Comandante de Artillería en el Ejército de Bolivia en campaña.

(2079

La Paz—Bolivia
Lit. e Imp. Unidas

Circular a las Legaciones de Bolivia en el Extranjero.

Ministerio de Relaciones Exteriores y Culto

La Paz, 21 de Enero de 1927.

Señor:

Prosiguiendo las informaciones y comentarios que inicié con mi circular de 29 del mes pasado, respecto de la situación internacional, me cabe referirme a la respuesta dada por el Gobierno del Perú, con fecha 12 del corriente, al Memorándum del Secretario de Estado de los Estados Unidos de 30 de noviembre último, rechazando perentoriamente las proposiciones que formuló para un convenio tripartito sobre el litigio de Tacna y Arica.

En mi circular aludida hice notar la circunstancia de que no se había producido hasta esa fecha ninguna objeción del Perú a la fórmula de Mr. Kellogg, lo que hacía presumir un acentimiento tácito de dicho Gobierno a las proposiciones de aquél. Acaso circunstancias sobrevinientes le han determinado a cam

Circular to Bolivia's Legations

Abroad

Ministry of Foreign
Affairs and Worship

La Paz, 21 January 1927

Sir,

Following up on the information and comments I first conveyed to you via my circular of 29 December, concerning the international state of affairs, I will now address the Government of Peru's response, issued this month on the 12th, to the Memorandum of the Secretary of State of the United States, dated this past 30 November, categorically rejecting his proposals for a three-country agreement regarding the Tacna and Arica litigation.

In my aforementioned circular, I pointed out that no objection had thus far been raised by Peru to Mr. Kellogg's formula, which was indicative of such Government's tacit assent to his proposals. Perhaps it has been supervening circumstances that caused it to change

biar esa orientación política y han aconsejado la redacción de la nota de 12 del actual.

Comienza la parte sustancial de la nota peruana expresando textualmente lo siguiente:

«El arbitraje planteado no comprendía más partes que el Perú y Chile. Ni en la convención ni en el acta complementaria se previó siquiera la intervención de una tercera potencia. La aceptación posterior de los buenos oficios sin abandonar el arbitraje no ha modificado la personería excluyente de las partes. ¿Cómo se explica, pues, que si los acuerdos pactados entre el Perú y Chile para el arbitraje no han contemplado la intervención de una tercera potencia en el arreglo de la controversia, pueda esta terminar con la participación de Bolivia que, según la propuesta del Memorándum, tomaría la propiedad de los territorios de Tacna y Arica?»

Es obvio responder que el Secretario Kellogg ha propuesto esa solución, no en su carácter de árbitro, sino en su rol de mediador, conforme a la segunda parte de los protocolos de Wáshington. Si las funciones de árbitro son limitadas, por lo mismo que son definitivas, las de mediador tienen por su propia naturaleza toda la elasticidad de verdaderos términos de avenimiento. Por otra parte, Mr. Kellogg no ha buscado a Bolivia desde el retiro de su neutralidad en el

its political course and guided the drafting of the Note of 12 January.

The substantive portion of Peru's Note starts by expressing verbatim, as follows:

"The proposed arbitration had no parties other than Peru and Chile. Neither the treaty nor the supplementary act even made provision for a third power to be involved. The subsequent acceptance of good offices without abandoning the arbitration has not changed the parties' exclusive standing. How can it then be explained that, the arbitration agreements reached between Peru and Chile that do not contemplate the intervention of a third power in the resolution of the dispute, may then end with the participation of Bolivia, which, according to the Memorandum's proposal, would take ownership of the Tacna and Arica territories?"

It is obvious to respond that Secretary Kellogg proposed this solution not as an arbitrator but, rather, as a mediator, pursuant to the second part of the Washington protocols. If the arbitrator's powers are limited, for the same reason that they are final, those of the mediator have by their very nature all the flexibility of true terms of agreement. On the other hand, Mr. Kellogg has not sought out Bolivia since it withdrew its neutrality

proceso plebiscitario para indicarla arbitrariamente como término del arreglo. La participación de Bolivia ha sido impuesta, no solo por la demostración pública de sus necesidades y de sus derechos, sino porque Chile y el Perú han sugerido e impuesto su personería internacional. Pruébanlo los documentos públicos y notorios producidos de parte de Chile desde el propio mes de mayo de 1879 y para circunscribirnos al caso del Perú, ahí están las declaraciones del Presidente Leguía en documentos múltiples y hasta en la nota de 12 del corriente. Aquel país ofrecía la transferencia a Bolivia de la totalidad del territorio disputado y éste último ofreció una parte de él. No es pues Mr. Kellogg quien ha sugerido la participación de Bolivia en la controversia, sino que, aparte de la situación geográfica y económica que tiene respecto de Tacna y Arica, sus derechos han sido reconocidos, en parte o en todo, por Chile y el Perú. El mediador no ha podido ni debido ignorar esas circunstancias y ha pretendido, al amparo de la buena voluntad de este Gobierno, proponer un plan de pacificación permanente y definitivo.

No es tampoco cierto, como parece desprenderse del Memorándum peruano, que Bolivia reciba con esta oferta una merced gratuita, sin ninguna base jurídica. Bolivia ha aceptado una participación, que le imponían todos los antecedentes históricos de la presente controversia y todos los principios de dere-

in the plebiscitary proceeding to arbitrarily raise it as a term of the agreement. Bolivia's participation has been imposed not just because of the public demonstration of its need and rights but also because Chile and Peru have suggested and imposed its international standing. Proof of this are the public and well-known documents produced by Chile from May 1879 onwards and, restricting ourselves to the case of Peru, the declarations of President Leguía recorded in multiple documents and even in the note of this 12 January. Said country was offering to transfer to Bolivia the entire disputed territory, and the latter offered a portion of it. It is thus not Mr. Kellogg who suggested Bolivia's participation in the dispute but rather, in addition to its geographic and economic situation relative to Tacna and Arica, its rights have been recognized, in whole or in part, by Chile and Peru. The mediator could not, and should not, ignore such circumstances and, relying on this Government's willingness, has tried to propose a permanent, final plan to achieve peace.

It is not true either that, as Peru's Memorandum seems to suggest, Bolivia receives with this offer a free gift, with no legal basis. Bolivia has agreed to involvement that was required of it by all the historical antecedents of this dispute and all the principles

cho que ha sustentado. Todos han reconocido la abnegación con que acepta la carga de pacificador continental, en aras del principio que acogió de entre las conclusiones célebres del presidente Wilson del que las naciones poseen el derecho fundamental de comunicarse directamente con los grandes caminos del océano para adquirir así los atributos de la soberanía. En homenaje a ese principio y en servicio de necesidades que adquieren cada día caracteres más inaplazables, Bolivia se ha mostrado dispuesta a todos los esfuerzos y sacrificios de que es susceptible su capacidad económica para adquirir aquellos elementos de la independencia comercial y política.

La nota peruana hace valer el precedente de que el jefe de la comisión plebiscitaria, general Lassiter, formuló la opinión de que el plebiscito de Tacna y Arica era irrealizable en aquellas circunstancias (15 de junio de 1926) en condiciones honorables y correctas. Deduce de ese antecedente que tal declaración, determinaba que el territorio disputado debía volver automáticamente a la soberanía peruana. La opinión del general Lassiter no tenía ni puede tener otro alcance que el de sugerir al árbitro que declare irrealizable el plebiscito, y procediera conforme a la segunda parte del protocolo de Wáshington, es decir, que invitara a las partes a considerar la nueva situación creada o asumiera los buenos oficios que se están realizando. Pretender dar a la opinión del ge-

of law it has raised. Everyone has acknowledged the selflessness with which it has accepted the burden of a continental peacemaker, for the sake of the principle it has adopted from the celebrated conclusions of President Wilson, that nations have a fundamental right to be directly connected to the Ocean's great ways to thus acquire the attributes of sovereignty. It is in honor of that principle and in the service of needs that are becoming more pressing in nature day by day that Bolivia has been willing to make any and all efforts and sacrifices its economic capacity will allow it in order to secure those elements of commercial and political independence.

The Peruvian Note raises the precedent that the chief of the plebiscitary commission, General Lassiter, expressed his opinion that holding the Tacna and Arica plebiscite under honorable, proper conditions was unachievable in such circumstances (15 June 1926). It deduces from this antecedent that such declaration meant that the disputed territory was to automatically revert to Peruvian sovereignty. General Lassiter's opinion did not, and could not, have any other scope than to suggest to the arbitrator that he should declare the plebiscite unachievable, and proceed under the second part of the Washington protocol, *i.e.* that he invite the parties to consider the new situation or that he take on the good offices that are being extended. Any attempt to treat

neral Lassiter el carácter de fallo arbitral decisivo es realmente olvidar todos los pactos y preceptos internacionales. Por otra porte, aun cuando la opinión del general Lassiter pudiera tener el caracter de fallo arbitral, no ha dicho sino que el plebiscito era en ese momento irrealizable en condiciones correctas. Dar mayores alcances a aquella declaración es violentar los preceptos del derecho y hacer decir a un funcionario sin facultades arbitrales lo que no ha dicho ni tácita ni expresamente, ni ha dejado entender en sus conceptos. Si el árbitro, el verdadero árbitro, el presidente de los Estados Unidos, hubiera querido dar al Perú por victorioso en la contienda y le hubiera otorgado la posesión y dominio de Tacna y Arica, habría procedido ULTRA PETITA y habría infringido las limitaciones de su mandato, que se reducían a determinar si era o no procedente el plebiscito. Pretender que la opinión del general Lassiter tenga mayores alcances que las facultades del árbitro mismo, es falsear por entero los factores de la controversia y subvenir los términos del pacto compromisario.

La afirmación del Gobierno de Bolivia de que no cederá ni a título gratuito ni oneroso ninguna partícula del suelo nacional, se refirió al territorio en el que ejerce, o podrá ejercer, plena soberanía, y no, como en el caso del Perú, a derechos incompletos y meramente espectaticios, que no ha ejercido durante más

General Lassiter's opinion as an arbitral final award really means disregarding all international pacts and precepts. Furthermore, even if General Lassiter's opinion could have the character of an arbitral award, he only said that the plebiscite, at that time, could not be carried out under the proper conditions. To attribute greater scope to such a declaration would mean contravening the precepts of law and putting in the mouth of an official who is not vested with any arbitral authority words that he never uttered, either expressly or implicitly, or that are understood from his opinions. Had the arbitrator, the true arbitrator, the President of the United States, wished to hold Peru as the successful party in the dispute and granted it the possession of and title to Tacna and Arica, he would have done so on an ULTRA PETITA basis, and he would have infringed the limitations of his mandate, which was reduced to determining whether or not the plebiscite could proceed. To suggest that the opinion of General Lassiter has more weight than the authority of the arbitrator himself is to completely distort the factors of the dispute and subvert the terms of the arbitration agreement.

The Government of Bolivia's affirmation that it will not be ceding even a single particle of its national soil, either gratuitously or for consideration, was in reference to the territory whereupon it exercises, or will be able to exercise, its full sovereignty, not, as is the case of Peru, incomplete rights and mere expectations that it has not actually exercised in over

de cuarenta años, como los que le asisten sobre los territorios de Tacna y Arica.

Muestra la Cancillería peruana una marcada repugnancia por la idea de someter la transferencia de territorios y fragmentos de soberanía a una avaluación pecuniaria, como si fueran vulgares mercancíae del tráfico ordinario, en vez de ser como son pedazos del alma nacional, el corazón del Perú como se expresa textualmente refiriéndose a Tacna y Arica. Desgraciadamente, es el Perú quien ha sentado ese precedente y quien ha puesto precio a esos territorios, en el Tratado de Ancón, que tiene que ser el antecedente forzoso de todo convenio, dados los términos del protocolo de Wáshington. Al pactar la forma alternativa que consigna el Artículo 3º de dicho tratado se estipula una indemnización o compensación de 10 millones de pesos en favor del país que no hubiera sido favorecido por el plebiscito prescrito. Podría objetarse que el Tratado de Ancón fué suscrito bajo la presión de la fuerza, pero dadas las circunstancias de aquel momento histórico, esa compensación fué acordada, o a iniciativa del Perú o con la mira de satisfacer sus intereses. El Secretario de Estado de los Estados Unidos no ha sugerido, por tanto, una idea nueva, sino que se ha atenido fielmente a los antecedentes del litigic:

forty years, as the ones over the territories of Tacna and Arica.

The Peruvian Ministry of Foreign Affairs has exhibited a marked revulsion to the idea of submitting the transfer of territories and fragments of sovereignty to a monetary assessment, as if they were vulgar goods in ordinary trade, rather than, as they actually are, pieces of the national soul, the heart of Peru, as stated verbatim in reference to Tacna and Arica. Unfortunately, it is Peru that has established this precedent and priced those territories through the Ancón Treaty, the necessary antecedent of any agreement, given the terms of the Washington protocol. In agreeing to the alternative form provided for in Article 3 of that Treaty, a compensation of 10 million pesos for the benefit of the losing country in the prescribed plebiscite proceeding is stipulated. It could be objected that the Treaty of Ancón was signed under forceful pressure but, given the circumstances of said historical moment, that compensation was agreed upon either on Peru's initiative or with a view to satisfying its interests. The Secretary of State of the United States has therefore not suggested a new idea, but faithfully adhered to the dispute's antecedents instead.

Asegura la nota peruana que la aceptación de la fórmula Kellogg importaría el abandono de sus nacionales en Tacna y Arica a la condición de servidumbre y de ignominia en que actualmente viven. Precisamente, la fórmula en cuestión trata de sustraer a los nacionales peruanos de ese régimen oprobioso y de someterlos a un régimen de gobierno que fué el que existió tradicionalmente en ese territorio; el de la cooperación amistosa de bolivianos y peruanos para labrar la prosperidad de esa comarca y darle el florecimiento que tuvo cuando el Perú gobernaba políticamente y Bolivia prestaba las energías de su actividad comercial y económica. Jamás se encontraron ni chocaron esos intereses y no hay motivo para suponer que el régimen boliviano se hubiera tornado, con el transcurso de los años, opresor o tiránico. Por otra parte, los pobladores peruanos de esa región no aspiran sino a la libertad comercial y a esas condiciones de estabilidad y de confianza que solo procuran las situaciones políticas bien definidas.

El sacrificio que el Memorándum americano ha pedido a Chile como al Perú, de desprenderse de sus respectivos derechos litigiosos, en favor de los intereses de la paz, no es para el Perú sino la renuncia de una espectativa remota, mientras que para Chile importa el desprendimiento de una posesión efectiva.

Al terminar la nota peruana consigna estos conceptos.

The Peruvian Note claims that accepting the Kellogg formula would equal abandoning its nationals in Tacna and Arica to the servitude and dishonor in which they currently live in. Precisely, the formula in question seeks to remove Peruvian nationals out of that opprobrious regime to place them under a government regime that is the one that had traditionally existed in that territory; a regime of friendly cooperation between Bolivians and Peruvians aimed at working for the area's prosperity and returning to it the blooming development it enjoyed when Peru was in charge of its political governance and Bolivia contributed the energy of its commercial and economic activity. Those interests never clashed nor conflicted, and there is no reason at all to assume that, as the years went by, the Bolivian regime would have become oppressive or tyrannical. On the other hand, the Peruvian residents in that region had no aspirations other than their trade freedom and those conditions of stability and confidence that only well-defined political situations can afford.

The sacrifice the American Memorandum has asked of both Chile and Peru, that they surrender their respective disputed rights for the sake of peace, means for Peru nothing but a renunciation of a remote expectation, while, to Chile, it means surrendering an actual possession.

At the end of the Peruvian Note the following concepts are established.

«Este rechazo no importa, sin embargo, el propósito de obstruir cualesquiera otras soluciones. Lejos de eso, el Perú ha aceptado la internacionalización parcial o completa de las provincias y ha aceptado la división de éstas dando gratuitamente un callejón (sic) a Bolivia hasta la playa y en esta una ensenada en condiciones que permiten convertirla en un puerto grande, cómodo y seguro. Finalmente, está dispuesto a escuchar toda sugestión, pero con la condición de que se le devuelvan las poblaciones de Tacna y Arica, ésta con su puerto y Morro».

Estas aserciones no requieren comentario. Reconózcase al Perú el derecho a la integridad del litigio, y verá si puede hacer algunas concesiones. La nota que tan prolijamente me veo en el caso de comentar, afirma que el Perú tiene derechos absolutos sobre Tacna y Arica que no abandonará jamás, que no cederá a ningún título, sin embargo se muestra dispuesto a una cesión definitiva a alguna entidad incógnita que sería la internacionalización. Probablemente, esta cesión será a base de someter los territorios neutralizados al dominio de un gobierno peruano.

Es deplorable para el Gobierno de Bolivia tener que contrariar los puntos de vista del Gobierno de un país amigo, al cual nos ligan recuerdos de glorias pasadas y de sacrificios comunes; pero cumple al de-

"This rejection does not, however, mean an intention to obstruct any other solutions. Far from it, Peru has accepted the partial or full internationalization of the provinces and has accepted their separation, gratuitously giving Bolivia a passageway (sic) until the beach and, there, a small bay that can be turned into a large, convenient and safe port. Lastly, Peru is willing to listen to any suggestion, on condition, however, that it be returned the towns of Tacna and Arica, the latter along with its port and Morro."

Such assertions need no commentary. Peru should be recognized for its right to the integrity of this dispute, and it will see if it can make some concessions. The note I find myself commenting on here in such detail affirms that Peru holds absolute rights over Tacna and Arica that it will never give up, that it will not cede on any account; however, it is willing to make a definitive cession to some unknown entity, which would be the internationalization. Probably, such cession would be based on neutralized territories being subjected to the authority of a Peruvian government.

It is deplorable for Bolivia's Government to have to refute the viewpoints of the Government of a friendly country we are tied to by memories of past glories and common sacrifices; it is, however,

coro de esta Cancillería explicar los motivos por los cuales Bolivia ha aceptado la situación jurídica que le brindaba el Memorándum del Secretario de Estado de los Estados Unidos. Nada hay en la conducta de este país que no esté ajustado a los preceptos de una lealtad irreprochable hacia los países vecinos. La República tiene el derecho de buscar, dentro de las normas de más estricta corrección internacional, los medios de reparar la clausura a que le redujeron acontecimientos luctuosos que pueden y deben tener la amplia reparación del derecho y de la justicia.

La respuesta peruana, que acusa una ofuscación momentánea en el criterio de los hombres dirigentes de ese país, no es sino un incidente de este gran proceso de reparación histórica, que todos estos pueblos deben perseguir para consolidar el imperio de su pleno desenvolvimiento.

Sirvase llevar estas consideraciones al conocimiento y exámen del Gobierno ante el cual se encuentra usted acreditado.

Con este motivo, reitero a usted las seguridades de distinguido aprecio con que me suscribo su atento servidor.

A. Gutiérrez.

a matter of decorum for this Foreign Ministry to explain the reasons why Bolivia has accepted the legal situation it was offered via the Memorandum of the Secretary of State of the United States. Nothing in this country's behavior is out of line with its irreproachable loyalty to its neighboring countries. The Republic has a right to seek, within the strictest norms of international propriety, means to repair the landlocked status it has been reduced to by sad events that can and should receive ample reparation in law and justice.

The Peruvian response, which reveals a temporary clouding of the judgment of the men who are leading that country, is but an incident in this great process of historical reparation that all these peoples should pursue in order to consolidate their full development.

I beg that you pass these considerations on to the Government you have been accredited to for its information and consideration.

I avail myself of this opportunity to renew to you the assurance of my distinguished appreciation in considering myself your faithful servant.

A. Gutiérrez.

Annex 388

Letter from the Ministry of Foreign Affairs of Chile to the Chilean Ambassador to Bolivia, 16 November 1944

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES
DEPARTAMENTO DIPLOMATICO

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COPIA POR VIA AEREA
ORIGINAL POR VIA ORDINARIA

Declaraciones del nuevo Embajador de Bolivia en el Perú.

SANTIAGO, 16 de Noviembre de 1944.

CONFIDENCIAL Nº 53

Nuestra Embajada en el Perú, por oficio Nº 590/267 de 26 de Octubre ppdo., informa a este Ministerio de la llegada a Lima del nuevo Embajador de Bolivia en el Perú, señor Rafael Ballivián, quien al ser entrevistado por los periodistas sobre los asuntos que todavía tiene "pendiente" Bolivia en sus relaciones internacionales, manifestó que "felizmente todos los asuntos internacionales de mi país han sido resueltos satisfactoriamente y con amplia equidad. En el futuro las cuestiones referentes a tópicos de esta naturaleza que tenga que resolver Bolivia serán estrictamente sobre tratados de comercio, intensificación de sus relaciones con los países vecinos, sobre intercambio cultural, y todo aquello que signifique un mayor estrechamiento de vínculos".

El Departamento se encuentra positivamente interesado en conocer, a la brevedad posible, la reacción que estas declaraciones hayan producido en Bolivia.

Dios guarde a US.

POR EL MINISTRO

AL SEÑOR
EMBAJADOR DE CHILE EN BOLIVIA
L A P A Z .

REPUBLIC OF CHILE

MINISTRY OF FOREIGN AFFAIRS

OFFICE OF DIPLOMATIC AFFAIRS

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Declarations of the new Bolivian ambassador in Peru

Copy by air mail.
Original by ordinary means.

Santiago, 16 November 1944.

CONFIDENTIAL OFFICIAL LETTER No. 53

Our Embassy in Peru, through Official Letter No. 590/267 of 26 October, has informed this Ministry of the arrival in Lima of the new Bolivian Ambassador in Peru, Mr. Rafael Ballivián, who upon being interviewed by journalists about the matters still "pending" for Bolivia with regard to its foreign affairs, stated that "fortunately, all of my country's international issues have been satisfactorily and very fairly resolved. In the future, any matters referring to topics of this nature which Bolivia should solve will be strictly about trade agreements, the strengthening of relations with its neighboring countries, cultural exchanges, and anything entailing forging deeper bonds."

This Office is positively interested in being informed, as soon as practicable, of the reaction this declaration may have caused in Bolivia.

[Illegible handwritten note.]

May God be with you.

BY MINISTER

[Signature.]

TO

THE AMBASSADOR OF CHILE IN BOLIVIA.

LA PAZ .

Annex 389

Letter from the Embassy of Chile in Bolivia to the Minister of Foreign Affairs of Chile, 18 October 1945

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

1946

EMBAJADA DE CHILE

Primera entrevista con Canciller boliviano. Cuestión puerto.

OV/RGA

La Paz, 18 de Octubre de 1945

CONFIDENCIAL Nº 837/50

MINISTERIO DE RELACIONES EXTERIORES
5 NOV. 19
Sección
Pag. 13

SEÑOR MINISTRO :

De acuerdo con las prácticas de rigor, luego de llegar a esta capital, solicité la audiencia preliminar al señor Ministro de Relaciones Exteriores de Bolivia, don Gustavo Chacón.

Dicha audiencia se celebró hoy día y a ella concurrí acompañado del Consejero de esta Misión, señor Joaquín Larraín S.

Después de las presentaciones correspondientes, el señor Ministro me explicó que el Movimiento Nacionalista Revolucionario, que había tomado sobre sí la tarea de afrontar y resolver, en la medida de lo posible, los complejos y variados problemas que afectaban al país, contaba - entre otras - con la ventaja de no corresponderle la responsabilidad en los desaciertos de la gestión política e internacional de los Gobiernos que lo habían precedido y que, en consecuencia, libres sus hombres de la necesidad de justificar actuaciones pasadas o de explotar sentimientos populares destinados a exaltar la personalidad de determinados políticos, deseaba , por intermedio de S.E, el Presidente de la República, buscar una solución a las aspiraciones portuarias que existen en el pueblo boliviano, dentro de una inteligencia directa con el Gobierno de Chile. Para este efecto, se contemplaría el interés de ambos países, a base de compensaciones recíprocas, que aseguraran, en el futuro, una cabal comprensión y armonía entre los dos pueblos.

Que el señor Ministro, personalmente y con

AL SEÑOR MINISTRO DE RELACIONES EXTERIORES
Santiago de Chile.

CHILEAN EMBASSY

CV/RGA

First Interview held with the Bolivian Minister of Foreign Affairs. Port Issue.

LA PAZ, 18 October 1945

CONFIDENTIAL. No. 837/50.-

Minister,

Consistently with common practice, after arriving in this capital city, I requested a preliminary audience with the Bolivian Minister of Foreign Affairs, Mr. Gustavo Chacón.

Said audience was held today, and I attended the meeting with the Counselor of this Mission, Mr. Joaquín Larraín S.

Following formal introductions, the Minister explained that the Revolutionary Nationalist Movement, which had taken on the duty to address and resolve, to the extent possible, the complex and diverse problems faced by the country, had – among other things – the advantage of not being responsible for the political agenda and international policy errors committed by previous administrations and, consequently, party members were exempt from the need to account for past actions or exploit popular feelings to enhance the personality of certain politicians, he wished, through His Excellency the President of the Republic to find a solution to the port aspirations present in the Bolivian people, within a direct understanding with the Chilean Government. To that end, the interest of both countries would be taken into consideration, on the basis of reciprocal compensations to guarantee full comprehension and harmony between both peoples in the future.

The Minister personally

TO THE MINISTER OF FOREIGN AFFAIRS,
Santiago de Chile.

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sacrificio de cualquiera situación personal que pudiera halagarlo políticamente, pensaba y tenía el própósito de circunscribir el problema a términos que hicieran posible o viable una solución que contemplara, en parte, los anhelos bolivianos y que fuera, a la vez, susceptible de aceptación por parte de Chile, ya que en la hora actual no era posible, a su juicio, buscar soluciones unilaterales que habían pasado de época o perdido su oportunidad.

Que comprendía que una sugerencia o solución del tipo imaginada por él, no podría llevarse a cabo durante su permanencia en el Gabinete ni aún durante los Gobiernos de los Excmos. Srs. Juan Antonio Ríos y Gualberto Villarroel, porque necesitaría de la creación de un ambiente de cordialidad y de cooperación que, reconocía, hasta el presente no había existido.

Que, por el momento, sólo creía conveniente - atendido el carácter de ésta mi primera visita - enunciarme los propósitos del Gobierno, que ya se habían traducido en algunos hechos que tendían efectivamente a la formación de este clima de cordialidad hacia Chile, tales como la inmediata concesión del agreement al actual Embajador chileno, trámite que, en circunstancias ordinarias, demora más de una semana, y su intervención personal ante los Directores de Diarios amigos del Gobierno a fin de que colaboraran en el propósito cordial del Presidente y Gabinete.

Que podía contar, desde ya, con la mejor disposición del Gobierno y con su personal amistad y que las sugerencias que me hacía estaban inspiradas justamente en estos sentimientos.

Por mi parte, le expresé que tenía encargo del Excmo. Sr. Presidente, don Juan Antonio Ríos, del Vice Presidente, Excmo. Sr. don Alfredo Duhalde y de S. E. el Ministro de Relaciones Exteriores, don Joaquín Fernández, de pre-

and notwithstanding any personal situation which might be politically commendatory to him, thought and had the purpose to circumscribe the problem to specific terms which could make it possible or viable to find a solution that contemplated, in part, the Bolivian longings and that at the same time was acceptable to Chile, since for the time being it was not possible, in his opinion, to seek unilateral solutions which were outdated or ill-timed.

That he understood that any suggestion or solution of the kind he imagined could not be carried out during his term as member of the Cabinet or even during the term in office of their Excellencies, Mr. Juan Antonio Ríos and Mr. Gualberto Villarroel, because an environment of cordiality and cooperation had to be created which did not exist to the present, he recognized.

That for the time being – given that this was my first visit – he only deemed it convenient to enunciate the purposes of the Government, which had already transpired into certain actions that were actually aimed at creating such cordial climate toward Chile. For instance, the agreement for the current Chilean Ambassador was granted immediately, as compared to the ordinary proceeding, which usually takes more than a week, and he personally intervened before the Directors of Government-friendly journals to cooperate with the President's and the Cabinet's cordial purpose.

That I could already count, with the best disposition of the Government and with his personal friendship, and that the suggestions he made were precisely inspired on such feelings.

On my part, I stated that I was commissioned by His Excellency, President Juan Antonio Ríos, the Vice President, His Excellency Mr. Alfredo Duhalde, and His Excellency, the Minister of Foreign Affairs, Mr. Joaquín Fernández, to

sentar al Gobierno de Bolivia los saludos muy cordiales y la seguridad de que la Misión que se me había confiado está, como siempre, inspirada en los deseos de cordialidad y armonía que sustenta nuestro Gobierno respecto de todas las Repúblicas americanas.

Agregué que, a fin de que en el desempeño de mi Misión no se produjera ningún mal entendido que pudiera malograr los propósitos amistosos que rodearán mi labor, quería - a mi vez - expresarle , con toda franqueza y sinceridad, la manera que tiene el Gobierno de Chile de apreciar sus relaciones políticas con la República de Bolivia y, a tal efecto, le expresé que Chile considera que no tiene cuestión o problema, jurídico o legal, alguno pendiente con esta República hermana.La opinión pública chilena no tiene animosidad alguna contra el pueblo de Bolivia y, por el contrario, recibe con agrado visible todo movimiento que tienda a eliminar del espíritu boliviano las odiosidades hacia Chile, lo que nuestro pueblo espera deseoso, como está, de abandonar la antigua política basada en el odio de los bolivianos en tanto que Chile ignoraba a este pueblo amigo dentro del concierto de armonía de las naciones americanas, en cuya mantención todos estábamos tan empeñados.

Que concordaba con él en que, dentro del respeto al Tratado vigente, que no adolece de vicios y que Chile ha cumplido con entera lealtad, y siempre que se hubiere formado un clima de desarme moral en la política de Bolivia,y consecuencialmente, en la de Chile, el Gobierno podría oír las sugerencias que le anunciaba el señor Ministro, las que deberían tener un carácter informal y expuestas de manera que no pudiesen ser explotadas como antecedente de política interna en ninguno de los dos países, junto con que - antes de ser sometidas a la consideración de los Gobiernos - debieran ser conocidas de los respectivos representantes diplomáticos, a fin de que,

present the Government of Bolivia with most amiable salutations and to assure that the Mission entrusted to me is, as it has always been, inspired by cordial and harmonious wishes as the basis for our Government with regard to all American Republics.

I added that, in order for the performance of my mission not to cause any misunderstanding which might undermine the amiable purposes related to my work, I wanted – in my turn – to express with all the frankness and honesty the way in which the Chilean Government values its political relations with the Republic of Bolivia and, to that end, I expressed that Chile considers that there is no pending problem or issue, either legal or juridical, with this sister Republic. The Chilean public opinion has no antipathy feelings toward the Bolivian people and, quite the opposite, it is visibly pleased to receive any action aimed at removing from the Bolivian spirit any hate against Chile, what our people expect with anticipation, the abandonment of old policies based on hatred on the part of Bolivians, while Chile disregarded this brotherly people in the harmonic play between American nations, in whose maintenance we were all interested.

I told him I agreed with him in that, in compliance with the Treaty in force, which is not defective and which Chile has loyally fulfilled, and provided that an environment of moral disarmament of the politics in Bolivia had been created, and consequently in Chile, the Government could hear the suggestions announced to the Minister, which should be informal in nature and be explained in a way not to be exploited as background of domestic policy by any of the countries and – before putting them forward for consideration of the Governments – they should be known by the respective diplomatic representatives so as

en lo que pudieran tener ellas de inaceptables o inconvenientes para las respectivas soberanías, fuesen, desde ya, depuradas. Y ello, con el objeto de evitar un fracaso inmediato de la gestión, que vendría incuestionablemente a empeorar las relaciones entre Chile y Bolivia.

Le expresé, además, que cualquiera sugerencia del Gobierno de Bolivia en el sentido de las aspiraciones que me indicaba, debía partir de la base de que siempre se consideró cualquier planteamiento en este sentido como contrario a la soberanía nacional y que, tratándose con un país esencialmente democrático como el nuestro, no podía esperarse que las soluciones de los asuntos de carácter internacional pudiesen imponérseles ni por los Gobiernos ni por los Embajadores, sino que - por el contrario - debían contar con el consenso de la opinión pública, situación que también estimaba aplicable al caso de Bolivia. La preparación o gestación de nuevos aspectos en la vecindad chileno-boliviana debía, en consecuencia, ser elaborada cuidadosamente, con prescindencia de toda publicidad antes de que se supiera si eran o nó viables los términos de lo que se nos habría de proponer.

El señor Ministro Chacón, después de oír la exposición precedente, se manifestó de acuerdo con los puntos de vista cambiados y terminó afirmando que, si él continuaba al frente del Ministerio de Relaciones Exteriores, en una conferencia próxima me concretaría los aspectos especiales de la sugerencia que había formulado en términos generales, encaminada a aliviar la situación mediterránea de Bolivia.

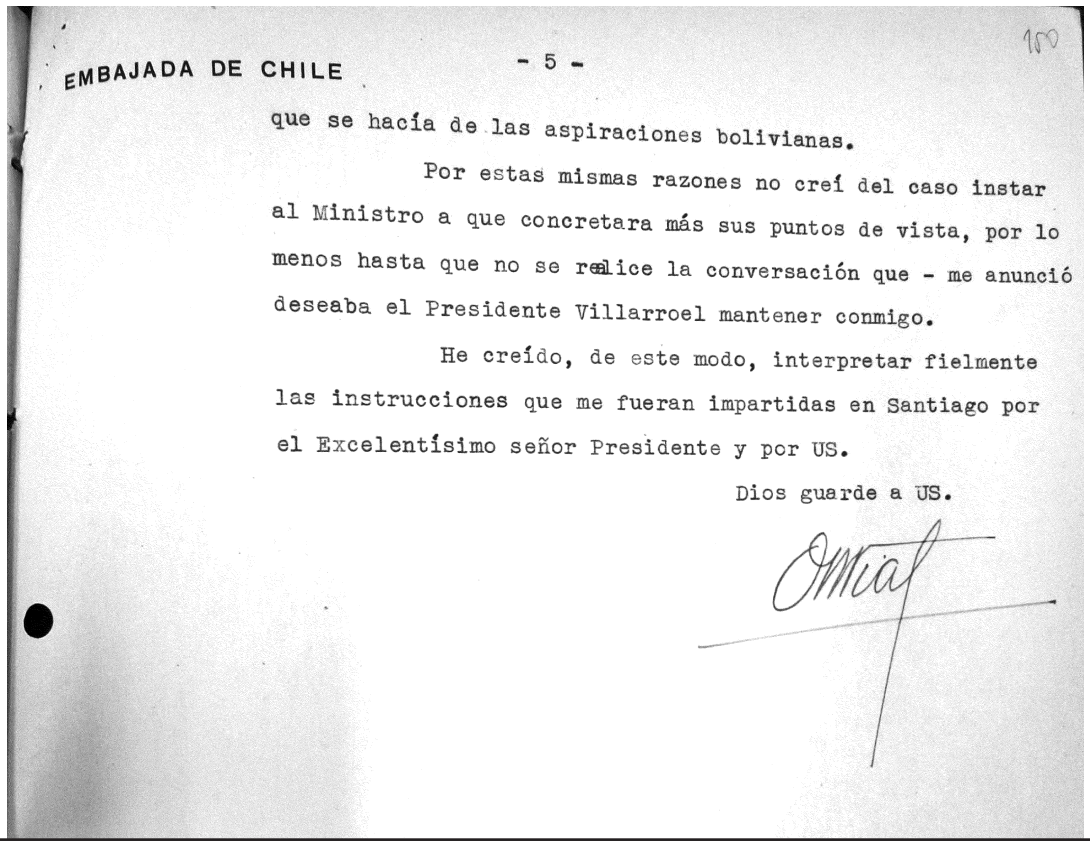
Aunque me parecía prematuro abordar este tema en una visita que era exclusivamente de conocimiento y cortesía, me vi obligado a precisar los conceptos que he dejado expuestos en vista de que el señor Ministro tomó la iniciativa de ello y a fin de aparecer, desde luego, con una opinión precisa, por nuestra parte, respecto al planteamiento

to be polished and cleansed from any unacceptable or inconvenient parts for the respective sovereignty rights. This is intended to prevent the efforts from becoming an immediate failure, which would unquestionably worsen relations between Chile and Bolivia.

I also expressed to him that any suggestions by the Bolivian government regarding the indicated aspirations, should be grounded on the fact that any allegations in this sense had always been considered contrary to national sovereignty and, since our country was essentially democratic, it could not be expected that the solution to international matters would be imposed either by the Government or by the Ambassadors – on the contrary – they should account with a consensus of public opinion, and this situation could also be expected to apply in the case of Bolivia. The preparation or inception of new aspects in the neighborly relation between Chile and Bolivia should, thus, be carefully designed and fully deprived of publicity until such time as the terms to be proposed to us were deemed feasible or not.

After listening to the foregoing explanation, Minister Chacón expressed his agreement with the exchanged points of view and eventually affirmed that, were he to continue in office as Minister of Foreign Affairs, in a future meeting he would specify the special aspects of the suggestion he had formulated in general terms and which was intended to relieve Bolivia's landlocked situation.

Even though I found it premature to address this issue during a visit which was exclusively introductory and of a courtesy nature, I was forced to specifically establish the ideas described above, given that the Minister took the initiative to act in this respect and to appear, naturally, with a precise opinion on our part about the assertion



EMBAJADA DE CHILE - 5 -

que se hacía de las aspiraciones bolivianas.

Por estas mismas razones no creí del caso instar al Ministro a que concretara más sus puntos de vista, por lo menos hasta que no se realice la conversación que - me anunció deseaba el Presidente Villarroel mantener conmigo.

He creído, de este modo, interpretar fielmente las instrucciones que me fueran impartidas en Santiago por el Excelentísimo señor Presidente y por US.

Dios guarde a US.

CHILEAN EMBASSY -5-

that was about the Bolivian aspirations .

For the same reasons, I did not find it necessary to urge the Minister to further specify his points of view, at least not until the conversations which he announced President Villarroel wished to have with me.

It is my belief that I have in this manner faithfully interpreted the instructions given to me in Santiago by his Excellency the President, and by you.

May God keep you.

[Signature]

Annex 390

Letter from the Embassy of Chile in Bolivia to the Minister of Foreign Affairs of Chile, 31 October 1945

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

EMBAJADA DE CHILE

O.V./m.b.

DEPARTAMENTO DIPLOMATICO.

Entrevista con el Presidente de la República, Tnte.Coronel Gualberto Villarroel.- Cuestión portuaria.

CONFIDENCIAL

Nº 681/54.-

MINISTERIO DE RELACIONES EXTERIORES
5 NOV. 19 XX

LA PAZ, Octubre 31 de 1945.

SEÑOR MINISTRO :

Invitado por S.E. el Presidente de la República, concurrí ayer a la Casa de Gobierno y mantuve con Don Gualberto Villarroel una conversación que duró hora y media.

El Presidente comenzó por hacerme una exposición acerca de su labor de gobernante en el orden interno, señalando los aspectos salientes de su labor administrativa y política.

En el orden administrativo me informó especialmente acerca de las medidas de fomento a la producción que habrían de traer la reconstitución financiera de Bolivia, substituyendo su economía monovalente por un régimen que le permitiría independizarse, a corto plazo, en el ramo de las subsistencias y abastecerse a si misma.

El Presidente, que habla con convicción y confianza, piensa que con su política de no destruir los capitales pero destinada a hacerlos servir a las necesidades del país y a mejorar las condiciones de vida de las clases asalariadas, se habrá de producir la cohesión de los diversos sectores políticos.

Desea, asismismo, hacer un Gobierno respaldado por partidos políticos organizados, y estima que ese apoyo

AL SEÑOR MINISTRO DE RELACIONES EXTERIORES

SANTIAGO DE CHILE.

CHILEAN EMBASSY

C.V./s.b

OFFICE OF DIPLOMATIC AFFAIRS.

Interview held with the President of the Republic, Lt. Col. Gualberto Villarroel.- Port Issue.

CONFIDENTIAL

No. 881/54.-

LA PAZ, 31 October 1945.

Minister,

I was invited by His Excellency, the President of the Republic, and I went yesterday to the Government House, where I held a conversation with Mr. Gualberto Villarroel for an hour and a half.

The President started by giving an account of his domestic duties as head of government, and highlighted the most prominent aspects of his administrative and political work.

In the administrative sphere, he informed me, in particular, about the measures intended to boost production, which would cater for the financial reconstruction of Bolivia by replacing the country's economy, dependent on a single commodity, with a regime that facilitates independence in the field of livelihoods and self-supply.

The President, who speaks with assertiveness and confidence, believes that his policy, intended not to destroy but to make capital serve the needs of the country and improve the living conditions of the working classes, shall bring about cohesion among various political sectors.

Furthermore, he wishes to build a Government that is endorsed by organized political parties

TO THE MINISTER OF FOREIGN AFFAIRS
SANTIAGO DE CHILE.

debe buscarlo en el Movimiento Nacionalista Revolucionario, que, colocado entre capitalistas y comunistas, aspira a representar a la clase media y de trabajadores manuales del país.

Después de explicarme su labor en el orden interno, expresó que deseaba darme a conocer su pensamiento en las relaciones internacionales. Al respecto, me dijo que la Guerra del Chaco había demostrado a bolivianos y paraguayos, habiéndole a él correspondido actuar en ella, que los conflictos internacionales no eran beneficiosos para nadie.

Que el estudio sereno de la controversia del Chaco lo había convencido que con buena fé, bolivianos y paraguayos defendían lo que estimaban sus derechos, fundándose en los títulos de creación de sus respectivas gobernaciones y que, si en vez de encerrarse en terquedades de oidores, hubieran recurrido a confrontar las realidades, se habría llegado a una solución de armonía que habría evitado el derramamiento de sangres jóvenes, de pueblos que, en realidad, no se odiaban.

Que esta experiencia le había hecho pensar a él, como gobernante, que existe conveniencia en evitar, en el futuro de Bolivia y de Chile, desinteligencias.

Que no podía ocultarme que en la opinión pública boliviana se afirma y acrecienta, día a día, el deseo de llegar a obtener una salida propia al mar, no obstante de las facilidades de que dispone para el acarreo de sus productos al Pacífico. Me agregó que esta aspiración habría de presionar más, en el futuro, si daba resultados el plan económico de su Gobierno, que me había expuesto, una vez que Bolivia tuviera diversidad de exportaciones, por lo que consideraba que había no sólo interés para Bolivia sino también para Chile, en no diferir indefinidamente la solución de esta aspiración en forma que, mediante recíprocas compensaciones, fuera también comercialmente útil para Chile.

and he understands such endorsement should be sought in the Revolutionary Nationalist Movement which, situated between capitalism and communism, expects to represent the middle and working classes of the country.

After describing his work in the domestic arena, he expressed his wish to share his thoughts about international relations. In that regard, he told me that the Chaco War, in which he had served, had shown Bolivians and Paraguayans alike that international conflicts are beneficial to no one.

The calm study of the Chaco controversy had convinced him that, with good faith, Bolivians and Paraguayans were defending what they understood were their rights, on the grounds of the tittles derived from the constitution of their respective colonial governorships and, had they chosen to contrast their realities rather than engaging in stubborn claims, a harmonious solution would have been reached and the blood of young people, from populations which did not hate each other, would not have been shed.

This experience had led him to think, as head of government, that it is convenient to prevent misunderstandings, in the future of Bolivia and Chile.

He could not conceal the fact that the desire to obtain its own access to the sea is being strengthened and grows day by day in Bolivian public opinion, in spite of the facilities available to the country for the conveyance of its products to the Pacific. He further stated that such aspiration would imply further pressure in this direction in the future, if the economic plan of his Government, as explained earlier, proved successful, once Bolivia achieved diversified exports. Therefore, he believed it was not only in the interest of Bolivia, but also of Chile, that a solution to this aspiration was not indefinitely delayed so that, against reciprocal compensations, it was also commercially useful for Chile.

A continuación expresó que comprendía perfectamente que, en la actualidad, en Chile no podía ningún Gobierno, sin peligro de ser removido, plantear a la Opinión Pública la cesión de un puerto a Bolivia. De manera que era un deber de este Gobierno facilitar al de Chile los medios de poder satisfacer la aspiración boliviana, para lo cual él estaba dispuesto, desde el Gobierno, a crear un nuevo ambiente de cordialidad y de reciprocidad de intereses, que hicieran posible que la minoría que en Chile desea un acuerdo definitivo y amistoso, pueda triunfar en su manera de apreciar los vitales intereses de esta República vecina.

Me adelantó, también, que, a su juicio, la tésis jurídica de la revisión del Tratado de 1904, no podía prosperar ante la organización de las Naciones Unidas.

Por todo esto, él, no obstante su calidad de militar, orientaba su política internacional en el sentido de un entendimiento con Chile, país que apreciaba y con cuya cooperación deseaba contar para el progreso de Bolivia.

A esta altura de la conversación me aventuré a preguntarle al Presidente si dentro de esas ideas había llegado a formularse, o concebir, un plan o proposición concreto que hubiera pensado como viable en el futuro, a lo que me contestó que no tenía proposición alguna concreta que formular, que sólo aspiraba a que la iniciativa de las gestiones de acuerdo fuera obra de su Gobierno.

A mi vez, le manifesté que, como él lo reconocía, la dificultad para cualquier Gobierno chileno de hacer concesión portuaria a Bolivia, residía fundamentalmente en que se consideraba que el Tratado de 1904 no sólo era válido, sino que, mediante las compensaciones en él acordadas y cumplidas por Chile, nada se debía a Bolivia.

Next, he went on to state that he perfectly understood that no Government in Chile could at present raise, without facing a risk of removal, before public opinion the cession of a port to Bolivia. Thus, it was a duty of this Government to provide for the Chileans the means that could satisfy Bolivian aspirations. To that end, he was willing to create, from his Government, a new climate of cordiality and reciprocity of interests to enable the minorities in Chile desiring a definitive and amicable agreement to succeed with their view of the vital interests of this neighboring Republic.

He further informed that, in his opinion, the legal theory supporting a revision of the 1904 Treaty could not prosper before the United Nations.

Based on the foregoing, and notwithstanding his position as member of the military, he would lead international policy in order to pursue an understanding with Chile, a country which he valued and whose cooperation he wished to count on for the progress of Bolivia.

At this point of the conversation, I dared ask the President whether, in this line with his ideas, he had drawn, or devised, a concrete plan or proposal considered feasible in the future, and he replied that he had no such concrete proposal to make, but he only aspired that the initiative of efforts for an agreement would come from his Government.

In turn, I expressed that, as he also recognized, the difficulty for any Chilean administration to make a port concession to Bolivia fundamentally rested on the conviction that the 1904 Treaty was not only valid, but it also entailed compensation which had been agreed upon and complied with, and nothing else was due to Bolivia.

Que este concepto de la Opinión Pública se hacía más intransigente cada vez que se renovaba, ante países extraños, la demanda revisionista de Bolivia, pero que en Chile no había animosidad en contra de Bolivia y, aún más, que existe en todas las clases sociales un vehemente deseo de acercamiento que, como muy bien lo entiende S.E., hay que robustecerlo con relaciones comerciales y de conocimiento y comprensión de los hombres de uno y otro país.

Que, así como en Bolivia se cree infundadamente en propósitos agresivos de parte de Chile, en nuestro país, en atención a numerosas publicaciones y tésis de Derecho, se piensa por muchos que, si se llegara a una nueva fórmula o acuerdo con Bolivia, después de aceptado cualquier sacrificio, la Opinión Pública boliviana resucitaría de nuevo la tésis revisionista.

Que, así como S.E., con espíritu comprensivo que lo honra, reconoce las dificultades que para un acuerdo inmediato tendría el Gobierno de Chile, con igual lealtad debía expresarle que cualquiera solución que él patrocinara tendría que importar la reducción considerable de las pretensiones de los espíritus exaltados, lo que explotarían contra el Presidente, como arma de oposición política, en estos momentos en que no se había logrado totalmente la armonía política en Bolivia.

Que, como militar, el arreglo, lejos de beneficiarlo, lo perjudicaría en su carrera, porque existe la creencia de que sólo son propias de los militares las acciones heroicas y las generaciones presentes no tienen la cultura bastante para apreciar el valor moral de los actos civiles de los militares gobernantes.

Such belief in the public opinion became increasingly uncompromising as the Bolivian revisionist claim was renewed before foreign countries; however, there was no antipathy in Chile against Bolivia and, even more so, there is among all social classes a strong rapprochement desire, which should be strengthened by means of commercial relations and through the comprehension and understanding between the men of both countries, as His Excellency perfectly knows.

Just like many in Bolivia believe, with no basis, that there are hostile purposes on the part of Chile, on account of diverse publications and legal opinions, many in our country believe that, in the event a formula or an agreement were to be reached with Bolivia after having accepted any sacrifice, Bolivian public opinion would revive the revisionist theory.

As His Excellency recognized, in his honorable spirit of understanding, the difficulties an immediate agreement would imply for the Government of Chile, in a similarly loyal manner I ought to state that any solution to be sponsored by him should involve a considerable reduction of the claims from exacerbated spirits, which would blow up on the President, as a means of political opposition, at a time when political harmony was not entirely achieved in Bolivia.

As a member of the military, such arrangement, far from being beneficial, would be detrimental to his career, as there is a belief that only heroic actions are becoming of the military, and present generations do not have sufficient knowledge against which to appreciate the moral value of civilian actions performed by the military in office.

La solución inmediata podría ser útil, pero no sería agradecida, en cambio siempre se tendrá que recordar al iniciador de una nueva política que, después, resultará beneficiosa y que contradice la de sus precedesores, que fracasaron.

Además le expresé que los caminos que S.E. sugiere, para llegar a un entendimiento, no pueden discutirse, como no beneficiosos a Bolivia, pues aparte de ser posible crear la competencia con beneficio del consumidor, en el mercado boliviano, siempre le será útil contar con la economía complementaria de todos sus vecinos.

Le expresé, finalmente, que de lo conversado podría colegirse que la acción de su Gobierno y la nuestra, en su concepto, debía limitarse, por ahora, y sin que esto importara un proceso dilatorio del Gobierno de Chile, a crear, mediante la aprobación de los convenios correspondientes de intercambio, y demás acuerdos destinados al desarme moral de ambos pueblos, un clima de cordialidad, destinado a preparar, en un futuro próximo, un convenio que alivie la mediterraneidad de Bolivia.

Que la falta de fijación de proposiciones concretas, que formular, obedece al propósito de dejar a la realidad la oportunidad de señalar el camino más adecuado y posible a Chile, de satisfacer a Bolivia, de manera que, tanto S.E., el Presidente de la República de Bolivia, como el Embajador de Chile, deberíamos, según esto, concretarnos a preparar el ambiente de cordialidad que haga posible, a los que nos sucedan, encontrar la ecuación que selle definitivamente, la amistad de ambos países.

El Presidente me dijo que, dentro de estos propósitos, me llamaría, e instruiría a su Ministro de Relaciones Exteriores, para le diéramos forma a los convenios encaminados a ese fin, sobre varias materias que me indicó, algunas de las cuales se encuentran pendientes, y me facultó expresamente para informar al respecto a US.

The immediate solution might be useful, but it would not be appreciated; however, the initiator of a new policy should always be remembered, to the extent such policy eventually proves beneficial and is contrary to that undertaken by his predecessors, who failed.

Additionally, I expressed that the paths to an understanding proposed by His Excellency cannot be objected as not being beneficial to Bolivia because, besides enabling competition to the advantage of consumers, it will always be good for the Bolivian market to count on supplementary economies from its neighboring countries.

Finally, I stated that we might conclude from the conversation that the actions from his Government and our actions should be limited, for the time being, and without implying any delays on the part of the Chilean Government, to the creation of an amiable climate through the approval of all relevant exchange arrangements and other agreements intended to morally defuse both peoples, and in order to prepare, in the near future, a convention to relieve Bolivia's landlocked position.

The lack of concrete propositions to be made is due to the purpose of leaving reality to take the opportunity and point to the most adequate and attainable path for Chile to satisfy Bolivia, so that both His Excellency, the President of the Republic of Bolivia, and the Chilean Ambassador should, according to this, focus on the preparation of an amiable environment in which to enable those who are to succeed us to find an equation that finally seals the friendly ties between both countries.

The President told me that, among these purposes, he would call upon me and instruct his Minister of Foreign Affairs to shape the agreements to that end, in regard to various matters he specified, some of which are still pending, and he expressly allowed me to inform you in this respect.

Cumplo así con elevar a US. el informe ofrecido en mi telegrama N° 307 de ayer y agradeceré su autorizada opinión sobre las materias a que éste oficio se refiere.

Reitero a US. la impresión transmitida en dicho telegrama, en el sentido de que he quedado personalmente muy satisfecho por los conceptos del Presidente Villarroel, quien, con ellos, revela una espíritu ampliamente conciliador y un propósito evidente de restablecer la cordialidad con nuestro país, que se había perdido en los últimos meses.

Además, sus expresiones reflejan la serenidad y realismo con que el Primer Mandatario boliviano enfoca el asunto de las aspiraciones portuarias.

Sin embargo, no debe perderse de vista, como US. bien lo sabe, el hecho de que este país se caracteriza por la excesiva susceptibilidad de sus hombres y que, en cualquier momento, elementos exaltados, patrioteros y aún interesados en crear dificultades al Gobierno, pueden desvirtuar los sanos propósitos del Presidente Villarroel con actitudes destempladas como aquellas que, en otras ocasiones, han entorpecido la armonía entre ambos países.

Dios guarde a US.

Thus, I hereby duly submit to you the report contained in my Telegram No. 307 dated yesterday, and I will very much appreciate your authoritative opinion on the matters this letter addresses.

I further reiterate to you the impression conveyed in such telegram, in the sense that I was personally quite satisfied at the statements of President Villarroel, who, by making them, showed a broadly conciliatory approach and a clear intention to reestablish cordiality with our country, which had been lost in the past months.

Moreover, his statements reflect the composure and realistic approach of the Bolivian head of state on the matter of port aspiration.

However, it should be borne in mind that, as you are well aware, this country is typically prone to an excessive sensitivity among men and exacerbated jingoist elements may, interested in creating difficulties for the Government, distort at any time the sound intentions of President Villarroel with peevish attitudes like those which, on other occasions, have disrupted the harmony between both countries.

May God keep you.

[Signature]

Annex 391

Minutes of a conversation between the President of Chile and the Bolivian Ambassador to Chile, 17 June 1948

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

Bolte - Ostria

17

REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

Estrictamente Confidencial

Conversación de S.E. con el Embajador de Bolivia, señor Alberto Ostria Gutiérrez.-

El jueves 17 de junio, a las 12 1/2 p.m., se entrevistó con S.E. el Presidente de la República, el Embajador señor Ostria Gutiérrez y le expuso que tenía instrucciones de proponer un proyecto que sirviera de base de discusión para declarar oficialmente abiertas las negociaciones respecto al problema de la mediterraneidad de Bolivia.

S.E. le manifestó que estaba dispuesto a oír.

El Embajador Ostria expuso entonces que las aspiraciones bolivianas comprendían una salida al mar incluyendo el puerto y la ciudad de Arica.

El Presidente de la República, ante tal planteamiento, manifestó que había sido bien explícito anteriormente, al negarse a iniciar gestión alguna sobre la base de la cesión de Arica.

El Embajador Ostria expresó entonces que, puesto que una de los motivos principales que Chile tenía para negarse a la cesión de Arica consistía en el valor histórico de la ciudad, bien podría llegarse a una división de ésta dejando los principales monumentos históricos a Chile y el resto a Bolivia.

El Presidente contestó de inmediato que Arica no era una ciudad divisible y que no podía aceptar que se iniciaran gestiones sobre la base de su división.

El Embajador Ostria se refirió entonces a la posibilidad de que Chile cediera una parte de la bahía de Arica a Bolivia, aludiendo a lo extenso de aquella. El Presidente, señor González Videla, le expresó nuevamente que su negativa para abrir negociaciones sobre la base de Arica, se refería tanto al puerto como a la ciudad.

El Embajador Ostria manifestó que, en vista de ello, las aspiraciones de Bolivia se concretarían a la cesión de una faja de terreno al Norte de Arica y preguntó al Presidente si sobre esa base aceptaba abrir las negociaciones.

S.E. manifestó al Embajador Ostria que para ello necesitaba co

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REPUBLIC OF CHILE
MINISTRY OF FOREIGN AFFAIRS

Strictly Confidential

Conversation with His Excellency and Ambassador of Bolivia, Alberto Ostria Gutiérrez.-

On Thursday, 17 June at 12.30 p.m., Ambassador Ostria Gutiérrez met with His Excellency the President of the Republic and explained that he had instructions to propose a draft that would serve as a basis for discussion to officially open the negotiations regarding Bolivia's landlocked status problem.

His Excellency said he was willing to listen.

Ambassador Ostria stated that Bolivian aspirations consisted of an outlet to the sea, including the port and the city of Arica.

The President of the Republic, in response to this proposal, said that he had been quite clear before when he refused to begin any efforts on the basis of the cession of Arica.

As a result, Ambassador Ostria said that, since one of Chile's main reasons to refuse to cede Arica was the historical value of the city, a division could be arranged, leaving major historical monuments to Chile and the rest for Bolivia.

The President immediately replied that Arica was not a divisible city and could not accept the commencement of negotiations on the basis of its division.

Ambassador Ostria then referred to the possibility that Chile ceded a part of the bay of Arica to Bolivia, making reference to its large extension. President González Videla said once again that his refusal to open negotiations over Arica referred to both the port and the city.

Ambassador Ostria stated that, in view of this, Bolivia's aspirations would be met if a strip of land north of Arica was ceded and asked the President if he would accept to open negotiations on this basis.

H.E. told Ambassador Ostria that for this he needed

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REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

nocer por escrito las proposiciones de Bolivia respecto a la faja a que había aludido el Embajador. Le pidió que hiciera su proposición en algún documento a Nota dirigido a la Cancillería, en que quedara constancia expresa de que las peticiones bolivianas respecto de Arica, habían sido terminantemente rechazadas por el Gobierno de Chile.

Sólo cuando el Ministro de Relaciones Exteriores de Chile hubiere tomado conocimiento de esta proposición concreta de Bolivia sobre cesión de una franja de territorio al norte de Arica, se podrían declarar abiertas las negociaciones. Agregó el Presidente que habría llegado entonces la oportunidad de que Chile comunicara oficialmente al Perú que se habían iniciado negociaciones sobre la base indicada.-

El Embajador Ostria pidió al Presidente que no hiciera tal comunicación, a lo cual S.E. respondió que conversaría al respecto con el Ministro de Relaciones Exteriores, señor Vergara Donoso.

to have Bolivia's proposal in writing regarding the strip of land to which the Ambassador had made reference. He asked the Ambassador to write his proposal in a document as a Note addressed to the Ministry of Foreign Affairs expressly stating that Bolivian petitions with regard to Arica had been strictly rejected by the Government of Chile.

Only when the Chilean Ministry of Foreign Affairs had been informed of this concrete proposal made by Bolivia on the cession of a strip of land north of Arica, could negotiations be declared to be open. The President further stated that Chile would then have the opportunity to officially inform Peru that negotiations had begun on said basis.

Ambassador Ostria asked the President not to make such communication, and the President said he would talk about it with the Minister of Foreign Affairs, Vergara Donoso.

Annex 392

Telegram from the Ministry of Foreign Affairs of Chile
to the Embassy of Chile in Bolivia, 19 June 1948

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

#' 3815

EMBACHILE
LA PAZ

N° 1.- Estrictamente Confidencial.- 19 de junio de 1948.- Resugrama N° 47.- 17 del presente a medio día, Embajador Ostria celebró su segunda entrevista con S.E. el Presidente de la República, para abordar asunto aspiraciones portuarias Bolivia.- 2.- Embajador expresó en ella aspiraciones bolivianas comprendían salida al mar incluyendo puerto y ciudad Arica.- Ante terminante negativa S.E., Ostria refirióse a posibilidad Chile cediera a Bolivia parte ciudad Arica o, en último término, parte de la Bahía.- En vista negativa S.E. para abrir negociaciones sobre tal base, Embajador Ostria manifestó que aspiraciones portuarias se concretarían a cesión faja de terreno al norte aquel puerto.- 3.- S.E. Presidente de la República solicitó que Gobierno boliviano formulara por escrito proposiciones y que sólo entonces podrían declararse abiertas negociaciones.- 4.- No es exacta información acerca de que infrascrito habría manifestado Embajador Ostria conveniencia acelerar negociaciones.- VERGARA

conforme

REPUBLIC OF CHILE
MINISTRY OF FOREIGN AFFAIRS

#3815

EMBACHILE

LA PAZ

No. 1.- Strictly Confidential.- 19 June 1948.- summary of cable No. 47.- 1.- At noon on the 17th of this month, Ambassador Ostria held his second meeting with His Excellency the President of the Republic to discuss the matter of Bolivia's port aspirations.- 2.- The Ambassador expressed that Bolivia's aspirations included an outlet to the sea, including the port and city of Arica.- When this was categorically refused by His Excellency, Ostria mentioned the possibility that Chile would cede to Bolivia part of the city of Arica, or, ultimately, part of the bay.- Given the refusal by His Excellency to open negotiations on that basis, Ambassador Ostria stated that the port aspiration would be limited to the cession of a strip of land to the north of that port.- 3.- His Excellency the President of the Republic requested the Bolivian Government to formulate proposals in writing, and that only then would it be possible to declare open the negotiations.- 4.- The information that the undersigned told Ambassador Ostria that it would be a good idea to accelerate the negotiations is not true.- VERGARA

Agreed
[Signature]

Annex 393

Minutes of a conversation between the Minister of Foreign Affairs of Chile and the Bolivian Ambassador to Chile, 25 June 1948

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

Estrictamente confidencial

18 bis Conversación que Ministro Serrano Vergara con el Embajador de Bolivia, Señor Alberto Ostria Gutiérrez.

El viernes 25 de Junio, a medio día, se entrevistó con el Ministro de Relaciones Exteriores, señor Germán Vergara, el Embajador de Bolivia, señor Ostria Gutiérrez, quién consultó a aquel acerca de la entrega del proyecto de nota que se acompaña anexa al presente memorandum.

El señor Vergara, manifestó al Embajador Ostria que no tendría inconveniente en contestar esta nota expresando que el Gobierno de Chile declararía su buena disposición para escuchar cualquiera proposición concreta sobre esta materia que hiciera el Gobierno de Bolivia; pero haciendo expresa reserva de que las negociaciones oficiales sólo podrían declararse abiertas una vez que Chile conociera esas proposiciones y las considerase aceptables como base de discusión.

Quedó entendido que el proyecto de respuesta chileno sería entregado al Embajador de Bolivia, quién sólo posteriormente sometería a la consideración del Ministro, señor Vergara, la nota por la cual se formulen sus proposiciones concretas.

REPUBLIC OF CHILE
MINISTRY OF FOREIGN AFFAIRS

Strictly Confidential

18 hs. Meeting held by Minister Germán Vergara and the Ambassador of Bolivia, Mr. Alberto Ostria Gutiérrez.

On Friday, 25 June, at noon, the Minister of Foreign Affairs, Mr. Germán Vergara, met with the Ambassador of Bolivia, Mr. Ostria Gutierrez, who consulted him on the delivery of the draft note attached to this memorandum.

Minister Germán Vergara told Ambassador Ostria that he would not mind answering this note expressing that the Government of Chile would declare its disposition to listen to any concrete proposal on this matter by the Bolivian Government, but making an express reservation that official negotiations could only be declared open once Chile knows said proposals and considers them acceptable as a basis for discussions.

It was understood that the Chilean drafted response would be delivered to the Ambassador to Bolivia, who would only then submit the note detailing his concrete proposals to Minister Vergara for his consideration.

Proyecto de nota

Señor Ministro: 0023

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 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, señor Ricardo Jaimes Freire, que el Gobierno de Chile "mantiene el propósito de oir, 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".

Al Excmo. Señor don Germán Vergara Donoso,
Ministro de Relaciones Exteriores.
Presente

Draft Note

Minister:

The Government of Chile, on different occasions and specifically in the Treaty of 18 May 1895 and the Minutes 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 outlet to the Pacific Ocean.

Subsequently, on the occasion of the claim presented by Bolivia on 1 November 1920, at the First Assembly of the League of Nations, the Delegate of Chile, His Excellency Agustín Edwards, stated as follows:

> "Bolivia can find satisfaction in direct and freely consented negotiations. Chile has never closed this door to Bolivia, and I am able to declare that nothing would 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 neighbour and its prosperity will reflect on ours."

Later on, His Excellency the President of Chile, Mr Arturo Alessandri, in a Message addressed to the Chilean Congress of 1922, declared as follows:

> "In Bolivia the conviction should grow stronger that, in an environment of fraternity and harmony, they will only find in our country a warm desire to look for proposals that, taking into account our legitimate rights, can satisfy as far as possible their aspirations."

In turn, on 6 February 1923, His Excellency the Minister of Foreign Affairs of Chile, Mr Luis Izquierdo, stated in a note addressed to the Minister of Bolivia, Mr Ricardo Jaimes Freyre, that the Government of Chile "keeps the purpose of hearing with the highest spirit of conciliation and equity, the proposals that the Government of Bolivia might submit to it to conclude a new Pact that considers the situation of Bolivia, without modifying the Treaty of Peace and without interrupting the continuity of Chilean territory."

To Mr. Germán Vergara Donoso
The Minister Of Foreign Affairs,
Hand delivered

Por otra parte, frente a la proposición del Secretario de Estado de los Estados Unidos, Excmo. Sr. 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 Ministro de Relaciones Exteriores de Bolivia, Excmo. Señor Aniceto 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 Chile.

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.

On the other hand, concerning the proposal of the Secretary of State of the United States, His Excellency Mr Frank B. Kellogg, for Chile and Peru to cede to Bolivia "any right, title and interest which either may have in the provinces of Tacna and Arica", His Excellency Mr Jorge Matte, Minister of Foreign Affairs of Chile, stated that "the Government of Chile has not rejected the idea of granting a strip of territory and a port to the Bolivian Nation" and that it accepts "to consider, in principle, the proposal."

At the start of his Government, His Excellency the President of the Republic, Mr Gabriel González Videla, demonstrated a similar disposition during his conversations with the Minister of Foreign Affairs of Bolivia, His Excellency Mr Aniceto Solares, who attended the presidential inauguration, in November 1946, as well as during the numerous meetings held with the undersigned Ambassador of Bolivia in Chile.

With such an important antecedents that reveals a clear orientation in the international policy followed by the Chilean Republic, 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 sovereign access to the Pacific Ocean, thus solving the problem of the landlocked situation of Bolivia on bases that take into account the mutual benefits and genuine interests of both peoples.

Certain of being able to rely upon the acceptance of the Government of Your Excellency, thus beginning a work of great future possibilities for Bolivia as well as for Chile, I reiterate the assurances of my highest and most distinguished consideration.

Annex 394

Note from the Bolivian Ambassador to Chile to the Minister of Foreign Affairs of Bolivia, 28 June 1948

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 257 to its Reply

EMBAJADA DE BOLIVIA

ESTRICTAMENTE CONFIDENCIAL

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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 trasmití 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

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l señor don Adolfo Costa du Rels,
inistro 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 informed 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 with 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, after making the respective consultation with the Foreign Ministry of La Paz, to 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 you, on 4 June (letter a). I also proposed the transfer 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.

RESERVADO

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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 1° 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 –a 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 Noteº 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 to not 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 is opposed 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 cannot be my intention. On the contrary, I want to take things to a realistic field so that Chile and Bolivia come to an understanding. Furthermore, I understand the need that Bolivia has for an access to the Pacific Ocean. I was born in 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.

EMBAJADA DE BOLIVIA

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Nota estrictamente confidencial N°515/375.

RESERVADO

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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, hacedero 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.

Ads.

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 máximun 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.

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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. "Without 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 was 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 compensation 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 could be considered.

President Gonzalez accepted, with no reluctance, the two fundamental bases to which I referred and, with regard to the compensation, 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 entendiera 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 elogié 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 aquélla, 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, concurriera 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

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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 with regards 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, an aspect to which I was 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 for your consideration.

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

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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 entregué 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".

" 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 oir, " 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".

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the precedents of the instructions imparted on 19 April (Note Nº 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 Minutes 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 cannot but be conducive 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 is necessary that the conviction takes hold in Bolivia that, in an environment of brotherhood and harmony, a cordial desire will only be found in our country to seek solutions, that, with reference to our legitimate rights, satisfy its aspirations in as much as possible."

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 its purpose to listen, with the utmost spirit of conciliation and equity, to the proposals that Your Excellency's Government wishes to submit in order to celebrate a new Pact regarding Bolivia's situation, but without modifying the Peace Treaty and without interrupting the 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 Rela "ciones Exteriores de Bolivia, Excmo. Señor Ani "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 proyeccio nes 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

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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 antecedents, 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 modifications to some details, 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 advisors from the Chancellery.

I thought his reply was just and, moving on to address the territorial aspect, I limited myself to telling him that, in accordance with our most recent conversation, I would prepare a draft Protocol in order to submit it for 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 reiteré 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 sería 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:

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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 asides 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 general Bolivian proposal ought to come first, followed by the Chilean acceptance to whichever of the options specified, such as the ones he had suggested, which could only be the result of the main agreement.

It was categorically agreed, with respect to the draft note submitted, that Mr. Vergara Donoso would make the corresponding consultations and that he would respond to me as soon as 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 continued position in the Ministry was uncertain, it would be impossible for him 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 antecedents of the conversations that I held with the President of the Republic, which gave a permanent nature to what had been agreed, despite any possible changes in the Ministry, and I asked him to ask the President anyway; but the trip to La Serena made by Mr. Gonzalez Videla, who is still absent, has made it impossible to make any progress to date.

Anyway, 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 to be 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 so- "berana 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 Chi- "le se negó a considerar, ambos gobiernos han acordado lo "siguiente:

"Primero.-El gobierno de Chile cede al gobierno de Boli- "via una faja de territorio al norte de la ciudad de Ari- "ca 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, has- "ta una distancia próxima a la ciudad de Arica, de donde "Bolivia extenderá una prolongación al puerto que construi- "ya.

"Tercero.- Los gobiernos de Bolivia y de Chile se pondrán "de acuerdo sobre las compensaciones comerciales o finan- "cieras 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 se- "creta, política ni militar. Se inspira en el espíritu de "solidaridad continental y en los propósitos que animan "a ambas partes de intensificar sus fraternales relacio- "nes 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-

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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 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, on the basis that this strip includes within its area the Arica-La Paz railway and 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 compensation 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.

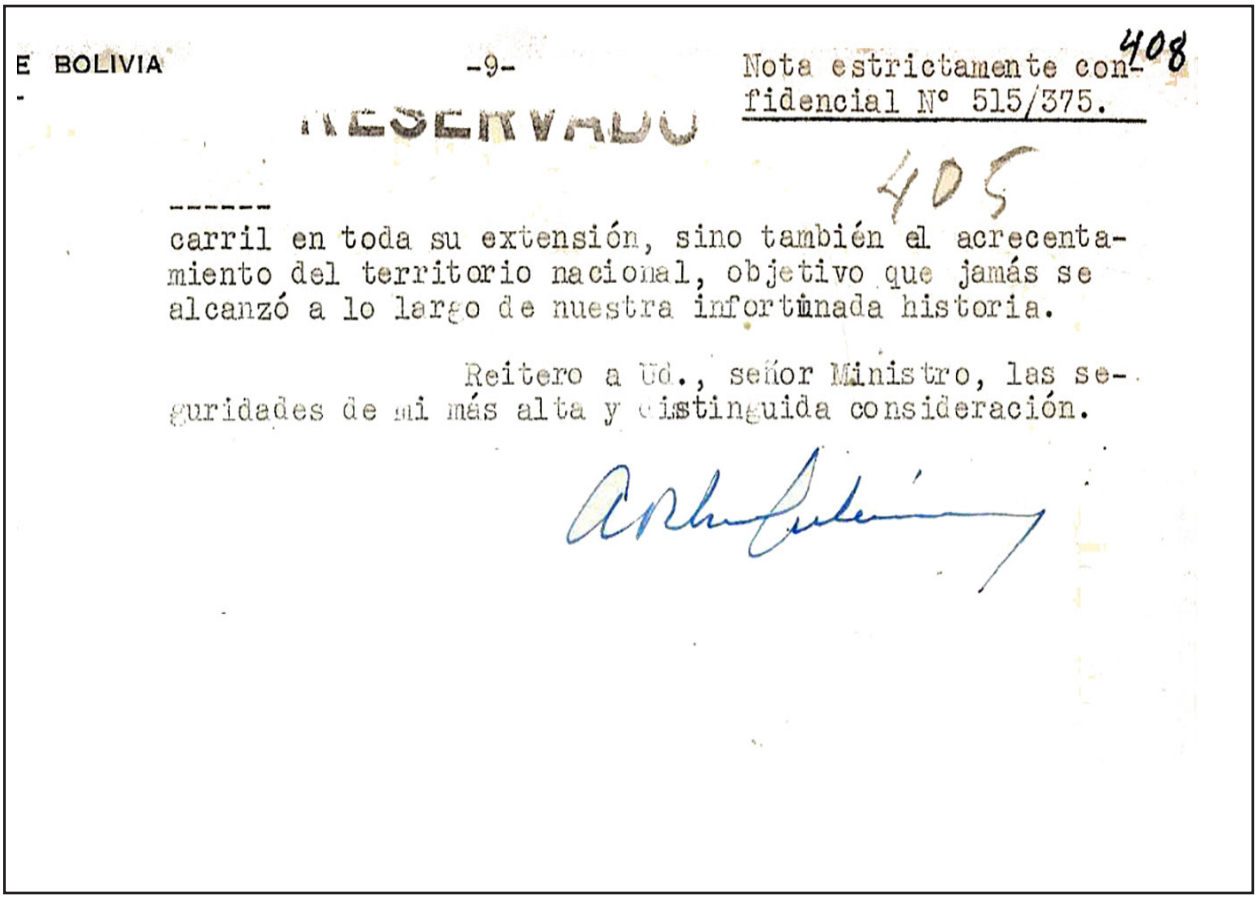
Fifth. –The new border to the south of the territory ceded to Bolivia shall be subject to a technical study carried out in a way that takes both countries' interests into account.

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 agreed to, is hereby submitted for the consideration of His Excellency, the President of the Republic of Bolivia, and to you, to decide whether to keep it as it is, or to 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 opened, with a scope that could entail not only the obtaining of a sovereign access to the sea and ownership over a



E BOLIVIA -9- Nota estrictamente con- 408
fidencial Nº 515/375.

RESERVADO

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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.

EMBASSY OF BOLIVIA

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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 395

Note from the Bolivian Ambassador to Chile to the Minister of Foreign Affairs of Bolivia, 14 March 1950

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 65 to its Memorial

EMBAJADA DE BOLIVIA

Nº 212 / 151

ASUNTO: Negociaciones portuarias.

COPIA
RESERVADA.

Santiago, 14 de marzo de 1950.

RESERVADO

Señor Ministro:

Hoy tuve una entrevista con el Presidente de la República de Chile, señor Gabriel González Videla, a quien trasmití, ante todo, los cordiales saludos que me encomendó hacerle llegar S.E. el Presidente de la República, señor Mamerto Urriolagoitia.

Después informé al Presidente González Videla que había hecho conocer al Presidente Urriolagoitia los detalles de la conversación que sostuvo él, en presencia mía, con el ex-Presidente Hertzog, cuando éste pasó por Santiago, y con tal motivo ingresamos a tratar del problema portuario boliviano y de las negociaciones llevadas a cabo anteriormente.

De acuerdo con las últimas instrucciones de S.E. el Presidente de la República y de Ud.(Nota Nº G.S. 12, de 27 de febrero último), me anticipé a plantear una vez más la cesión de Arica a Bolivia, encontrando la misma cerrada oposición de otras ocasiones en el Presidente de Chile.

-¿Para qué vamos a hablar nuevamente de lo que es imposible?,--me dijo.-- Y agregó: -Mucho más vale que no toquemos ya ese punto y que nos ocupemos de cosas posibles y hacederas.-

A pesar de eso, hice todavía algunas reflexiones en el sentido de que Arica, sin perjuicio para Chile, podía ser objeto de una negociación; pero encontré que la decisión del Presidente González Videla en el sentido de no tratar el problema portuario de Bolivia sobre aquella base era indeclinable y dejé que llevara la conversación en forma de hacerme conocer, una vez más, su pensamiento y sus proyectos.

Desde luego, el Presidente de Chile me confirmó su decisión de ceder a Bolivia una faja de territorio al norte de Arica, donde se pudiera construir un verdadero puerto, y de entregarle asimismo la sección chilena del ferrocarril Arica-La Paz, sin exigir compensación territorial alguna. Además, con tal motivo, se refirió, por primera vez, a la posibilidad de irrigar con aguas bolivianas el norte de Chile, forma en la que, a su juicio, el arreglo envolvería una ventaja económica para Chile.

-Sólamente si el pueblo chileno ve que existe alguna compensación del territorio que cede podrá aceptar el arreglo. Yo presentaría a la opinión pública chilena una fórmula sencilla: cambio de tierra por agua, --me explicó.-- Por otra parte, de ese modo el norte del
....

Al Señor Doctor Don Pedro Zilveti Arce,
Ministro de Relaciones Exteriores y Culto.
LA PAZ.- BOLIVIA.

EMBASSY OF BOLIVIA
Nº 212 / 151
Matter: Port Negotiations.

CONFIDENTIAL.

Santiago, 14 March 1950.

Mr. Minister,

Today, I had an interview with President of the Republic of Chile, Mr. Gabriel Gonzalez Videla to whom I expressed, overall, the cordial salutes issued by His Excellency President of the Republic, Mr. Mamerto Urriolagoitia.

I then informed President Gonzalez Videla that I had informed President Uriolagoitia the details of the conversation he held, in my presence, with former President Hertzog, when he was in Santiago, and with that purpose in mind we addressed the Bolivian port issue and the negotiations conducted before.

According to the last instructions of His Excellency President of the Republic and you (Note Nº G.S. 12 of last 27 February), I anticipated proposing the cession of Arica to Bolivia once more, finding the same closed Chilean President's opposition as on other occasions.

- Why will we talk about the impossible again? -- he said-- And he added, -I would rather not talk about this point and, instead, concentrate on possible and feasible things.

In spite of this, I expressed my views on the fact that Arica, without affecting Chile, could be the object of negotiations. However, I found that President González Videla's decision not to deal with Bolivia's port problem on that basis was unwavering, so I let him lead the conversation so that he would let me know, once more, his thoughts and projects.

Of course, the President of Chile confirmed his decision to cede to Bolivia a strip of territory north of Arica where an actual port could be built, and to hand over the Chilean section of the Arica-La Paz railway without demanding any territorial compensation. Moreover, for that reason, he mentioned, for the first time, the possibility of irrigating the north of Chile with Bolivian waters which, in his view, would cause the arrangement to yield economic benefits for Chile.

- Only if the Chilean people see that there is some compensation for the territory ceded will the arrangement be accepted. I would submit to the Chilean public opinion a simple formula: exchanging land for water –he explained. Thus, the northern part

To Mr. Doctor Pedro Zilveti Arce
Minister of Foreign Relations and Worship
LA PAZ.- BOLIVIA.

EMBAJADA DE BOLIVIA

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del país no resistiría sino que apoyaría la solución con Bolivia.

Me dijo después el Presidente González Videla que a su juicio el obstáculo principal para el arreglo proyectado podía venir de un gobierno de tipo militar como el del Perú, considerando que ese país, mediante los Convenios de 1929, había obtenido en cierto modo la limitación de la soberanía chilena sobre Arica; pero agregó que ese obstáculo podía sin duda salvarse con la cooperación de los Estados Unidos.

Me refirió, con tal motivo, que había adelantado ya conversaciones con el Secretario Adjunto del Departamento de Estado, señor Edward G. Miller, cuando éste visitó Chile, y que había encontrado en él el mejor espíritu de cooperación. Agregó que había dado también instrucciones al Embajador de Chile en Washington, señor Nieto del Río, para que señalara ese asunto entre los que debía conversar con el Presidente Truman, durante su visita a los Estados Unidos, en abril próximo.

- Puedo asegurarle,-- me declaró con gran énfasis,-- que el arreglo con Bolivia es uno de los puntos centrales que voy a tratar con el Presidente de los Estados Unidos. Y obtenida la cooperación de éste, no creo que el gobierno peruano asuma la responsabilidad de ponerse frente a los Estados Unidos, enajenándose a la vez la voluntad de Bolivia y de Chile, conjuntamente con provocar la justificada consternación de la América entera. De todos modos, yo sí salvaré mi responsabilidad como Presidente de Chile, dándole a Bolivia la reparación histórica que mi país le debe.

Al mencionar, de mi parte, la posibilidad de adelantar entre Bolivia y Chile la suscripción de bases concretas que pudieran presentarse como fórmula de solución al gobierno de los Estados Unidos, a fin de que éste las apoyara a su vez en su acción cerca del gobierno del Perú, el Presidente González Videla me expresó que a su juicio la suscripción de cualquier documento le obligaría a hacer una previa consulta a las Comisiones diplomáticas del Congreso, lo que contribuiría a perjudicar la reserva con que quería llevar adelante sus conversaciones con el Presidente Truman.

- Supongo que no dudarán Uds. de mi palabra, -- me dijo, interpretando esa observación mía en un sentido de desconfianza,-- y que considerarán las bases de que hemos hablado tanto como si las hubiera suscrito.

- En ningún momento hemos dudado de ello,-- me apresuré a esclarecer. - Más todavía: hace cerca de tres años que venimos tratando el asunto y a pesar del tiempo trascurrido se mantiene plena nuestra confianza.

Hice luego discreta referencia a los obstáculos y dudas con que, en cambio, había tropezado en mis conversaciones con los Ministros de Relaciones Exteriores, y al oír esto me declaró, con especial firmeza, que la negociación la llevaba él personalmente y que su deci-

of the country would not resist the decision but support it in favor of Bolivia.

President Gonzalez Videla then stated that, in his opinion, the main obstacle for the projected arrangement could come from a military government such as the one in Peru, considering that such country, under the Agreements of 1929, had obtained in a certain way the limitation of Chile's sovereignty over Arica; but added that such obstacle could certainly be overcome with the cooperation of the United States.

He told me, for that reason, that he had already had conversations with the Assistant Secretary of State, Edward G. Miller, during his visit to Chile, and that he found that he had a great spirit of cooperation. He added that he had also instructed the Chilean Ambassador in Washington, Mr. Nieto del Río, to include the matter among those to be discussed with President Truman during his visit to the United States next April.

-Rest assured –he told me with great emphasis– that the arrangement with Bolivia is one of the main points I will address with the President of the United States. And after I secure his cooperation, I do not think the Peruvian Government will assume the responsibility of being in conflict with the United States and opposing the will of Bolivia and Chile, which would lead to justified condemnation from the entire America. Nevertheless, I will relieve my responsibility as President of Chile, as I will offer to Bolivia the historic reparation my country owes it.

When mentioning, for my part, the possibility of forwarding the signing, between Bolivia and Chile, of concrete grounds that could serve as a settlement formula to the Government of the United States, so that the latter could support them in his actions before the Government of Peru, President Gonzalez Videla told me that in his view, the signing of any document would force him to consult the diplomatic commissions of the Congress, which would harm the reservations with which the conversations with President Truman were to be conducted.

-"I guess you will not doubt my word"- he told me, interpreting an observation I made with a sense of distrust- "and that you will consider the grounds we have dialogued as if they had been signed".

-"We have never doubted it"- I rushed to clarify- "furthermore, about three years ago we have addressed the matter and despite the time that has elapsed we have kept our trust.

I then discretely referred to the obstacles and doubts on which, on the other hand, I had stumbled in my conversations with the Foreign Minister and, when he heard that, he declared with special firmness that the negotiation was being conducted by himself and that his

EMBAJADA DE BOLIVIA

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ación de concluirla era inquebrantable.

El Presidente González Videla me expresó, finalmente, con relación a este asunto, la conveniencia de que el gobierno de Bolivia apoyara su acción ante el Presidente Truman, en el momento oportuno, o sea cuando él hubiera planteado el asunto, lo que se apresuraría a hacernos saber. Le respondí que tendría el agrado de hacer conocer su sugestión a mi Gobierno.

Antes de despedirme, el Presidente González Videla me informó que durante su visita a los Estados Unidos insistiría, sobre todo en sus conversaciones con el Presidente Truman, acerca de la conveniencia de que el gobierno americano lleve a cabo una política de justificada discriminación en favor de los países auténticamente democráticos del continente, prestándoles una pronta y eficaz ayuda económica.

Por último, el Presidente González Videla me pidió transmitir al Presidente de Bolivia, señor Mamerto Urriolagoitia, sus saludos cordiales y la expresión de su más viva simpatía personal.

De todo lo expuesto se deduce: 1º), que por primera vez en la historia, no ya el gobierno de Bolivia, sino el propio Presidente de Chile planteará ante el Presidente de los Estados Unidos el problema de la mediterraneidad de nuestro país y la necesidad de resolverlo; 2º), que, en el momento oportuno, corresponde al gobierno de Bolivia apoyar esa gestión, siendo conveniente informar, entre tanto, con carácter estrictamente confidencial, al Embajador en Washington; 3º), que la acción inicial cerca del gobierno del Perú será hecha por el gobierno de los Estados Unidos; 4º), que la suscripción de cualquier Convenio entre Bolivia y Chile queda aplazada hasta el regreso del Presidente González Videla, a fines de abril.

Al rogar a Vd. que esta nota sea puesta en conocimiento de S.E. el Presidente de la República, reitero a Vd. las seguridades de mi más alta consideración.

EMBASSY OF BOLIVIA

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determination to conclude it was unwavering.

Finally, President González Videla told me, with respect to this matter, that it would be convenient that the Government of Bolivia support his actions before President Truman at the right moment, that is, when the issue is raised, which he would let us know as soon as practicable. I replied that I would be pleased to inform my Government of his suggestion.

Before saying goodbye, President González Videla said that he would emphasize, in his visit to the United States and especially during his conversation with President Truman, that it would be convenient for the US Government to implement a policy which favored the authentically democratic countries of the continent by providing them with prompt and effective economic assistance.

Lastly, President González Videla asked me to convey to the President of Bolivia, Mr. Mamerto Urriolagoitia, his best regards and wishes.

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From all the aforementioned we can follow: 1) that for the first time in history, not only the Government of Bolivia, but the very President of Chile, shall submit before the President of the United States the issue concerning the landlocked condition endured by Bolivia and the need to settle that question; 2) that, when timely, the Government of Bolivia should support that demarche, informing, strictly confidentially, the Ambassador in Washington; 3) that the initial representation to the Government of Peru shall be made by the Government of the United States; 4) that the signing of any convention between Bolivia and Chile is delayed until President Gonzalez Videla returns, to late April.

When begging you that the President be informed about this note, I reiterate to you the assurances of my highest consideration.

[Signature]

Annex 396

Remarks of Welcome to the President of Chile at the Washington National Airport, 12 April 1950

(Original in English)

Public Papers, Harry S. Truman, 1945-1953,
<https://www.trumanlibrary.org/publicpapers/index.php?pid=708&st=chile&st1=>

Harry S. Truman Library & Museum

Public Papers
Harry S. Truman
1945-1953

85. Remarks of Welcome to the President of Chile at the Washington National Airport

April 12, 1950

IT IS with sincere pleasure, Mr. President, that I welcome you to the United States. We shall do our utmost to make your stay among us pleasant and interesting.

I am happy to welcome you as the chief executive of a sister republic whose citizens have constantly been inspired by devotion to the democratic principles which we cherish. Your arrival symbolizes the traditional and warm friendship that has long existed between our two countries.

It is a source of satisfaction that, in the spirit of friendly cooperation and inter-American solidarity, Chile and the United States are continuing their efforts to assure the security and peace of the world. Our countries are motivated by the same concern for individual freedom and human welfare.

We in the United States are honored by your visit and heartily extend our sincere good wishes to you personally and for the prosperity of your people and your country. Welcome, Mr. President!

NOTE: President Truman spoke at 3:05 p.m. from a speaker's stand erected at the Military Air Transport terminal, adjacent to the National Airport. President Gonzalez Videla was greeted with a 21-gun salute and full military honors.

Annex 397

Note from the Bolivian Ambassador to Chile to the Minister of Foreign Affairs of Bolivia, 25 May 1950

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 260 to its Reply

EMBAJADA DE BOLIVIA

COPIA

Santiago, 25 de mayo de 1950.

RESERVADO.

Nº 457/310.

Asunto: Negociaciones portuarias.

RESERVADO

Anexo: Copia de un proyecto de nota. (Por avión).

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 reproduje en mi oficio reservado Nº 375, de fecha 28 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 así 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 atendré 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.

COPY

EMBASSY OF BOLIVIA

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 Larraín, a draft note in which, after recalling different antecedents, 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 in respect of which consultations occurred and which was approved 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 be prolonged indefinitely, as has already happened since August 1946– to formalize and document it.

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, as the President of the Republic has already made progress in some of his consultations with the heads of the political parties and with the Congressional commissions.

If this were to happen and we managed 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 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.

...DE BOLIVIA

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".

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Al Excmo. Señor don Horacio Walker Larraín,
Ministro de Relaciones Exteriores,
P r e s e n t e.

COPY

EMBASSY OF BOLIVIA 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 Minutes 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 cannot but be conducive 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 is necessary that the conviction takes hold in Bolivia that, in an environment the of brotherhood and harmony, a cordial desire will only be found in our country to seek solutions, that, with reference to our legitimate rights, satisfy its aspirations in as much as possible."

To His Excellency Mr. Horacio Walker
Larraín, Minister of Foreign Affairs, Hand
delivered.

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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 "mantiene el propósito de oir 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 trasmisión 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 ------

COPY

EMBASSY OF BOLIVIA

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 its purpose to listen, with the most utmost spirit of conciliation and equity, to the proposals that Your Excellency's Government wishes to submit in order to celebrate a new Pact regarding Bolivia's situation, but without modifying the Peace Treaty and without interrupting the 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 a similar disposition 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 antecedents, which ----

COPIA

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.

COPY

EMBASSY OF BOLIVIA

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 398

Note from the Bolivian Ambassador to Chile to the Minister of Foreign Affairs of Chile, 1 June 1950

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 109A to its Memorial

C O P I A.

)AJADA 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 si 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,

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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.

Minister:

The Republic of Chile, on different occasions and specifically in the Treaty of 18 May 1895 and in the Minutes 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 outlet to the Pacific Ocean.

Subsequently, on the occasion of the claim presented by Bolivia on 1 November 1920, at the First Assembly of the League of Nations, the Delegate of Chile, His Excellency Agustín Edwards, stated as follows:

> "Bolivia can find satisfaction in direct and freely consented negotiations. Chile has never closed this door to Bolivia, and I am able to declare that nothing would 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 neighbour and its prosperity will reflect on ours."

Later on, His Excellency the President of Chile, Mr Arturo Alessandri, in a Message addressed to the Chilean Congress of 1922, declared as follows:

> "In Bolivia the conviction should grow stronger that, in an environment of fraternity and harmony, they will only find in our country a warm desire to look for proposals that, taking into account our legitimate rights, can satisfy as far as possible their aspirations."

In turn, on 6 February 1923, His Excellency the Minister of Foreign Affairs of Chile, Mr Luis Izquierdo, stated in a note addressed to the Minister of Bolivia,

To His Excellency Mister Horacio Walker
Larraín Minister of Foreign Affairs.

Hand delivered.

señor Ricardo Jaimes Freyre, que el Gobierno de Chile "mantiene el propósito de oir 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 trasmisión 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 "keeps the purpose of hearing with the highest spirit of conciliation and equity, the proposals that the Government of Bolivia might submit to it to conclude a new Pact that considers the situation of Bolivia, without modifying the Treaty of Peace and without interrupting the continuity of Chilean territory."

On the other hand, concerning the proposal of the Secretary of State of the United States, His Excellency Mr Frank B. Kellogg, for Chile and Peru to cede to Bolivia "any right, title and interest which either may have in the provinces of Tacna and Arica", His Excellency Mr Jorge Matte, Minister of Foreign Affairs of Chile, stated that "the Government of Chile has not rejected the idea of granting a strip of territory and a port to the Bolivian Nation" and that it accepts "to consider, in principle, the proposal."

At the start of his Government, His Excellency the President of the Republic, Mr Gabriel González Videla, demonstrated a similar disposition during his conversations with the Member of the Junta of the Government of Bolivia and Minister of Foreign Affairs, His Excellency Mr Aniceto Solares, who attended the presidential inauguration, in November 1946; subsequently during his interviews 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, during the numerous meetings that were held with the undersigned to deal with 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 Gutiérrez

With such important antecedents that reveal a clear orientation in the international policy followed by the Chilean Republic, I have the honour 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 sovereign access to the Pacific Ocean, thus solving the problem of the landlocked situation of Bolivia on bases that take into account the mutual benefits and genuine interests of both peoples.

Certain of being able to rely upon the acceptance of the Government of Your Excellency, thus beginning a work of great future possibilities for Bolivia as well as for Chile, I reiterate the assurances of my highest and most distinguished consideration.

[Signature]

Alberto Ostria Gutiérrez

Annex 399

Note from the Minister of Foreign Affairs of Chile to the Bolivian Ambassador to Chile, 20 June 1950

(Original in Spanish, English translation)

Original submitted by Bolivia as Annex 109B to its Memorial

1886.-

REPÚBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

DEPARTAMENTO DIPLOMATICO

Nº 9.—

CONFIDENCIAL

Santiago, 20 de Junio de 1950.-

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 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 Kellog, 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

N° 9

CONFIDENTIAL

Santiago, 20 June 1950.-

Mr. Ambassador

I have had the honour 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 with respect to the aspirations of Bolivia to obtain its own access to the Pacific Ocean and recalls the terms of the Treaty and the Minutes, signed, but not ratified by the Legislative Powers, on May 18th 1895 and January 10th 1920, respectively. Likewise, Your Excellency recalls the expressions 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. 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 disposition that Your Excellency and the former Minister of Foreign Affairs, Mr. Aniceto Solares, found in His Excellency, the President of the Republic of Chile, Mr. Gabriel Gonzalez Videla to consider

Mr.
Ostria Gutiérrez, 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 resguard la situación de derecho establecida en el Tratado de Paz d 1904, ha estado dispuesto a estudiar, en gestiones directa con Bolivia, la posibilidad de satisfacer las aspiraciones del Gobierno de Vuestra Excelencia y los intereses de Chil

En la presente oportunidad, tengo el hono de expresar a Vuestra Excelencia que mi Gobierno será cons cuente con esa posición y que, animado de un espíritu de f ternal amistad hacia Bolivia, está llano a entrar formalme te en una negociación directa destinada a buscar la fórmul que pueda hacer posible dar a Bolivia una salida propia y soberana al Océano Pacífico, y a Chile obtener las compens ciones que no tengan carácter territorial y que consulten fectivamente sus intereses.-

Abrigo la confianza de que de esa manera l rarán nuestros respectivos Gobiernos unir más estrechamen los destinos de nuestras dos Repúblicas y dar un elevado e

the Bolivian aspirations.-

With these antecedents, 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 sovereign access to the Pacific Ocean, solving the problem of the landlocked situation of Bolivia on bases that take into account the mutual conveniences and true interests of both peoples".

From the quotes contained in the note I answer, it flows that the Government of Chile, together with safeguarding the *de jure* situation established in the Treaty of Peace of 1904, has been willing to study through direct efforts 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 honour 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 open formally to enter into a direct negotiation aimed at searching for a formula that would make it possible to give Bolivia its own sovereign access to the Pacific Ocean, and for Chile to obtain compensation of a non-territorial character which 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 americanis-
ta.-

Réstame agregar que, oportunamente, mi Go-
bierno deberá hacer una consulta al del Perú, en cumpli-
miento de los Tratados que tiene celebrados con este país.-

Reitero a Vuestra Excelencia las seguridades
de mi más alta y distinguida consideración.-

H. Walker Larraín

Horacio Walker Larraín

example of true American spirit in the Continent.

Finally, I have to add that, opportunely, my Government will have to consult Peru, in compliance with the Treaties celebrated with this country.

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

[Signature]

Horacio Walker Larraín

Annex 400

Letter from the Embassy of Chile in Bolivia to the Minister of Foreign Affairs of Chile, 7 July 1950

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

EMBAJADA DE CHILE
JSA/AYS.

DEPARTAMENTO DIPLOMATICO
Asuntos Políticos

Negociación especial con Bolivia.-

ESTRICTAMENTE CONFIDENCIAL

Nº 1189/95/7.-

LA PAZ, 7 de julio de 1950.-

SEÑOR MINISTRO:

Desde mi regreso a La Paz me he preocupado preferentemente de ir reuniendo el mayor acopio posible de antecedentes que puedan ser útiles a esa Cancillería en las gestiones que se iniciarán próximamente y que puedan llevarnos a la celebración de un tratado con Bolivia, que dé satisfacción a las aspiraciones de este país de obtener una salida propia al mar, a cambio de justas y equitativas compensaciones.

Por oficio separado, estrictamente confidencial nº 6, doy a US. algunas informaciones preliminares sobre lo que por nuestra parte se ha considerado especialmente para la negociación, o sea el aprovechamiento de las aguas del río Desaguadero y del Lago Titicaca, para el riego y fuerza motríz de nuestras provincias del norte, y que fué objeto de conversaciones entre S.E. el Presidente de la República y el Primer Mandatario de los Estados Unidos.

US. podrá apreciar, por estas informaciones preliminares, y sin que ellas nos puedan llevar a formarnos un juicio definitivo, que quizás no debemos mirar con mucho optimismo la posibilidad de obtener, en toda su extensión, resultados halagadores en este punto tan importante. Corresponderá, como es lógico, a los ingenieros técnicos que designe nuestro Gobierno pronunciarse sobre la materia, y desde luego anticipo a US. que proximamente me será grato enviar al Departamento una informa-

AL SEÑOR MINISTRO DE RELACIONES EXTERIORES
SANTIAGO DE CHILE.-

EMBASSY OF CHILE
JSA/AYS

OFFICE OF DIPLOMATIC AFFAIRS
Political Affairs
Special Negotiations with Bolivia

[Seal:] Ministry of
Foreign Affairs.
11 July 1950. [Illegible]
Page 26. No. 16.

STRICTLY CONFIDENTIAL
No. 1189/95/7.

LA PAZ, 7 July 1950.

MR. MINISTER,

Since my return to La Paz, I have especially devoted myself to collecting as much antecedents as possible that could be useful for such Ministry of Foreign Affairs on the dealings that will soon begin, which may lead us to celebrate a treaty with Bolivia that satisfies the aspirations of this country to obtain its own outlet to the sea, in exchange for fair and equitable compensation.

Through separate, strictly confidential official letter no. 6, I have furnished you with certain preliminary information on what we have especially considered for such negotiations, that is the use of the waters of the Desaguadero River and the Titicaca Lake for irrigation and power generation in our northern provinces, which was the subject matter of conversations held between the His Excellency the President of the Republic and the President of the United States.

Your Excellency could appreciate from this preliminary information, without leading us to form a definitive opinion, that perhaps we should not be very optimistic about the possibility of obtaining, in all its extension, promising results in this very important point. As is logical, it will be for the technical engineers to be appointed by our Government to give an opinion on such issue, I further inform Your Excellency that I will be pleased to submit shortly to the Office of Diplomatic Affairs as much complete

...

ción lo más completa posible, la cual, si no ha ido hasta la fecha, es por la dificultad en obtener los estudios, planos, etc., que ella indispensablemente requiere. Con los antecedentes que próximamente remitiré y los demás que obren en poder de ese Gobierno, la comisión de técnicos, confío pueda quedar en condiciones de venir al terreno mismo, lo que juzgo bajo todo punto de vista indispensable.

En otras comunicaciones me referiré especialmente a diversos tópicos que estimo se deben tener presentes al irse a un arreglo con Bolivia: revisión de nuestra actual línea fronteriza que nos permita dejar en territorio chileno - sin que ello signifique cesión de territorios por parte de este país - el nacimiento de algunos pequeños ríos, azufreras, y pequeñas porciones de territorios que con la actual demarcación se ha prestado a dificultades; posibilidad de un tratado de comercio, y una serie de puntos que, a mi modo de ver, pueden considerarse en un convenio que va inspirado a liquidar en forma definitiva asperezas, y persigue una estrecha y sincera unión entre Chile y Bolivia.

Dios guarde a US.

(Fdo.) JORGE SAAVEDRA A.

ES COPIA CONFORME

[signature]

SECRETARIO

...

information as possible, if it has not been delivered as of this date, it is because of our difficulty in obtaining the studies, maps, etc. which it indispensably requires. With the antecedents that I will be submitting soon and other information in such Government's possession, I believe the technical committee will be in the condition to come to the field, which I consider absolutely indispensable.

In other communications, I will refer especially to several issues I believe we must consider in an arrangement with Bolivia: a review of our current boundary line—without it meaning a cession of territories by this country—, which may allow us to leave the headwaters of a number of small rivers, sulfur mines and small portions of land within Chilean territory, and which, with the current demarcations, has presented a number of difficulties; the possibility of a commercial treaty, and a number of issues that, in my view, may be considered under an agreement intended to end our differences and seeks a close, sincere union between Chile and Bolivia.

May God protect Your Excellency.

…

Annex 401

Confidential Circular from the Minister of Foreign Affairs of Chile to the Heads of Diplomatic Missions of Chile, 28 July 1950

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

MINISTERIO DE RELACIONES
EXTERIORES

DEPARTAMENTO DIPLOMATICO
Sección Asuntos Políticos
GW.

Aspiraciones portuarias
bolivianas.

CIRCULAR CONFIDENCIAL N° 2.

Santiago, 28 de Julio de 1950.

Respecto a las informaciones difundidas por las agencias de publicidad, según las cuales el Gobierno de Chile habría entrado en negociaciones directas con el Gobierno de Bolivia, tendientes a satisfacer la aspiración boliviana de obtener una salida propia al océano Pacífico, deseo poner en conocimiento de US. que la situación es la siguiente:

Conforme a una política firmemente sustentada por el Gobierno de Bolivia, desde hace muchos años a esta parte, diversos personeros del Gobierno de ese país, entre los cuales se cuentan el ex Presidente Hertzog, el actual Mandatario, señor Urriolagoitia, sus Ministros de Relaciones Exteriores y el Embajador en Santiago, señor Ostria Gutiérrez, han venido insistiendo en el propósito de ser oídos por el Gobierno de Chile, para dar por iniciadas gestiones directas que pudieran conducir a un acuerdo que satisfazga los anhelos de Bolivia.

Conforme, también, a la política tradicional sustentada por el Gobierno de Chile y que encuentra comprobación en las declaraciones formuladas por nuestro Delegado ante la Sociedad de las Naciones, señor Agustín Edwards, el año 1921; por el entonces Presidente de la República, Excmo. señor Arturo Alessandri, en 1923; por los Ministros de Relaciones Exteriores, señores Jorge Matte Gormaz y Luis Izquierdo, el Gobierno del Excmo. señor González Videla ha expresado la buena voluntad de Chile para escuchar las sugerencias del Gobierno de Bolivia, que fueran formuladas directamente, nó como la expresión de un derecho que Chile no reconoce, dada la existencia del Tratado de 1904, que resolvió definitivamente el problema en su aspecto jurídico, sino como demostración de nuestra parte de un sentido de amplia solidaridad y comprensión americanista.

En las publicaciones a que me he referido, se ha hecho caudal de las conversaciones que habría tenido sobre la materia el Excmo. señor González Videla con el Presidente Truman, durante su visita oficial a los Estados Unidos de América.

//

A los señores
Jefes de Misiones
de Chile en el Exterior.

MINISTRY OF FOREIGN
AFFAIRS

OFFICE OF DIPLOMATIC RELATIONS
POLITICAL AFFAIRS

GW.

Bolivian Port Aspirations.

CONFIDENTIAL CIRCULAR No. 2

Santiago, 28 July 1950.

Regarding the information distributed by news agencies, according to which the Government of Chile has allegedly entered into direct negotiations with the Government of Bolivia aimed at satisfying the Bolivian aspiration to obtain its own outlet to the Pacific Ocean, I wish to report that the situation is the following:

Based on a firm policy that the Government of Bolivia has held for many years towards Chile, several government authorities from that country, including former President Hertzog, the current President, Mr Urriolagoitia, their Ministers of Foreign Affairs and the Ambassador in Santiago, Mr. Ostria Gutiérrez, have been insisting on being heard by the Government of Chile, to initiate direct dealings that could lead to an agreement that satisfies Bolivia's longings.

Moreover, according to the traditional policy supported by the Government of Chile, and reflected in the declarations made by our Delegate to the League of Nations, Agustín Edwards, in 1921; by the then President, Mr Arturo Alessandri, in 1923; by the Ministers of Foreign Affairs, Messrs Jorge Matte Gormaz and Luis Izquierdo; and the Government of His Excellency, Mr. González Videla, which has expressed Chile's willingness to listen to the suggestions of the Government of Bolivia, that are directly formulated, not as the expression of a right that Chile does not recognize, given the existence of the Treaty of 1904, which definitively settled the legal aspect of the problem, but as demonstration of our sense of great solidarity and Americanist understanding.

The publications I have referred to arose out of the talks His Excellency Mr González Videla allegedly held with President Truman during the former's official visit to the United States of America.

/ /

To the
Chilean Heads
of Foreign Diplomatic Missions

A este respecto, al conversar ambos Mandatarios sobre el viejo anhelo boliviano, el Presidente Truman, después de conocer el propósito del señor González Videla de mostrarse llano a escuchar una proposición directa del país vecino, se limitó a expresar que vería con complacencia un arreglo que satisfaciera la aspiración de Bolivia y que vendría a consolidar, aún más, la unión continental.

Nuestro Primer Mandatario estimó conveniente abordar el tema con el Presidente de los Estados Unidos, en atención a que, si se llegara en el futuro a un hipotético acuerdo con Bolivia, nosotros, como es lógico, pediríamos compensaciones, para satisfacer las cuales es más que probable que el país vecino se vería en la necesidad de solicitar el apoyo del Gobierno de Washington.

Ante la resonancia que la prensa internacional ha dado a este supuesto acuerdo para solucionar la mediterraneidad de Bolivia, el infrascrito se vió obligado a hacer, el día 11 del mes en curso, la siguiente declaración oficial:

"Chile ha manifestado en diversas oportunidades y aún en sesión de la 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 tradicioneal 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.

Pero, la publicación aludida supone y detalla bases de un acuerdo, las que no han sido formuladas y, en consecuencia, no han podido ser discutidas."

La declaración anterior y lo expresado a US. más arriba, es lo único que hay sobre este particular, ya que Bolivia, hasta ahora, no ha formulado proposición alguna que pudiera servir de base a una discusión preliminar.

Agradeceré a US. evitar hacer declaración o comentario alguno sobre esta materia, pues el infrascrito, de acuerdo con S.E. el Presidente de la República, ha resuelto que sólo el Ministerio de Relaciones Exteriores dé a conocer públicamente nuestros puntos de vista frente a las aspiraciones bolivianas.

Dios guarde a US.,

In this regard, when both presidents addressed the longstanding Bolivian aspiration, President Truman, after hearing that President González Videla was open to hear direct proposals from Bolivia, merely stated that he would embrace an arrangement that could satisfy Bolivia's aspiration and further consolidate the continental union.

Our President deemed it appropriate to address the issue with the President of the United States because, in the event of a hypothetical agreement in the future with Bolivia, we would naturally ask for compensation and Bolivia would likely have to request the support of the Government of Washington to satisfy such compensation.

Given the attention the international press has given to this alleged agreement to solve Bolivia's landlocked situation, I had to make, on the 11th of the current month, the following official statement:

"Chile has expressed on different occasions, and even at a meeting of the League of Nations, its willingness to give an ear, in direct contacts with Bolivia, to proposals from this country aimed at satisfying its aspiration to have its own outlet to the Pacific Ocean.

This traditional policy of our Foreign Ministry in no way diminishes the rights conferred on Chile by the treaties in force.

The current government is consistent with the recalled diplomatic antecedents and, therefore, is willing to enter into conversations with Bolivia about the problem referred to.

However, the publication alluded to assumes and sets forth the bases of an agreement, which have not been formulated and, therefore, cannot have been discussed."

The foregoing declaration and what is expressed to you above is the only existing information on the subject, since Bolivia, until now, has not formulated any proposal that could serve as the basis for a preliminary discussion.

I would be grateful if you would avoid making any statement or comment on this subject, since I, in line with His Excellency the President of the Republic, have decided that only the Ministry of Foreign Affairs will publically disclose our views on Bolivian aspirations.

God bless you.
[Signature]

Annex 402

Letter from the Ministry of Foreign Affairs of Chile to the President of the Foreign Relations Committee of the Chamber of Deputies, 30 August 1950

(Original in Spanish, English translation)

Chamber of Deputies of the Republic of Chile

REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES
Secc. Asuntos Políticos.

DEPARTAMENTO DIPLOMATICO

CONFIDENCIAL
Nº 96

Santiago, 30 de Agosto de 1950.-

Me es grato acompañar a V.S., como complemento de la exposición que tuve la honra de hacer ante la Comisión de Relaciones Exteriores de la H. Cámara de Diputados, copia de las notas cambiadas entre el Señor Embajador de Bolivia, don Alberto Ostria Gutiérrez, y el infrascrito, en relación con las aspiraciones bolivianas de obtener una salida al mar.-

./.

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.-

Dios guarde a V.S.

H. Walker Larraín

AL SEÑOR
PRESIDENTE DE LA COMISION DE RELACIONES
EXTERIORES DE LA H. CAMARA DE DIPUTADOS.
PRESENTE.

REPUBLIC OF CHILE

MINISTRY OF FOREIGN AFFAIRS DIPLOMATIC
DEPARTMENT

Section of Political Affairs

CONFIDENTIAL
No 96

Santiago, 30 August 1950.-

Further to the statement that I had the honor of making to the Foreign Relations Committee of the Chamber of Deputies, I am pleased to send you a copy of the notes exchanged between the Bolivian Ambassador, Mr. Alberto Ostria Gutiérrez, and the undersigned, regarding Bolivia's aspirations to obtain an outlet to the sea.

My desire and the interest of the Government were to inform that honorable Committee of these documents, because they corroborate and confirm the statements made by the undersigned to the effect that the initiative for the dealings came from La Paz, and that the Government of Chile has limited itself to stating its good disposition, in conformity with the tradition of our Ministry of Foreign Affairs, to enter into conversations with the Bolivian Government. However, I was not able to act in that way because there was a commitment to keep these communications secret until, by mutual agreement, both governments resolved to make them public.

God keep you.
[Signed H Walker Larraín]

To the President of the Foreign Relations Committee
of the Chamber of Deputies.
Hand delivered.

Annex 403

Minutes of the 26th Ordinary Session of the Chilean Senate,
6 September 1950, pp 24-27 (extract)

(Original in Spanish, English translation)

Senate of the Republic of Chile

REPUBLICA DE CHILE
SENADO

Sof.

LEGISLATURA ORDINARIA

Sesión 26a., en 6 de Septiembre de 1950

Ordinaria

Parte Secreta

Presidencia del señor Correa.

Asisten los señores Aldunate, Alessandri don Eduardo, Alessandri don Fernando, Alvarez, Allende, Amunátegui, Bórquez, Bulnes, Cerda, Cruz-Coke, Durán, Errázuriz, Faivovich, Fernández, Figueroa, Frei, González, Guzmán, Ibáñez, Lafertte, Larraín, Maira, Marín, Martínez don Carlos Alberto, Martínez don Julio, Maza, Muñoz, Ocampo, Opaso, Opitz, Pereira, Poklepovic, Prieto, Rettig, Rodríguez, Tomic, Torres, Vásquez y Videla.

Actúa de Secretario, el Secretario accidental don Luis Vergara Donoso.

El señor MAZA.- En la sesión de ayer señor Presidente, se dió cuenta de una nota de la Comisión de Relaciones Exteriores del Senado con la cual remitimos a la Honorable Corporación una serie de antecedentes.

(Pasa a la pág. 2)

…

REGULAR LEGISLATIVE PERIOD

Congress Regular Session No. 26, 6 September 1950.

Regular

Secret Part

…

"Nueva York 13.- En una entrevista hecha al Presidente de Bolivia, señor Mamerto Urriolagoitía, el periodista Milton Bracker del New York Times, lo cita diciendo que Chile está dispuesto a conceder a Bolivia una salida al mar, entre Arica y la frontera peruana, y que el Presidente Truman ha prestado su entusiasta apoyo a la idea.

Agregó Bracker que el proyecto se había postergado hasta que el Presidente electo Manuel Odría y el Congreso peruano asuman sus funciones, ya que se trata de un plantripartito que concierne a Chile, Bolivia y Perú.

La información de Bracker, fechada en La Paz, dice que el proyecto que en la práctica modificaría el mapa de Sudamérica y revitalizaría la economía boliviana, ha sido retrasado por la falta de un gobierno constitucional en Perú, según me agregó el Presidente Urriolagoitía. Declaró que indiscutiblemente se trata de una cuestión tripartita entre Chile, Bolivia y Perú y que una vez que el general Manuel Odría haya jurado como Presidente Electo y el Congreso se reúna el 28 de Julio, tenía la impresión de que el asunto podría ser abordado en forma práctica.

Se tiene entendido que el Presidente Truman aprobó el asunto cuando el Presidente de Chile, señor Gabriel González Videla, se lo adelantó durante su reciente visita a Estados Unidos. La implicación era que Estados Unidos ayudaría a financiar la construcción del puerto y la prolongación del actual ferrocarril de Arica a La Paz, hacia el norte hasta el nuevo puerto."

En tales condiciones, y en conocimiento de tales noticias, se verificó, el 18 de julio, la sesión de la Comisión de Relaciones Exteriores en que yo debía relatar mi conversación con el señor Ministro, y durante la cual él me había manifestado que no creía conveniente ni oportuno concurrir a la Comisión.

Relaté a la Comisión mi conversación con el señor Walker. Al día siguiente, se publicó una comunicación oficial que voy a leer porque, en realidad, casi no hay nada reservado fuera de ella. Dice así:

(Pasa a la pág. 24)

…

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…

Under those circumstances, and having heard about such news, on 18 July, at the session of the Committee on Foreign Relations, I had to make an account of my conversation with the Minister, during which he had told me that he did not consider it convenient nor appropriate to attend the Committee.

I narrated to the Committee my conversation with Mr. Walker. The following day, an official communication was published, which I shall read because, in fact, there is almost nothing reserved outside of it. It reads as follows:

(Continued on page 24)

"A las cinco treinta horas se reunió la Comisión de Relaciones Exteriores del Senado, bajo la presidencia del señor don José Maza y con asistencia de todos sus miembros, señores Ulises Correa, Angel Faivovich, Sergio Fernández y Raúl Marín. Asistieron, también, varios señores Senadores y Diputados.

"El Presidente manifestó que accediendo a un pedido -se refiere al pedido de que antes hice mención- que le habían formulado el miércoles pasado todos los miembros de la Comisión, se había dirigido en el acto al señor Ministro de Relaciones Exteriores, rogándole que se sirviera indicar el día y hora en que podía concurrir a la Comisión para que ésta conociera lo que había de cierto en la solicitación de Bolivia para que Chile le cediera un corredor que le permita salida al mar por su límite norte.

"El Ministro le contestó que previamente deseaba hablar con él sobre el particular.

"Al día siguiente estuvo conversando con el señor Ministro, quien expresó, entre otras cosas, que hasta ese momento Bolivia no había puntualizado sus peticiones y que apenas lo hiciera el Gobierno las pondría en conocimiento de las Comisiones de Relaciones Exteriores de ambas ramas del Congreso y de los jefes de partidos.

"Debido a esta circunstancia, el Ministro no consideraba todavía oportuno venir hasta el seno de la Comisión a exponer los antecedentes producidos.

"En seguida, usaron de la palabra todos los miembros de la Comisión y, además, otros señores Senadores.

"Como el Presidente de la Comisión fuera directamente interrogado respecto de las conversaciones que se dice tuvieron lugar en

(Pasa a la pág. 25)

…

"At 5:30 pm, the Senate Committee on Foreign Relations met under the presidency of Mr. José Maza and attended by all its members, Ulises Correa, Angel Faivovich, Sergio Fernández and Raúl Marín. Several senators and deputies were also present.

"The President stated that acceding to a request — referring to the request I mentioned before— made to him by all the members of the Committee last Wednesday, he had immediately asked the Minister of Foreign Affairs to indicate the date and time when he could appear before the Committee for it to learn whether it was true that Bolivia had requested Chile to cede it a corridor that will allow an outlet to the sea through its north border.

"The Minister replied that he wished to talk with him about the matter first.

"The following day, he talked with the Minister, who stated, among other things, that until that moment Bolivia had not specified its requests and that, as soon as it did so, the Government would inform the Committees on Foreign Relations of both chambers of Congress and the party leaders.

"In view of this circumstance, the Minister did not consider it was yet appropriate to appear before the Committee to explain the background facts.

"Next, all the members of the Committee took the floor, as well as other Senators.

"As the Chairman of the Committee was directly asked about the conversations that were said to have taken place in

(Continued on page 25)

Wáshington, el señor Maza contestó que el día de su conversación con el Ministro no se había publicado aún la conferencia de prensa del señor Truman y agregó que había creído conveniente hacerle saber al señor Ministro la mala impresión que las noticias aparecidas hasta esa fecha habían dejado en el ánimo de los parlamentarios que habían conversado con él.

"La Comisión acordó que el Presidente señor Maza pidiera al señor Ministro que se sirviera concurrir a una sesión de la Comisión el día que estimase conveniente".

Inmediatamente me puse en comunicación con el señor Ministro. El señor Walker estimó conveniente que nos reuniéramos el 25 de Julio, es decir, el martes siguiente.

El día 19, o sea, al siguiente de la reunión de la Comisión apareció en "El Mercurio" un importante artículo de redacción, al que pensaba dar lectura porque sintetiza el ambiente público de esos días, pero no lo hago por lo avanzado de la hora.

El martes 25 de Julio se reunió la Comisión.

Tengo a la mano el acta de la sesión de esa fecha y de la segunda reunión. Estas actas fueron conocidas por todos los miembros de la Comisión y después, también, por el señor Ministro. De ellas quiero hacer resaltar solamente algunas declaraciones que son interesantes.

En la sesión del 25 de Julio, el "señor Presidente da cuenta de la reunión anterior de la Comisión en que se acordó invitar al señor Ministro de Relaciones Exteriores con el objeto de que haga una exposición de los antecedentes en el asunto de la cesión de un posible corredor a Bolivia, y ofrece la palabra, al efecto, al señor

(Pasa a la pág. 26)

…

Washington, Mr. Maza replied that, on the day of his conversation with the Minister, Mr. Truman's press conference had not yet been published and added that he had considered it convenient to inform the Minister of the bad impression that the news to date had left on the legislators who had talked with him.

"The Committee agreed that Chairman Maza asked the Minister to attend a meeting of the Committee on the date he deemed appropriate."

I immediately contacted the Minister. Mr. Walker deemed it convenient that we met on 25 July, that is, the following Tuesday.

On the 19th, that is, the day after the meeting of the Committee, an important editorial article was published in "El Mercurio", which I intended to read for it synthesizes the public environment of those days, but I will not do so because it is late.

On Tuesday, 25 July, the Committee met.

I have in my hands the minutes of the meeting held on such date and of the second meeting. These minutes were known by all the members of the Committee and, also, by the Minister. I wish to highlight some interesting declarations only.

At the session of 25 July, the "Chairman gives an account of the Committee's previous meeting, in which it was agreed to invite the Minister of Foreign Affairs with the purpose to give an exposition on the background information on the cession of a possible corridor to Bolivia, and gives the floor, to that effect, to the

(Continued on page 26)

Ministro.

"El señor Ministro expresa que, en realidad, es poco lo que tiene que decir; que esta gestión no es nueva y que de ella le ha tocado conocer a los distintos Ministros de Relaciones Exteriores que han pasado por el Ministerio, pues Bolivia continuamente la está agitando.

"Agrega que él se ha limitado a seguir la línea tradicional de nuestra Cancillería, cual es la de estar llano el Gobierno de Chile a oír en gestión directa proposiciones del Gobierno de Bolivia, sin reconocerle derecho alguno, ni menos aceptar la posibilidad de una revisión de tratados..."

Después, el señor Ministro recuerda algunos antecedentes referentes a la política de Bolivia en el sentido de la revisión de los tratados y la que sostiene actualmente, mediante el entendimiento directo en gestión amistosa.

Y, más adelante, continúa el acta: "Por estas razones, expresa el señor Ministro que no le pareció conveniente negar la posibilidad de oír a Bolivia sobre este particular, tanto más cuanto que el General Perón tiene vivo interés en ofrecerle una salida al Atlántico.

"Se refiere, en seguida, el señor Ministro, a la conversación del Presidente de la República con Mr. Truman y hace presente que el propio Embajador de Bolivia le había pedido al Presidente de Chile que abordara este asunto en su visita a Estados Unidos..."

En la sesión siguiente, el señor Ministro modificó esta declaración.

Más adelante, el acta expresa: "Dice que S.E, se limitó a

(Pasa a la pág. 27)

…

Minister.

"The Minister expresses that, in fact, he has little to say; that this dealing is not new and that different Ministers of Foreign Affairs who have worked at the Ministry have had to deal with it, as Bolivia is continuously agitating it.

"He adds that he has limited himself to follow the traditional line of our Ministry of Foreign Affairs, which is that the Government of Chile is open to listen in direct dealings to the Government of Bolivia's proposals, without recognizing it any right, let alone accepting the possibility of reviewing treaties..."

The Minister then recalls some background referring to Bolivia's policy with respect to the review of the treaties, and the one that it currently maintains, by means of direct understanding in friendly dealings.

And, further on, the minutes continue: "For these reasons, the Minister expresses that he did not consider convenient to deny the possibility to listen to Bolivia on this matter, all the more so since General Perón is keenly interested in offering it an outlet to the Atlantic Ocean.

"The Minister then refers to the conversation of the President of the Republic with Mr. Truman and points out that the Bolivian Ambassador himself had asked the Chilean President to address this matter during his visit to the United States..."

In the following session, the Minister changed this statement.

Later, the minutes establish: "He says that His Excellency limited himself

(Continued on page 27)

darla a conocer al señor Truman esta posibilidad de una gestión directa y que aprovechó para conversar con él sobre posibles compensaciones económicas, a base de un aprovechamiento de la fuerza motriz del lago Titicaca y del uso y goce de las aguas del río Desaguadero, proyectos respecto de los cuales el señor Truman habría manifestado gran interés.

"Hace presente que, de regreso a Chile, el Embajador de Bolivia no ha presentado ninguna proposición ni tiene siquiera instrucciones de su Gobierno a este respecto y que él se ha limitado a hacerle saber la política tradicional de Chile en esta materia, haciéndole ver que no hay derecho alguno por parte de Bolivia, que toda negociación tiene que ser a base de compensaciones halagüeñas para Chile y que, en todo caso, debe someterse al acuerdo previo del Perú.

"Chile, pues, agrega, no tiene ningún compromiso y está en la más absoluta libertad de aceptar o rechazar las compensaciones que se les puedan proponer..."

A una pregunta de un señor Senador, el señor Ministro, dice el acta, expresa: "que el señor Riesco, su antecesor, escribió diversos memorándum sobre este asunto. Por ejemplo, dijo que debía plantearse en el terreno de una gestión directa y amistosa, que no aceptaba que se pidiera Arica, que hasta redactó un proyecto de nota a Bolivia. Agrega que por razones de política interna, tanto en Chile como en Bolivia, obtuvo la postergación de estas conversaciones, acerca de las cuales hay constancia en los memorándum a que ha hecho referencia".

El señor CORREA (Presidente).- ¿Me permite, señor Senador? ¿Su Señoría desearía terminar sus observaciones en la presente sesión?. En tal caso solicitaría prórroga de la hora.

El señor MAZA.- No pensaba que iba a pasar esto.

El señor CORREA (Presidente).- Tendría el agrado de solicitar la prór...

…

to inform Mr. Truman of this possibility of a direct dealing, and that he took the opportunity to talk with him about a possible economic compensation, based on the use of the power of Lake Titicaca and the use and enjoyment of the waters of the Desaguadero River, projects in which Mr. Truman has allegedly expressed great interest.

"He points out that, upon his return to Chile, the Bolivian Ambassador has not presented any proposal and does not even have instructions from his Government in this respect, and that he limited himself to informing him of Chile's traditional policy in this matter, making him see that Bolivia has no right whatsoever, that all negotiations must be based on compensation favorable to Chile and that, in any case, they must be subject to Peru's prior agreement.

"Chile, therefore, he added, has no commitment and it has the absolute freedom to accept or reject any proposed compensation..."

According to the minutes, the Minister answered a question posed by a Senator as follows: "Mr. Riesco, his predecessor, drafted several memorandums on this matter. For example, he said that direct and friendly dealings should be proposed, that he did not accept a request for Arica, and he even wrote a draft note to Bolivia. He adds that, for internal political reasons, both in Chile and Bolivia, he obtained the postponement of these conversations, evidence of which can be found in the memorandums that have been referred to."

…

Annex 404

Address by the President of the US opening the meeting of the Foreign Ministers of the American Republics, 26 March 1951

(Original in English)

Public Papers, Harry S. Truman, 1945-1953,
<https://www.trumanlibrary.org/publicpapers/index.php?pid=269&st=&st1=>

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Public Papers of the Presidents
Harry S. Truman
1945-1953

59. Address Opening the Meeting of the Foreign Ministers of the American Republics

March 26, 1951

Mr. Secretary, Your Excellencies, ladies and gentlemen:

It is an honor to open this meeting of the Ministers of Foreign Affairs of the American Republics. I am happy to extend to you a wholehearted welcome to our country and to our Capital City. On behalf of the United States, I hope that this will be a most satisfactory and successful meeting.

This is the fourth meeting of the Ministers of Foreign Affairs of the American Republics. This meeting, like the earlier ones, is held at a time of international danger. When the first meeting was held, in 1939, war had just broken out in Europe. As that conflict spread to nation after nation, and threatened to extend to all parts of the world, the Foreign Ministers of the American Republics held two more meetings in 1940 and in 1942 to plan a common course of action against the common danger.

As a result of our concerted efforts, our countries did not become a theater of war. The nations of this hemisphere succeeded in protecting the American Continents from invasion. And, as a result of our common efforts, the people of the Americas were able to contribute power and resources which turned the tide against aggression and brought victory to the forces of freedom.

Today, we meet again to consider our common defense. We meet again to work out ways and means by which our united strength may be employed in the struggle for freedom throughout the world.

The American Republics all owe their national beginnings to the same set of ideals-the same concepts of human and international freedom. We have all followed and we will continue to follow two basic principles. First, we believe that international affairs should be based upon cooperation among free and independent nations, and not upon coercion or force. Second, we believe that the aim and purpose of government is to promote the welfare of all the people--not just the privileged few.

These principles have long been the basis of relations among the American Republics. The same principles are now embodied in the Charter of the United Nations where they have become the foundation of a new society of nations. The statesmen of the American Republics have shown their continuing devotion to these principles by the great and constructive work they have done in creating and strengthening the United Nations.

Today, these principles are under relentless attack from a center of power which denies the whole concept of human freedom-whether it be spiritual freedom, or economic freedom, or political freedom.

Communist imperialism attacks and undermines national independence and international cooperation. In their place, it substitutes the rule of force. Communist imperialism also seeks to destroy the system of government that serves the welfare of the people. Instead, it sets up a system under which the people exist only to serve the purposes of the government. As a result the Soviet system is one of unbridled power, imposing slavery at home and aggression abroad.

The aggressive expansion of the Soviet power threatens the whole world. In Europe we see it trying to engulf the nations from which we have drawn our cultural beginnings. If Soviet subversion and Soviet

armed force were to overthrow these nations, the consequences for all of us in the Western Hemisphere would be disastrous. We would lose those cultural and religious ties which mean so much to us. The international trade on which we are so dependent would be violently disrupted. Worst of all, we would be confronted by a hostile power on the shores of the Atlantic, capable of using the great economic resources of our conquered friends to strike across the ocean at our own independence.

We must not and will not let that happen. We in the Western Hemisphere must help the free men of Europe who are resisting Soviet expansion.

In the Far East, Communist imperialism presents us with another threat. There we see many new nations emerging, as our own countries once did, from colonial status to full independence. For these new nations we of the Western Hemisphere have the greatest feeling of fellowship. But Communist imperialism has fallen upon these new nations with its weapons of internal subversion and external attack. It seeks to overpower them before they are strong enough to stand alone.

If Soviet communism were to be successful in this venture, it would be a terrible blow to the bright promise of the principles of freedom and peace which we uphold. The great manpower of Asia would become one of the instruments of the aggressive expansion of the Soviet system toward our own hemisphere.

Both to the east, therefore, and to the west, we are confronted by great perils. Our future progress, our very survival, lie in the defense of the world order of free nations of which we are a part. Our very existence depends upon the success of those principles which our countries stand for, and which we have supported in the United Nations. There is no safety for any of us in abandoning these principles. There will be no security in the world without the United Nations. Powerful and productive as the Western Hemisphere is, we cannot make it safe by building a wall around it.

Instead of withdrawing into our hemisphere in a hopeless attempt to find security through retreat, we must concert our defenses and combine our strength in order to support men in Europe and Asia who are battling for freedom. That is the only course that can lead to security or peace or freedom for us or for men anywhere in the world.

Recognition of this fact lies behind the aid the United States has given to the rebuilding of Europe. It lies behind the struggle the free nations are now waging in the hills of Korea. The resistance of the United Nations to aggression in Korea--a resistance that has the firm approval of all the nations represented here--is of momentous importance. It has shown that the free nations are determined to defend their ideals of national independence and human welfare.

The issue in Korea is the survival of the principles on which we have built our countries. The principal of national independence and self-government is at stake there, as well as the principle that government shall be for the welfare of the people. If justice and order do not prevail in Korea, they will be in danger everywhere in the world.

Heroic sacrifices are being made in Korea to check the forces of aggression and to protect us against the terrible destruction and vastly greater sacrifices of a world conflict. By standing firm in Korea and by preparing to meet aggression elsewhere we are doing our best to prevent a third world war.

This meeting in Washington, therefore, must consider not only what should be done to improve the defense of this hemisphere, but also what measures we can best undertake to support and strengthen the United Nations in its effort to establish world peace.

We meet here as a region which has already, in the solemn treaty of Rio de Janeiro, announced its intention to defend itself through cooperative action. We are pledged to resist the common foe.

We must now plan as a primary task for the strengthening and the coordinated use of our defense forces in this hemisphere. We must also consider how we may best use our strength to support the cause of freedom against aggression throughout the world.

The success of our defense program depends upon our economic strength. In these troubled times, defense production must have prior claim upon our economic resources. We shall have to increase the production of strategic materials. We shall have to divert manufacturing capacity to defense purposes.

These necessities will create many difficult practical problems for our countries to solve. There will be shortages of basic materials and other commodities. There will be limitations on certain kinds of capital expansion.

The first step in solving these problems is to face them in a spirit of cooperation. We must recognize that we are engaged, as good neighbors, in a common enterprise that is vital to our survival as free and democratic nations. We must establish the principle of sharing our burdens fairly. We must act together to meet essential civilian needs, and at the same time we must act together to be sure that scarce supplies are limited to essential uses. We must try to prevent wild and speculative price

movements in our international trade, whether in raw materials or manufactured products.

Our defense needs are not, of course, limited to the things that go into the making of weapons. We need to build up our economic strength in a much broader way. It is essential to our security that we constantly enlarge our economic capacity. Our defense needs include, in many cases and in many areas, more food, better education, and better health services. They include, in certain cases, the building of roads, dams or power plants.

We must remember that the real strength of the free nations lies in the will and determination of their peoples. The free nations stand for economic progress and social advancement. They grow in strength by going forward along the road of greater economic opportunity for all.

Over the last 10 years our countries have made great economic progress. In most of the countries represented here, national income is at least twice what it was in 1939.

An important factor in our advance is the program of technical cooperation which we have joined together to carry out. Joint projects for spreading technical knowledge have already made notable achievements in improving the health, education, and living standards of our people. We intend to press on with this kind of activity.

The American Republics are full of breathtaking possibilities for future economic development. These possibilities can be made realities only if we work and plan together for a long time ahead. I like to think, for example, of the possibility of developing the vast areas of wilderness, such as the eastern slopes of the Andes, and turning them into new and fertile farmland. And I like to think of a project about which I talked to the President of Chile, which contemplates the diversion of water from those high mountain lakes between Bolivia and Peru for making a garden on the coast of South America to the west for Chile and Peru, and in return giving Bolivia a seaport on the Pacific. I had a very pleasant conversation with the President of Chile on that subject. And I like to think of the development of the Parana, Paraguay, and Uruguay Rivers. Think what wonderful possibilities are in those great waterways for development.

And those are only samples, for all over the continent of South America there are greater resources undeveloped than were ever in these United States of America. And I know that we can develop them for the welfare of the whole world as well as for ourselves.

I like to think of the possibilities of industrial development in your countries. I remember with pride the part which this country played, even during the troubled times of the last war, in helping to create a steel industry in Brazil. I think with satisfaction of the progress that has been made by Chile and other countries in setting up factories and hydroelectric projects in recent years.

Our countries do not have unlimited resources to devote to the creative developments such as these. We cannot do as much, in the midst of a defense emergency, as we could in normal times. But we must do all we can.

It is the genius of our democratic type of society that we are constantly creative and constantly advancing. We hold out to all people the prospect of bettering their condition, not in the dim future, not after some terrible and bloody upheaval, but steadily through the years, in the simple activities of our daily life.

In our countries we do not measure our prosperity by the power of the state. We do not measure the progress of our society in terms of military might. We do not measure our advancement in terms of the profits or the luxuries of the few. Our yardstick is the welfare of the many. We think in terms of the average man--how he lives, what he can buy, and the freedom he enjoys. These are the standards by which we measure our development.

And, by these standards, we are marching steadily forward. And we shall continue that march!

Our vision of progress is not limited to our own countries. We extend it to all the peoples of the world.

We know that people are very much alike in their basic aspirations wherever they may be or whatever language they may speak. We recognize that the people of Russia, the people of the Soviet satellite states, are very much like us in what they want for themselves and for their children. We hope that some day they will find it possible to turn their leaden from their present path of tyranny and aggression.

Our goal is self-development, not imperialism.

Our goal is peace, not war.

Our goal, not only for ourselves but for all peoples, is a better world--materially, morally, and spiritually.

NOTE: The President spoke at 4 p.m. in Constitution Hall. His opening words referred to Secretary of

State Dean Acheson and to the 20 Foreign Ministers of the Latin American countries represented at the meeting.

The Fourth Meeting of Consultation of Ministers of Foreign Affairs of American States was held in Washington from March 26 through April 7, 1951.

Provided courtesy of The American Presidency Project. John Woolley and Gerhard Peters. University of California, Santa Barbara.

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Annex 405

Telegram from the Embassy of the US in Peru to the US Secretary of State, 31 March 1951

(Original in English)

US National Archives and Records Administration

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DEPARTMENT OF STATE
FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

TRANSMITTAL SLIP

TO : AMEMBASSY, LA PAZ

FOR : (agency or individual)

FROM: AMEMBASSY, LIMA

DATE : April 3, 1951

IT 3) TRANSMITTED

Telegram No. 485 of March 31, 1951 from Lima to the Department. (Unclassified).

REMARKS OR REFERENCE TO PREVIOUS CORRESPONDENCE

Per DEPTEL 293, April 2, 1951. (to Lima)

R. H. Hawkins, Jr.
First Secretary of Embassy

INITIALS OR NAME AND TITLE OF PREPARING OFFICER

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APR 0 1951

TELEGRAM SENT LA PAZ

To: Washington Date: March 31, 1951

Code: Unclassified No.: 485

SECSTATE
WASHINGTON

Following declaration by President Odría dated March 30 is published in press this morning:

"Because of declarations which apparently have been made by President of US and of Chile the Constitutional Press of Republic General Odría declares.

1. The Peruvian Government has not been informed up to the present time by the interested Governments of any action regarding the outlet to sea for Bolivia and for that reason considers that the declarations of the Presidents of the US, Mr. Truman and of Chile Sr. Gonzalez Videla, merely reflect the personal opinion of the above-mentioned presidents.

2. The territorial status of the frontier between Peru and Chile is determined by the Treaty of 1929 and its complementary protocol and no modification or alteration can be effected without the participation and consent of Peru.

3. The waters of Lake Titicaca belong in indivisible condominium to Peru and Bolivia and their disposition and utilization belong exclusively to these two countries."

Full dress editorial in this morning's "Comercio" concludes as follows:

"The country in the North is not empowered to propose anything regarding our frontier territory without Peru's consent nor has it anything to do with the waters of the mountain lakes of Peru and Bolivia which belong exclusively and solely to these two countries. It is therefore surprising and reprehensible that, in these crucial moments thru which America is passing, the problem should have been presented in the way it has, a problem which is creating friction and difficulties and tends to disunite instead of uniting. We believe that the Treaty of 1929 with Chile was an unfortunate one and because of this very thing we are resolved not to permit fresh sacrifices on our part. And if further sacrifices are what Chile is seeking, our Government can be certain that the entire country will support it in the defense of our integrity and sovereignty".

TITTMANN

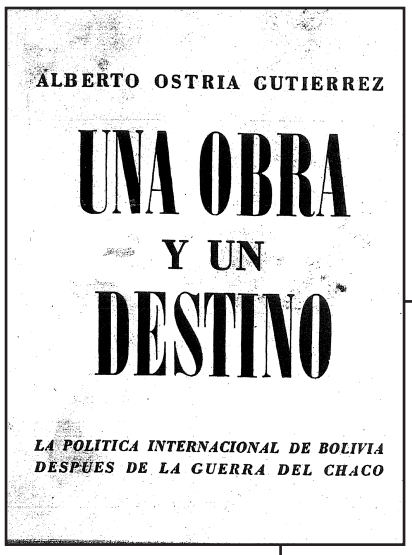
350 - Internal Political Affairs.

Authority NND 837289

Annex 406

A. Ostria Gutiérrez, *A Work and a Destiny, Bolivia's International Policy After the Chaco War* (1953), pp 75-81 (extract)

(Original in Spanish, English translation)



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. — Presente".

Quedó así oficialmente reconocida por Chile la realidad del problema portuario boliviano y convenida entre ambos países la negociación directa para resolverlo. Además, dentro de ese convenio preliminar, que vencía una primera etapa esencial, se establecieron dos aspectos fundamentales: la exclusión explícita de cualquiera compensación territorial por parte de Bolivia y el compromiso del gobierno chileno en el sentido de que haría oportunamente "una consulta al Perú, en cumplimiento de los Tratados que tiene celebrados con este país".

Durante la negociación del convenio preliminar contenido en las notas del 1º y 20 de junio de 1950, se efectuó la visita del Presidente de Chile a los Estados Unidos, ocasión en la que éste planteó el asunto portuario de Bolivia a la consideración del Presidente Truman, dándole así su verdadera proyección continental, a la vez que sugiriendo la posible cooperación económica americana para el aprovechamiento de la

...

In this way, Chile officially acknowledged the reality of Bolivia's port issue, which both countries agreed to address through direct negotiations. In addition, this preliminary agreement, which overcame an essential initial stage, laid down two fundamental elements: the explicit exclusion of any territorial compensation from Bolivia, and the commitment undertaken by the Government of Chile to promptly "consult Peru in compliance with the Treaties entered into with that country."

During the negotiations over the preliminary agreement included in the notes dated 1 June and 20 June 1950, the President of Chile visited the United States, and he proposed Bolivia's port issue for President Truman's consideration, granting it its true continental scope and at the same time suggesting potential American economic cooperation to make use of

energía eléctrica que pudiera obtenerse de la utilización del Lago Titicaca, en beneficio de Bolivia, el Perú y Chile.

El Presidente Truman acogió con entusiasmo la idea, dentro del mismo pensamiento, sin duda, que llevó al Presidente Roosevelt a considerar con especial atención el problema portuario boliviano, o sea como uno de los pocos obstáculos que se interponen aún a la solidaridad de las naciones americanas, declarándolo así al Presidente Peñaranda, durante la visita de éste a los Estados Unidos, en 1943. Todavía más: al inaugurarse la Tercera Reunión de Consulta de los ministros de Relaciones Exteriores de América, el Presidente Truman volvió a aludir al problema portuario boliviano, con noble y reveladora espontaneidad, recordando la conversación que al respecto había tenido con el Presidente de Chile.

Entre tanto, las negociaciones llevadas a cabo con Bolivia provocaron reacciones, no siempre serenas ni justificadas, en ciertos sectores de oposición al gobierno chileno.

En Bolivia también, la noticia de una supuesta cesión de las aguas del Lago Titicaca produjo alarma y dió lugar a toda clase de suposiciones imaginarias. Para restablecer la verdad, el negociador boliviano de las notas suscritas con el gobierno chileno, en junio de 1950, declaró a la prensa de La Paz, el 31 de agosto de ese año, en síntesis lo siguiente:

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 excluído 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 estos dos últimos —no a

electric power obtained from Lake Titicaca for the benefit of Bolivia, Peru and Chile.

President Truman enthusiastically embraced this idea, certainly following the same reasoning that led President Roosevelt to regard Bolivia's port issue with special attention, i.e. as one of the few obstacles still hindering solidarity among countries in the Americas, as he informed President Peñaranda during his visit to the United States in 1943. What is more: at the inauguration of the Third Meeting of Consultation of Ministers of Foreign Affairs of American States, President Truman referred to Bolivia's port issue again, with a noble and revealing spontaneity, recalling the conversation that he had had with the President of Chile in that respect.

In the meantime, the negotiations with Bolivia triggered reactions, not always quiet or justified, from certain sectors that oppose the Government of Chile.

The news of an alleged assignment of the waters of Lake Titicaca also provoked alarm in Bolivia and gave rise to all kinds of imaginary assumptions. In order to restore the truth, on 31 August 1950, the Bolivian negotiator of the notes that were signed in June 1950 with the Chilean Government told the press in La Paz as summarized below:

1) The Governments of Bolivia and Chile have entered only a preliminary stage, formalizing direct negotiations in order to solve Bolivia's port problem.

2) No territorial agreement has been made to resolve this problem; however, any compensation of such nature has been excluded in advance for Bolivia, which reached the maximum sacrifice when it ceded its littoral as a result of its defeat in the war of the Pacific.

3) No agreements whatsoever have been made on Bolivia's lakes, and thus not a single drop of their water has been compromised in any way.

4) Any potential solution to Bolivia's port problem at the territorial stage should be the basis of a faithful understanding among

> Bolivia— obliga el Protocolo complementario de 3 de junio de 1929, por el cual convinieron 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".

Esa declaración fué ratificada después por el ministro de Relaciones Exteriores de Chile, Horacio Walker Larraín, quien en la Cámara de Diputados de su país dijo: "Es prematuro hablar de proyectos, sea sobre aprovechamiento de energía eléctrica para levantar aguas subterráneas y mover industrias u 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 aceptará Chile".

Más tarde, el Presidente de Chile, en un discurso pronunciado el 29 de marzo de 1951, refiriéndose a las notas suscritas con el gobierno de Bolivia, el 1º y 20 de junio de 1950, expresó lo siguiente: "Se trata de un primer paso en un terreno que será necesario explorar minuciosamente antes de poder caminar sobre él". Y agregó: "Esto es todo lo que hay en concreto sobre la materia". Por otra parte, acerca de sus conversaciones con el Presidente Truman y en relación con el aprovechamiento de la energía hidroeléctrica del Lago Titicaca, hizo constar que se había limitado a exponer "una sugestión", "un sondeo sobre una idea absolutamente distante de las posibilidades económicas y financieras de Chile". Finalmente, declaró: "La posibilidad de dar satisfacción al anhelo de Bolivia de tener una salida al Pacífico es un asunto que sólo puede ser abordado en conversaciones directas de Chile con Bolivia y con el Perú, en virtud de lo dispuesto en el Tratado de 1929".

En cuanto al gobierno del Perú, a raíz de las declaraciones de los Presidentes de Estados Unidos y de Chile, expresó su pensamiento en un breve comunicado del Presidente de la República, el 30 de marzo de 1951, en estos términos:

"Con motivo de las declaraciones que aparecen formuladas por los Presidentes de Estados Unidos y de Chile, el Presidente Constitucional de la República, general Manuel A. Odría, manifiesta:

1) El gobierno peruano no ha sido informado hasta la fecha por los gobiernos de los países interesados de ninguna gestión sobre la salida al mar de Bolivia y, por lo tanto, considera que las declaraciones de los

Bolivia, Chile and Peru, especially considering that the last two —but not Bolivia— are bound by the Supplementary Protocol dated 3 June 1929, under which they agreed that they "shall not, without previous agreement between them, cede to any third Power the whole or part of the territories which (…) come under their respective sovereignty."

This declaration was then ratified by Minister of Foreign Affairs of Chile, Horacio Walker Larraín, who stated as follows at the House of Representatives of his country: "It is still too early to talk about projects, either related to using electric power to draw up groundwater and encourage industries or any other aim, since we have agreed only to engage in conversations with Bolivia, and we have received no proposals requiring the discussion of the compensation to be accepted by Chile."

The President of Chile then delivered a speech on 29 March 1951 and stated as follows, in connection with the notes signed with the Government of Bolivia on 1 June and 20 June 1950: "This is the first step in a field that must meticulously be studied before being able to safely walk on it." He added: "This is the only concrete thing about this matter." Likewise, he referred to the talks he had held with President Truman and to the use of hydroelectric power from Lake Titicaca, and indicated that he had only made "a suggestion," "a survey on an idea that was absolutely far from our economic and financial capabilities." Finally, he declared: "The possibility of satisfying Bolivia's longing for an outlet to the Pacific is a matter that can only be addressed in Chile's direct discussions with Bolivia and Peru, by virtue of the 1929 Treaty."

The Government of Peru, in turn, on account of the statements made by the Presidents of the US and Chile, expressed its thoughts in the following brief presidential statement released on 30 March 1951:

"Because of declarations made by the Presidents of the United States and Chile, the Constitutional President of the Republic, General Manuel A. Odría, states as follows:

1) To this date, the Peruvian Government has not been informed by any of the interested countries of any dealings concerning Bolivia's outlet to the sea; therefore, the Government considers that the declarations

Presidentes de los Estados Unidos, señor Truman, y de Chile, señor González Videla, sólo reflejan la opinión personal de los citados mandatarios.

2) El status territorial de la frontera entre el Perú y Chile está determinado por el Tratado de 1929 y su Protocolo complementario, y ninguna modificación o alteración puede hacerse sin la participación y asentimiento del Perú.

3) Las aguas del Lago Titicaca pertenecen en condominio indivisible al Perú y Bolivia, y su disposición y utilización compete, exclusivamente, a estos dos países".

Lo cierto es que la idea de la utilización del Lago Titicaca no era nueva. A principios del siglo XX la había expuesto ya Emilio Guerani, señalando la posibilidad de elevar el agua de dicho Lago por encima de la Cordillera Occidental, echarla en la costa del Pacífico e instalar plantas eléctricas a lo largo de un acueducto de 250 kilómetros. En 1919, Belisario Cano dictaba, a su vez, una conferencia en Puno, enunciando el proyecto de lanzar las aguas del Lago Titicaca en el río de La Paz y calculando que se podría obtener así 450.000 H. P. para distribuirse en Bolivia y en los países vecinos.

Sin embargo, el primer estudio lo hizo el ingeniero chileno Luis Lagarrigue, el año 1922, para construir un canal de mil kilómetros de longitud, navegable en algunas de sus partes y el cual debía derivar del río Desaguadero para llegar "al pie oriental de la cordillera andina" y después de cruzar ésta "penetrar en la hoya hidrográfica del río Loa". El túnel en los Andes debía tener "una longitud muy poco superior a doce kilómetros" y el caudal de agua, utilizado desde una altura de 3.500 metros sobre el nivel del mar, debía llegar hasta la planicie de la pampa del Tamarugal, cuyo regadío también se proyectaba. La fuerza eléctrica aprovechable se calculaba en 180.000 KW. útiles y el valor total de la obra en libras esterlinas 3.610.000.

Posteriormente, con motivo de una concesión que el gobierno de Bolivia hizo a la firma Hochschild, en 1929, para aprovechar 20 m^3/seg. de agua del Lago Titicaca, se llevaron a cabo nuevos estudios de mayor base científica, presentándose tres importantes proyectos [27a].

En el llamado *Proyecto Buckner* se proponía utilizar 20 m^3/seg. de agua del Lago Titicaca para echarla en el valle del río Cristóbal y aprovechar las caídas por un sistema de plantas que se construirían en tres etapas. En la primera etapa, la planta de energía eléctrica, situada en

made by the Presidents of the United States, Mr. Truman, and by Chile, Mr. González Videla, are reflective of their personal opinions only.

2) The territorial status of the border between Peru and Chile is governed by the Treaty of 1929 and the supplementary Protocol thereto, and no alteration or modification shall be made without Peru's involvement or consent.

3) The waters of the Lake Titicaca belong in an indivisible joint ownership to Peru and Bolivia and thus they have the exclusive power to dispose of and use such waters."

In fact, the idea of using the waters of Lake Titicaca was not new. It had already been proposed in the early 20th century by Emilio Guerani, who indicated that its waters could be diverted over the West Andes to the Pacific coast in order to install electric power plants along a 250-kilometer-long aqueduct. Belisario Cano, in turn, delivered a speech in 1919 in Puno, and he put forward a project to divert the waters of Lake Titicaca to the River of La Paz, thereby obtaining an estimated capacity of 450,000 hp to be distributed between Bolivia and its neighboring countries.

The first study, however, was conducted in 1922 by Luis Lagarrique, a Chilean engineer, in order to build a 1,000-kilometer-long canal with some navigable sections, which was to change its course from the River Desaguadero to reach "the eastern foothill of the Andes" into "the water basin of the River Loa." The tunnel in the Andes was supposed to be "slightly over 12 kilometers long" and flow at 3,500 meters above sea level to the plain area of Pampa del Tamarugal, the irrigation system of which had also been planned. The usable electric power was estimated to be 180,000 kW, and the work as a whole was estimated to be 3,610,000 pounds.

Subsequently, by virtue of a concession granted in 1929 by the Government of Bolivia to the firm Hochschild to make use of the waters of Lake Titicaca at a rate of 20 m^3/s, further studies with stronger scientific foundations were carried out, and three significant projects were submitted.

The so called *Buckner Project* intended to use the waters of Lake Titicaca at a rate of 20 m^3/s in order to divert them to the valley of the River San Cristóbal and use their flows by means of a plant system to be built at three different stages. At the first stage, an electric power plant located at

Ticamblaya, debía tener una capacidad para tres turbinas de 33.500 H. P. cada una; en la segunda etapa, en Millirai, para tres turbinas de 50.500 H. P. cada una; y en la tercera etapa, en Caracirca, para tres turbinas de 48.700 H. P. cada una. La producción total se calculaba en 398.200 H. P. y el costo total de la obra en treinta millones de dólares.

El *Proyecto Siemens-Schuckert Werke A. G.* señalaba sólo dos etapas de construcción. La planta en el río Combaya (primera etapa) debía tener cuatro turbinas de 50.000 H. P. cada una y la planta en el río Cristóbal (segunda etapa) cuatro turbinas también, de 46.250 H. P. cada una. El total alcanzaba a 385.000 H. P.

Por último, en el *Proyecto Lackner* se proponía dos principales obras: una planta en Tambokusi, valle del río Hisagua, (primera etapa), con seis turbinas de 30.000 H. P., y otra planta en Ticata, valle del río Cristóbal (segunda etapa), con seis turbinas de 30.600 H. P. El total se calculaba en 363.600 H. P.

Todos estos proyectos consideraban la utilización de 20 m^3/seg. de agua del Lago Titicaca, llevándola exclusivamente por territorio boliviano y coincidían en la conclusión de que no se afectaría en absoluto el nivel de dicho lago, porque correspondía a una disminución de 72 milímetros por año, insignificante con relación a las lluvias y a la evaporación natural. En cuanto al precio de la energía hidroeléctrica calculaban que sería tres veces menor —aproximadamente 0,1 centavos de dólar por KWH— que la energía eléctrica más barata existente en Bolivia y que sólo alcanzaría al 4 % del precio de la energía Diessel. Por otra parte, esa energía hidroeléctrica permitiría la mecanización total de la industria minera y la producción de estaño podría elevarse de 40.000 toneladas a 60.000 toneladas por año, aumentando el consumo de energía hasta llegar a 300 millones de KWH anuales, y al poder hacerse además la reducción eléctrica del zinc, la producción de éste alcanzaría a 150.000 toneladas en Bolivia y 40.000 toneladas en el norte argentino, instalándose una fundición en Viacha, la cual necesitaría 760 millones de KWH, o sea prácticamente la mitad de la producción proveniente de la utilización hidroeléctrica del Titicaca, según el Proyecto Lackner.

Al considerar el aprovechamiento de la energía hidroeléctrica del Lago Titicaca, en los citados proyectos se comprendía también la elec-

Ticamblaya was supposed to have a capacity for three turbines of 33,500 hp each; at the second stage, a power plant in Millirai was supposed to have three turbines of 50,500 hp each; and at the third stage, a power plant in Caracirca was supposed to have three turbines of 48,700 hp each. The total production was estimated to be 398,200 hp, and the work was deemed to be worth thirty million dollars in total.

The *Siemens-Schuckert Werke A.G. Project* consisted of two construction stages only. A plant in the River Combaya (the first stage) was supposed to have four turbines of 50,000 hp each, and a plant in the River San Cristóbal (the second stage) was also supposed to have four turbines of 46,250 hp each. Their total capacity amounted to 385,000 hp.

Finally, the *Lackner Project* proposed two main works: a plant in Tambokusi, the valley of the River Hisagua (the first stage), with six 30,000 hp turbines, and another plant in Ticata, the valley of the River San Cristóbal (the second stage), with six 30,600 hp turbines, amounting to 363,600 hp in total.

All of these projects considered using the waters of Lake Titicaca at a rate of 20 m^3/s, exclusively diverted across Bolivian territory, and they all concluded that the level of this lake would not be affected by any means, since it would decrease by 72 mm each year, which was an insignificant rate in view of the rainfall levels and its natural evaporation. The price of hydroelectric power, in turn, was estimated to be three times lower —around 0.1 US cents per kWh— than the cheapest electric power available in Bolivia; likewise, it was supposed to amount only to 4% of the price of Diesel power. In addition, the hydroelectric power would allow for the full mechanization of the mining industry, and it would increase the tin production from 40,000 ton to 60,000 ton per year, thereby taking power consumption up to 300 million kWh per year. Similarly, by means of the zinc electric reduction, the production of this metal would reach 150,000 ton in Bolivia and 40,000 ton in Northern Argentina, and a foundry would be installed in Viacha, requiring 760 million kWh, i.e. virtually half the production from the hydroelectric use of Titicaca, as determined by the Lackner Project.

In considering the use of hydroelectric power from Lake Titicaca, these projects also involved the electrification

trificación de los ferrocarriles Arica-La Paz, Antofagasta-La Paz y de las líneas del sur del Perú, así como 260 millones de KWH por año para la proyectada fundición de cobre de la American Smelting and Refining Co., en este último país y el regadío de los valles que se extienden en los departamentos de Arequipa, Moquegua y Tacna. Finalmente, 750 millones de KWH serían para las minas de cobre en Chuquicamata y 200 millones de KWH para las salitreras de Pedro de Valdivia y María Elena, en Chile.

Las emergencias de la grave crisis económica del año 1930, la guerra del Chaco (1932-1935) y la segunda guerra mundial constituyeron factores adversos para poder llevar a la realidad proyectos de tanta magnitud.

En cuanto al problema portuario boliviano, acordada ya la negociación directa entre Bolivia y Chile, mediante las notas de 1º y 20 de junio de 1950, en el futuro deberá ingresarse a la etapa territorial, que requiere un entendimiento entre Bolivia, Chile y el Perú.

Indudablemente, el día en que se llegue a ese entendimiento tripartito, que todo aconsejaba obtener en 1929, al suscribirse el Tratado de Lima, se habrá iniciado una nueva era para esos tres países del Pacífico Sur. Bolivia, tierra de materias primas, y Chile, país industrial, alcanzarán entonces su complementación y podrán así, juntamente con el Perú —"no en el sentido de la unidad política, aconsejaba bien Sánchez Bustamante, sino en el sentido del trabajo, de la cooperación comercial y del esforzado concurso",— "edificar en esta grandiosa zona del mundo, desde Túmbez 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".

Pero mientras no se alcance a resolver el aspecto territorial del problema, ningún resultado de aquella índole será posible y el ideal portuario de Bolivia continuará viviendo lo que viva la nación misma; —es decir, siempre—, a lo que hay que agregar la consideración de que si Bolivia, veinticinco veces más grande que Suiza y con 1.900 kilómetros de frontera hacia el Pacífico, no aspirara a tener una libre comunicación con el mundo, merecería que se la señalara como un pueblo inferior e incapaz de construir su propio destino...

of Arica-La Paz railroad, Antofagasta-La Paz railroad and Peru's southern railroads. In addition, they estimated 260 million kWh per year for the copper casting to be performed by American Smelting and Refining Co. in Peru as well as for the irrigation of the valleys along the Departments of Arequipa, Moquegua and Tacna. Finally, 750 million kWh was required for the copper mines in Chuquicamata, and 200 million kWh for the saltpeter deposits in Pedro de Valdivia and María Elena, in Chile.

The ravages of the serious economic crisis in 1930, the Chaco War (1932-1935), and World War II were factors that hindered the making of these large projects a reality.

As for Bolivia's port problem, once direct negotiations were agreed between Bolivia and Chile by means of the notes dated 1 June and 20 June 1950, the territorial stage should be entered into in the future, requiring an understanding among Bolivia, Chile and Peru.

Without a doubt, the day this three-fold understanding is reached, which was expected to be reached in 1929 when the Treaty of Lima was signed, will mark the dawning of a new era for these three countries of the South Pacific. This way, Bolivia, a land of raw material, and Chile, an industrial country, will manage to complement each other; and thus, along with Peru, they will manage to "build one of most active and formidable centers of production, industry and wealth in this part of the world, from Tumbéz to Magallanes, and from the Madera and Paraguay to the Pacific Ocean", "not in the sense of a political unity, following Sánchez Bustamante's good advice, but in the sense of work, commercial cooperation and joint effort".

However, as long as the territorial aspect of this issue remains unsolved, there will not be any outcome in that respect, and Bolivia's port ideal will live for as long as the nation's own existence; in other words, forever, to which we must add that if Bolivia, which is twenty-five times bigger than Switzerland and has a 1,900-kilometer-long border toward the Pacific, had no aspirations for free communication with the word, it would deserve to be called an inferior country incapable of creating its own destiny…

No importa que haya todavía quienes en Chile se limiten a negar la realidad del problema portuario boliviano, como si con sólo negarlo lo hicieran desaparecer. Afortunadamente, existe algo más fuerte que la incomprensión o la ceguera de los hombres y que acabará por imponerse: el imperativo geográfico, "que tiene que vencer, que termina siempre por vencer", como decía Ratzel. Complemento esencial de la montaña es el mar y hacia éste acabará por abrirse paso, aunque para ello transcurran siglos, cuya duración, por otra parte, resulta relativa dentro del concepto de eternidad con que hay que considerar a las naciones. [28]

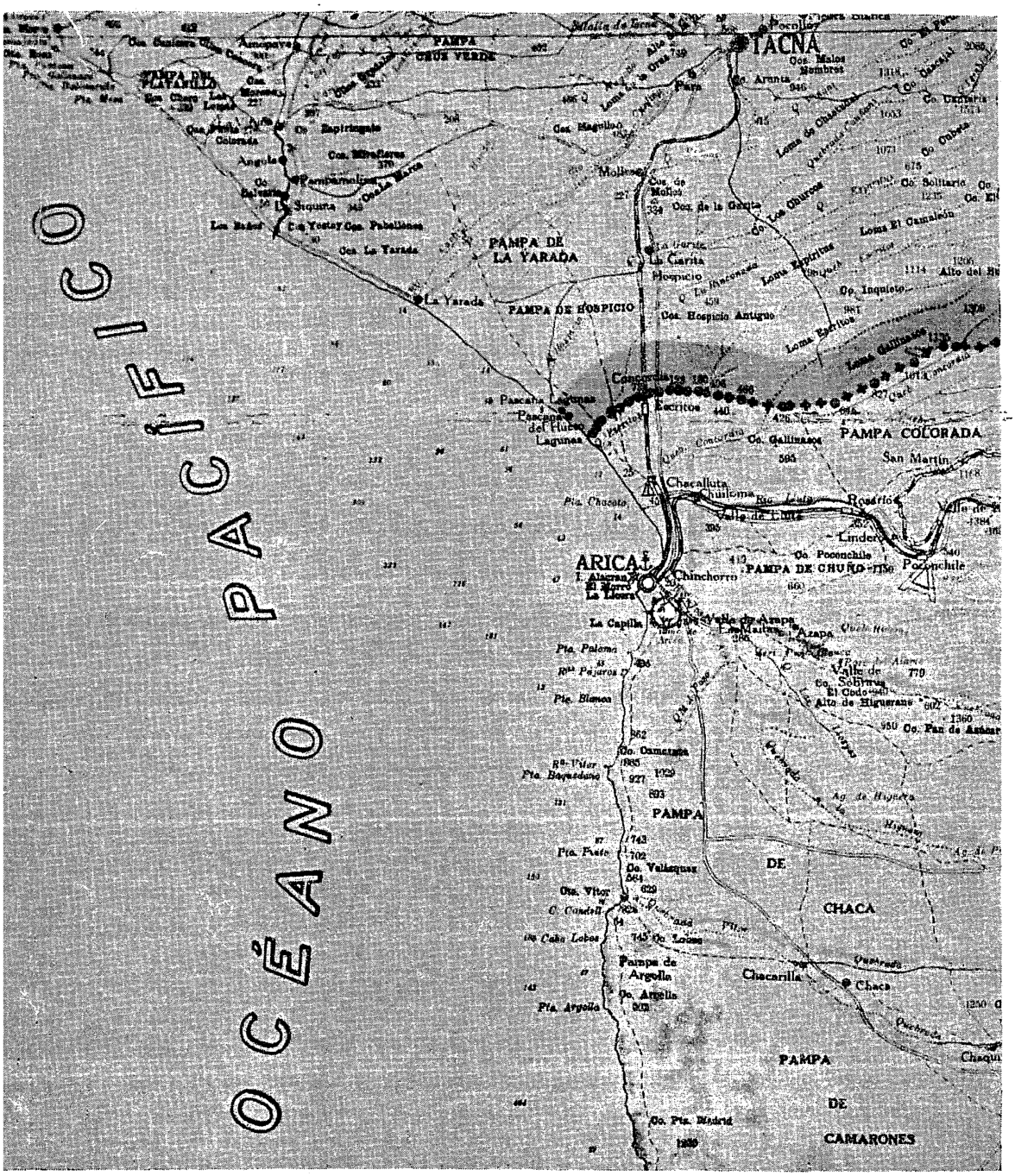
En contraste con aquella equivocada posición, palpitan de justicia las palabras que uno de los grandes estadistas chilenos, Domingo Santa María, escribiera a Rafael Sotomayor, latente aún la guerra del Pacífico, el 26 de noviembre de 1880:

"No olvidemos por un instante que no podemos ahogar a Bolivia. Privada de Antofagasta y de todo el litoral que antes poseía hasta el Loa, debemos proporcionarle por alguna parte un puerto suyo, una puerta de calle, que le permita entrar al interior sin zozobras, sin pedir venia". [28a]

The fact that there are still many Chileans who do nothing but deny the reality of Bolivia's port problem is unimportant, since by merely denying it they will not make it disappear. Fortunately, there is something stronger than people's lack of understanding or blindness which will eventually prevail: the geographical imperative, "which must prevail and always prevails," as claimed by Ratzel. The essential supplement to mountains is the sea, to which Bolivia will eventually find its way, even if this takes centuries, the duration of which is otherwise relative within the concept of eternity understood as regards nations."

Contrary to that erroneous stance, the words of Domingo Santa María, one of Chile's greatest statespersons, still echo with justice, as he wrote as follows to Rafael Sotomayor on 26 November 1880, when the war of the Pacific was still latent:

"We are to never forget that we cannot suffocate Bolivia. Given that it has been stripped of Antofagasta and its whole coastal area up to Loa, we must provide it somewhere with a port of its own, a front door through which to enter without feeling anxious or requesting consent."



PUERTO Y ZONA DE ARICA

Annex 407

Exchange of notes establishing a Mixed Bolivian-Peruvian Commission, 20 April 1955

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Peru,
<https://apps.rree.gob.pe/portal/webtratados.nsf/Tratados_Bilateral.xsp?action=openDocument&documentId=91EA>

COPIA CERTIFICADA.

591 A (14)

EMBAJADA DEL PERU

N° 5-7-M/ 26. La Paz, 20 de abril de 1955.

Señor Ministro:

Tengo a honra dirigirme a Vuestra Excelencia con el fin de llevar a su conocimiento que el Gobierno del Perú se halla de acuerdo con el Excelentísimo Gobierno de Bolivia en estudiar importantes asuntos de interés común cuya solución habrá de incrementar eficazmente la vinculación económica entre ambos países y contribuir al acrecentamiento de las cordiales relaciones que felizmente mantienen.

Inspirado en tal propósito y considerando la necesidad de organizar y desarrollar un coordinado plan técnico para la unión del ferrocarril peruano Mollendo (Matarani) - Puno con el ferrocarril boliviano La Paz - Guaqui, y, asimismo, para el aprovechamiento de las aguas del Lago Titicaca, mi Gobierno conviene con el de Vuestra Excelencia en lo siguiente:

Primero.- Constituir una Comisión Mixta Peruano - Boliviana que elabore los estudios del tramo ferroviario Puno - Guaqui y los de aprovechamiento, con fines hidroeléctricos y otros que se estimen de utilidad común, de las aguas del Lago Titicaca.

Segundo.- La Comisión Mixta estará integrada por doce miembros, correspondiendo, en la siguiente forma, seis a cada país: dos funcionarios designados por el Ministerio de Relaciones Exteriores respectivo, dos

Al Excelentísimo señor doctor
don Walter Guevara Arze,
Ministro de Relaciones Exteriores y Culto.

P r e s e n t e.-

CERTIFIED COPY.

EMBASSY OF PERU

No. 5-7-M/26.

La Paz, 20 April 1955.

Dear Minister,

I have the honor to write to Your Excellency to inform you that the Government of Peru is in agreement with the Honorable Government of Bolivia to study important matters of common interest, the solution of which will efficaciously increase the economic ties between both countries and contribute to the development of the cordial relations they happily maintain.

Inspired by such purpose and considering the need to organize and develop a coordinated technical plan to link Peruvian Mollendo (Matarani)-Puno railway with Bolivian La Paz-Guaqui railway and, moreover, to make use of the Lake Titicaca waters, my Government agrees with Your Excellency's Government as follows:

First.- A Peruvian-Bolivian Mixed Commission shall be created to prepare the studies of the Puno-Guaqui railway section and the use of the Lake Titicaca waters for hydroelectric and other purposes deemed to be of common usefulness.

Second.- The Mixed Commission shall be formed by twelve members, including six from each country in the following manner: two officers appointed by the respective Ministries of Foreign Affairs,

To His Excellency
Mr. Walter Guevara Arze,
Minister of Foreign Affairs and Religion.

Hand delivered.-

copia.

técnicos en ferrocarriles y dos técnicos en hidroelectricidad.

Tercero.- La Comisión Mixta se dividirá, atendiendo a sus fines, en dos Sub Comisiones: una encargada de la elaboración de los estudios del tramo ferroviario Puno - Guaqui, y otra del concerniente al aprovechamiento de las aguas del Lago Titicaca.

Cuarto.- Dicha Comisión se instalará en la ciudad de La Paz, en la fecha en que se pongan de acuerdo los dos Gobiernos, con el objeto de establecer las normas a que sujetará su funcionamiento y de tomar los acuerdos que juzgue oportunos.

Quinto.- Las reuniones de la Comisión Mixta se realizarán, alternativamente, en las ciudades de Lima y La Paz, presididas por el Ministro de Relaciones Exteriores del respectivo país, o por la persona que él tenga a bien designar.

Sexto.- El nombramiento de los miembros de la Comisión Mixta Peruano - Boliviana se efectuará por ambos Gobiernos, simultáneamente, veinte días después de suscrita la presente.

Esta nota y la reversal de Vuestra Excelencia servirán para dejar testimonio del acuerdo a que han llegado ambos Gobiernos.

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two railway technicians and two hydroelectric technicians.

Third.- The Mixed Commission shall be divided into two Sub-commissions in order to fulfill its purposes: one shall be in charge of preparing the studies on the Puno-Guaqui railway section, and the other on the use of the Lake Titicaca waters.

Fourth.- Such Commission shall sit in the city of La Paz, as from the date agreed upon by the two Governments, with the purpose of establishing the rules under which the Commission shall operate and conclude any agreements it deems fit.

Fifth.- The meetings of the Mixed Commission shall alternately take place in the cities of Lima and La Paz and be presided over by the Ministers of Foreign Affairs of each country or by any person designated by such officers.

Sixth.- The members of the Peruvian-Bolivian Mixed Commission shall be simultaneously appointed by the two Governments within twenty days following the signing of this note.

This note and the reply note issued by Your Excellency shall be proof of the agreement reached by both Governments.

EMBAJADA DEL PERU

copia.

Aprovecho la oportunidad para renovar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

(Fdo.)

Fernando Gamio Palacio.

La Paz, a los veintiún días del mes de abril del año de mil novecientos cincuenta y cinco. CERTIFICO que es copia fiel de su original al que me remito, rubricando las dos primeras páginas y suscribiendo al pié.

Fernando Gamio Palacio,
Embajador del Perú.

copy.

EMBASSY OF PERU

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

[Signature]

Fernando Gamio Palacio.

In La Paz, on 21 April 1955, I CERTIFY that this is a true copy of the original document which I have had before me. I stamp my signature on the first two pages and below.

[Signature]

Fernando Gamio Palacio,

Peruvian Ambassador.

COPIA CERTIFICADA.

EMBAJADA DEL PERU

REPUBLICA DE BOLIVIA.
Ministerio de Relaciones
Exteriores y Culto.

La Paz, 20 de abril de 1955.

Nº DGAL-P. 183.

Señor Embajador:

Tengo a honra dirigirme a Vuestra Excelencia con el fin de llevar a su conocimiento que el Gobierno de Bolivia se halla de acuerdo con el Excelentísimo Gobierno del Perú en estudiar importantes asuntos de interés común cuya solución habrá de incrementar eficazmente la vinculación económica entre ambos paises y contribuir al acrecentamiento de las cordiales relaciones que felizmente mantienen.

Inspirado en tal propósito y considerando la necesidad de organizar y desarrollar un coordinado plan técnico para la unión del ferrocarril boliviano La Paz-Guaqui con el ferrocarril peruano Mollendo (Matarani)-Puno, y, asimismo, para el aprovechamiento de las aguas del Lago Titicaca, mi Gobierno conviene con el de Vuestra Excelencia en lo siguiente:

1º.- Constituir una Comisión Mixta Boliviano-Peruana que elabore los estudios del tramo ferroviario Puno-Guaqui y los de aprovechamiento, con fines hidroeléctricos y otros que se estimen de utilidad común, de las aguas del Lago Titicaca.

2º.- La Comisión Mixta estará integrada por doce miembros, correspondiendo, en la siguiente forma, seis a cada país: dos funcionarios designados por el Ministerio de Relaciones Exteriores respectivo, dos técnicos en ferrocarriles y dos técnicos en hidroelec-

---

Al Excelentísimo señor
Dr. Fernando Gamio Palacio,
Embajador Extraordinario y Plenipotenciario del Perú.
Presente.-

CERTIFIED COPY.

EMBASSY OF PERU

REPUBLIC OF BOLIVIA.
Ministry of Foreign
Affairs and Religion.

La Paz, 20 April 1955.

No. DGALF. 183.

Dear Ambassador,

I have the honor to write to Your Excellency to inform you that the Government of Bolivia is in agreement with the Honorable Government of Peru to study important matters of common interest, the solution of which will efficaciously increase the economic ties between both countries and contribute to the development of the cordial relations they happily maintain.

Inspired by such purpose and considering the need to organize and develop a coordinated technical plan to link Bolivian La Paz-Guaqui railway with Peruvian Mollendo (Matarani)-Puno railway and, moreover, to make use of the Lake Titicaca waters, my Government agrees with Your Excellency's Government as follows:

1.- A Bolivian-Peruvian Mixed Commission shall be created to prepare the studies of the Puno-Guaqui railway section and the use of the Lake Titicaca waters for hydroelectric and other purposes deemed to be of common usefulness.

2.- The Mixed Commission shall be formed by twelve members, including six from each country in the following manner: two officers appointed by the respective Ministries of Foreign Affairs, two railway technicians and two hydroelectric

To His Excellency
Mr. Fernando Gamio Palacio,
Ambassador Extraordinary and Minister Plenipotentiary of Peru.
Hand delivered.-

copia.

EMBAJADA DEL PERU

REPUBLICA DE BOLIVIA.
Ministerio de Relaciones
Exteriores y Culto.

tricidad.

3°.- La Comisión Mixta se dividirá, atendiendo a sus fines, en dos Sub-Comisiones; una encargada de la elaboración de los estudios del tramo ferroviario Puno-Guaqui, y otra del concerniente al aprovechamiento de las aguas del Lago Titicaca.

4°.- Dicha Comisión se instalará en la ciudad de La Paz, en la fecha en que se pongan de acuerdo los dos Gobiernos, con el objeto de establecer las normas a que sujetará su funcionamiento y de tomar los acuerdos que juzgue oportunos.

5°.- Las reuniones de la Comisión Mixta se realizarán, alternativamente, en las ciudades de Lima y La Paz, presididas por el Ministro de Relaciones Exteriores del respectivo país, o por la persona que él tenga a bien designar.

6°.- El nombramiento de los miembros de la Comisión Mixta Boliviano-Peruana se efectuará por ambos Gobiernos, simultáneamente, veinte días después de suscrita la presente.

Esta nota y la reversal de Vuestra Excelencia servirán para dejar testimonio del acuerdo a que han llegado ambos Gobiernos.

copy.

EMBASSY OF PERU

REPUBLIC OF BOLIVIA.
Ministry of Foreign
Affairs and Religion.

technicians.

3.- The Mixed Commission shall be divided into two Sub-commissions in order to fulfill its purposes: one shall be in charge of preparing the studies on the Puno-Guaqui railway section, and the other on the use of the Lake Titicaca waters.

4.- Such Commission shall sit in the city of La Paz, as from the date agreed upon by the two Governments, with the purpose of establishing the rules under which the Commission shall operate and conclude any agreements it deems fit.

5.- The meetings of the Mixed Commission shall alternately take place in the cities of Lima and La Paz and be presided over by the Ministers of Foreign Affairs of each country or by any person designated by such officers.

6.- The members of the Bolivian-Peruvian Mixed Commission shall be simultaneously appointed by the two Governments within twenty days following the signing of this note.

This note and the reply note issued by Your Excellency shall be proof of the agreement reached by both Governments.

copia.

EMBAJADA DEL PERU

REPUBLICA DE BOLIVIA.
Ministerio de Relaciones
Exteriores y Culto.

Aprovecho la oportunidad para renovar a Vuestra Excelencia las seguridades de mi más alta y distinguida consideración.

(Fdo.)

Walter Guevara Arze.

La Paz, a los veintiún días del mes de abril del año de mil novecientos cincuenta y cinco. CERTIFICO que es copia fiel de su original al que me remito, rubricando las dos primeras páginas y suscribiendo al pié.

Fernando Gamio Palacio,
Embajador del Perú.

copy.

EMBASSY OF PERU

REPUBLIC OF BOLIVIA.
Ministry of Foreign
Affairs and Religion.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

[Signature]

Walter Guevara Arze.

In La Paz, on 21 April 1955, I CERTIFY that this is a true copy of the original document which I have had before me. I stamp my signature on the first two pages and below.

[Signature]

Fernando Gamio Palacio,

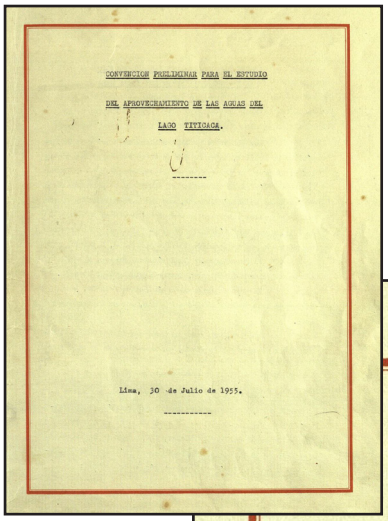
Peruvian Ambassador.

Annex 408

Preliminary Convention between Bolivia and Peru concerning the joint utilization of the waters of Lake Titicaca, 30 July 1955

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Peru, <https://apps.rree.gob.pe/portal/webtratados.nsf/Tratados_Bilateral.xsp?action=openDocument&documentId=920A>



CONVENCION PRELIMINAR PARA EL ESTUDIO

DEL APROVECHAMIENTO DE LAS AGUAS DEL

LAGO TITICACA.

Lima, 30 de Julio de 1955.

CONVENCION PRELIMINAR PARA EL ESTUDIO DEL APROVECHAMIENTO DE LAS AGUAS DEL LAGO TITICACA

Los Gobiernos de la República del Perú y de la República de Bolivia, animados del deseo de estrechar las cordiales relaciones que felizmente mantienen, han decidido celebrar una Convención Preliminar sobre el estudio del aprovechamiento de las aguas del Lago Titicaca, que fuera encomendado mediante Notas Reversales suscritas por ambos Gobiernos el 20 de abril de 1955, a una Comisión Mixta Peruano-Boliviana; y al efecto han nombrado sus respectivos Plenipotenciarios, a saber:

El Presidente de la República Peruana, a su Ministro de Relaciones Exteriores, Doctor David Aguilar Cornejo.

El Presidente de la República de Bolivia, a su Ministro de Relaciones Exteriores y Culto, Doctor Walter Guevara Arze.

Quienes, habiendo canjeado sus Plenos Poderes, hallados en buena y debida forma, han convenido en lo siguiente:

ARTICULO I

Los Gobiernos del Perú y de Bolivia resuelven aprobar las Recomendaciones de la Primera Reunión de la Comisión Mixta Peruano-Boliviana de estudios para el aprovechamiento de las aguas del Lago Titicaca, inaugurada en La Paz el 28 de junio de 1955, con el fin de poner en práctica las Conclusiones a que se llegó en dicha reunión internacional:

PRELIMINARY CONVENTION FOR THE STUDY OF THE UTILIZATION OF THE WATERS OF LAKE TITICACA

The Governments of the Republic of Peru and the Republic of Bolivia, moved by a desire to strengthen the cordial relations that happily exist between them, have decided to conclude a Preliminary Convention concerning a study of the utilization of the waters of Lake Titicaca, such study having been entrusted, by way of the Diplomatic Notes signed by both Governments on 20 April 1955, to a Mixed Peruvian-Bolivian Commission, and have for this purpose appointed as their respective plenipotentiaries, namely:

The President of the Republic of Peru, his Minister of Foreign Relations, Mr. David Aguilar Cornejo.

The President of the Republic of Bolivia, his Minister of Foreign Relations and Worship, Mr. Walter Guevara Arze.

Who, having exchanged their full powers, found in good, and due form, have agreed as follows:

Article I

The Governments of Peru and Bolivia hereby approve the recommendations of the first meeting of the Mixed Peruvian-Bolivian Commission to study the utilization of the waters of Lake Titicaca, which was inaugurated at La Paz on 28 June 1955, with the purpose of putting into practice the conclusions reached in that international meeting:

1.- Dispensar deferente atención al financiamiento para la ejecución inmediata del plan de estudios y observaciones preliminares para el aprovechamiento común de las aguas del Lago Titicaca; y recurrir, si fuese necesario, al concurso económico de organismos nacionales o internacionales adecuados;

2.- Otorgar a sus respectivas comisiones todas las facilidades técnicas y económicas que requiriesen para el oportuno y eficaz desempeño de sus cometidos; proveyéndoles, de los medios de transporte, equipos e instrumentales de trabajo, así como de los fondos necesarios;

3.- Acordar amplias facilidades aduaneras y de tránsito para que el personal, equipo, instrumental y demás medios de trabajo, puedan trasladarse libremente de un territorio al otro, en cumplimiento de sus labores específicas; y

4.- Celebrar en la ciudad de Lima, en el mes de octubre del presente año, la Segunda Reunión de la Comisión Mixta.

ARTICULO II

Con referencia a la recomendación primera mencionada en el artículo anterior, los Gobiernos del Perú y de Bolivia se comprometen a realizar las gestiones necesarias para efectuar u obtener, en su caso, el financiamiento de las observaciones preliminares que servirán de base para los planes de estudio del aprovechamiento de las aguas del Lago Titicaca.

ARTICULO III

Los estudios socio-económicos de las zonas de in-

1.- To give careful attention to the question of finance for the immediate execution of the program of the preliminary study and observations relating to joint utilization of the waters of Lake Titicaca; and, if necessary, to seek economic assistance from appropriate national or international bodies;

2.- To furnish their respective commissions with all the technical and economic facilities which they may require in order to discharge their duties promptly and effectively, providing them with transport, equipment and tools and with the necessary funds;

3.- To grant extensive customs and transit facilities so that personnel, equipment, tools and other means needed for the work may move freely from one territory to the other for the purposes of their specific tasks; and

4.- To hold the second meeting of the Mixed Commission at Lima, in October of the present year.

Article II

With reference to the first recommendation mentioned in the preceding article, the Governments of Peru and Bolivia undertake to take the necessary steps to provide or obtain, as the case may be, finance for the preliminary surveys which will be used as a basis for the study concerning the utilization of the waters of Lake Titicaca.

Article III

The social and economic studies of the zones of

fluencia adyacentes al Lago Titicaca, serán efectuados conjuntamente por la Comisión Mixta, en los territorios peruano y boliviano. Tales zonas serán determinadas por la Comisión Mixta y sus conclusiones sometidas a la aprobación de ambos Gobiernos.

ARTICULO IV

El presente Convenio entrará en vigor inmediatamente después de efectuado el canje de ratificaciones, el cual se realizará a la brevedad posible en la ciudad de La Paz.

En fé de lo cual, los Plenipotenciarios arriba nombrados firman en dos ejemplares de un mismo tenor, en la ciudad de Lima, a los treinta días del mes de julio del año de mil novecientos cincuenta y cinco.

F. Y. Aguilar.

DAVID AGUILAR CORNEJO,
Ministro de Relaciones Exteriores del Perú.

WALTER GUEVARA ARZE,
Ministro de Relaciones Exteriores y Cul
de Bolivia.

REPUBLICA DEL PERU

influence adjacent to Lake Titicaca shall be carried out jointly by the Mixed Commission on the territory of both Peru and Bolivia. The said zones shall be determined by the Mixed Commission, and its conclusions shall be submitted to both Governments for approval.

Article IV

The present Agreement shall enter into force upon the exchange of the instruments of ratification, which shall take place as soon as possible at La Paz.

In witness whereof, the abovementioned Plenipotentiaries sign two exact copies in Lima on 30 July 1955.

[Signature]
David Aguilar Cornejo
Minister of Foreign Affairs of Peru

[Signature]
Walter Guevara Arze
Minister of Foreign Affairs and Worship of Bolivia

[Official Bolivian Stamp]

//. ma, dos de agosto del año de mil novecientos cincuenta y cinco.

Remítase al Congreso para los efectos de la atribución que le confiere el inciso 21°, artículo 123°. de la Constitución Política del Estado.

Regístrese.

2 AGO 1955
284

Lima, on 2 August 1955.
To be sent to Congress to the effects of the faculty conferred by paragraph 21, of article 123 of the Political Constitution of the Republic.

To be registered.
[Illegible Signature]

[Illegible Signature]
[Stamp]

Annex 409

Agreement between Bolivia and Peru concerning a preliminary economic study of the joint utilization of the waters of Lake Titicaca, 19 February 1957

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Peru,
<https://apps.rree.gob.pe/portal/webtratados.nsf/Tratados_Bilateral.xsp?action=openDocument&documentId=6C2A>

CONVENIO PARA EL ESTUDIO ECONOMICO PRELIMINAR DEL APROVECHAMIENTO DE LAS AGUAS DEL LAGO TITICACA.

CONVENIO PARA EL ESTUDIO ECONOMICO PRELIMINAR DEL APROVECHAMIENTO DE LAS AGUAS DEL LAGO TITICACA.

Los Gobiernos del Perú y de Bolivia, teniendo en cuenta que el Artículo 2º de la Convenciòn Preliminar para el Estudio del Aprovechamiento de las Aguas del Lago Titicaca firmada en Lima el 30 de julio de 1955, se estableció la necesidad de efectuar observaciones preliminares que servirán de base para los planes de estudio del aprovechamiento común de las aguas del Lago Titicaca, y considerando la Recomendación de la Comisión Mixta peruano-boliviana reunida en La Paz el día 7 de febrero del presente año referente al estudio económico preliminar del mencionado aprovechamiento, han decidido celebrar un Convenio que señale la adopción de un plan para dicho estudio y que determine los valores intrínsecos del volumen de agua que se derive del Lago para fines industriales, de riego y otros; y al efecto, han nombrado a sus respectivos Plenipotenciarios a saber:

Su Excelencia el Presidente de la República del Perú, a su Embajador Extraordinario y Plenipotenciario en Bolivia, Doctor Humberto Fernández Dávila; y

Su Excelencia el Presidente de la República de Bolivia, a su Ministro de Relaciones Exteriores y Culto, Señor Don Manuel Barrau Peláez.

Quienes, habiendo canjeado sus Plenos Poderes hallados en buena y debida forma, han convenido en lo siguiente:

ARTICULO I

Los Gobiernos del Perú y de Bolivia, en vista de las recomendaciones de la Comisión Mixta Peruano-Boliviana y en virtud del condominio indivisible y exclusivo que ambos países ejercen sobre las aguas del Lago Titicaca, resuelven adoptar un plan definido para el estudio económico preliminar del aprovechamiento común de dichas aguas sin alterar fundamentalmente sus condiciones de navegabilidad, sus facilidades para la pesca, ni afectar sustancialmente el volumen

AGREEMENT FOR THE PRELIMINARY ECONOMIC STUDY OF THE UTILIZATION OF THE WATERS OF LAKE TITICACA.

The Governments of Peru and Bolivia, considering that Article 2 of the Preliminary Convention for the study of the use of the waters of Lake Titicaca, signed in Lima on 30 July 1955, established the need to make preliminary observations that would serve as a basis to study the joint utilization of the Lake Titicaca waters, and considering the Recommendation of the Peruvian-Bolivian Mixed Commission, which met in La Paz on 7 February of the present year, regarding the preliminary economic study of the referred joint utilization plan, have decided to sign an Agreement to adopt a plan for such study to determine the intrinsic values of the water volume obtained from the Lake for industrial, irrigation and other purposes; to this end, the parties have appointed their respective Plenipotentiaries as follows:

His Excellency, the President of the Republic of Peru, has designated his Ambassador Extraordinary and Plenipotentiary in Bolivia, Mr. Humberto Fernández Dávila; and

His Excellency, the President of the Republic of Bolivia, has designated his Minister of Foreign Affairs and Worship, Mr. Manuel Barrau Peláez,

Who, having exchanged their full powers, found in good, and due form, have agreed as follows:

Article I

The Governments of Peru and Bolivia, in view of the recommendations made by the Mixed Peruvian-Bolivian Commission, and by virtue of the indivisible and exclusive joint ownership that both countries exercise over the Lake Titicaca waters, have decided to adopt a defined plan to conduct a preliminary economic study of the joint utilization of such waters without fundamentally affecting its navigability conditions, fishing qualities, or substantially affecting the water volume

de agua, producto de las excedencias del Lago que anualmente escurren por el Río Desaguadero en el lugar denominado Concordia, y que además tome en consideración los índices económicos o valores intrínsecos del volumen de agua que se derive del mismo para fines industriales, de riego u otros.

ARTICULO II

Los valores intrínsecos preliminares del volumen de agua que se derive del Lago, en conformidad con el Artículo 1º serán los siguientes:

1.- Energía cinética del agua a razón de $Us.0.001 por KWH utilizado.

2.- Agua utilizada en riego a razón de $Us.0.001 por metro cúbico utilizado.

Estos valores intrínsecos cuyo monto se fija con carácter preliminar y que ambos países se distribuirán por partes iguales, deberán ser tomados en consideración al formular los estudios económicos del proyecto a que se refiere este Convenio.

ARTICULO III

La compensación o retribución por los perjuicios o menores beneficios que resultaren para cualquiera de las dos Naciones como consecuencia de los aprovechamientos hidroeléctricos o de la utilización de las aguas para riego u otros fines, será materia de un Convenio posterior a la terminación de los referidos estudios económicos.

ARTICULO IV

El estudio económico preliminar de conjunto sobre aprovechamiento por el Perú y Bolivia de las aguas del Lago Titicaca consignará, en capítulo especial y previo, la estimación de los consumos eléctricos en ambos países, con el propósito de contemplar en la etapa inicial de desarrollo una o más centrales hidroeléctricas para servir dichos consumos en forma racional y equitativa. Comprenderá, además, el estudio agro-económico de las tierras susceptibles de ser mercado para las aguas de riego después de que estas hubiesen rendido su energía cinética.

resulting from the Lake's annual exceedance that drains through the Desaguadero River at a place known as Condordia, and that also takes into consideration the economic indices or water volume intrinsic values derived from it for industrial, irrigation and other purposes.

Article II

The preliminary basic values of water drawn from the Lake in accordance with article 1 shall be as follows:

1.- Kinetic energy of the water - $US 0.001 per kwh consumed;

2.- Water used for irrigation purposes - $US 0.001 per cubic meter consumed.

These basic values, which are fixed on a preliminary basis and shall be divided equally between the two countries, shall be taken into consideration in carrying out the economic studies for the project to which this Agreement refers.

Article III

The payments or other compensation to be made for the losses or the reduction in economic benefits sustained by either of the two nations as a result of hydroelectric development or use of the waters for irrigation and other purposes shall be the subject of an agreement to be concluded after the above-mentioned economic studies are completed.

Article IV

The joint preliminary economic study on the utilization by Peru and Bolivia of the waters of the Lake Titicaca shall contain, in a special introductory chapter, an estimate of the electricity consumption in both countries so that the construction of one or more hydroelectric stations capable of meeting the demand efficiently and equitably can be considered in the initial stage of development. It shall also include an agricultural and economic study of the areas where there is likely to be a market for the water for irrigation purposes after it has yielded its kinetic energy.

ARTICULO V

Los Gobiernos del Perú y de Bolivia realizarán, conjunta o separadamente, negociaciones con entidades o firmas responsables y de prestigio mundial, para contratar los estudios económicos preliminares a que se refiere este Convenio. Estas negociaciones se harán conocer oportunamente a ambos países por intermedio de sus Cancillerías, con el objeto de que se reuna la Sub-Comisión Mixta para el Estudio del Aprovechamiento de las Aguas del Lago Titicaca, que tendrá la facultad de estudiar y recomendar la aceptación y suscripción del Contrato por parte de los dos Gobiernos.

Terminados los estudios económicos preliminares que se contrataren, la Subcomisión Mixta los someterá a consideración de la Comisión Mixta Peruano-Boliviana para su aprobación.

ARTICULO VI

Aprobados los estudios a que se refiere el Artículo Vº, por la Comisión Mixta Peruano-Boliviana, ambos Gobiernos licitarán en el mercado mundial los estudios definitivos y la financiación total o parcial del proyecto.

ARTICULO VII

El presente Convenio entrará en vigor inmediatamente después de efectuado el canje de ratificaciones, el cual se realizará a la brevedad posible en la ciudad de Lima.

En fe de lo cual, los Plenipotenciarios arriba nombrados firman en dos ejemplares de un mismo tenor, en la ciudad de La Paz, a los diecinueve días del mes de febrero de mil novecientos cincuenta y siete años.



Article V

The Governments of Peru and Bolivia will, jointly or separately, initiate negotiations with bodies or firms of world-wide reputation regarding the contract for the preliminary economic studies mentioned in this Agreement. These negotiations will be made publicly known to both countries through their Ministries of Foreign Affairs, so that a meeting of the Mixed Sub-Commission for the study of the utilization of the Waters of Lake Titicaca may be called, which will be authorized to study and recommend acceptance and signature of the Contract by the two Governments.

When the agreed preliminary economic studies have been concluded, the Mixed Sub-Commission shall submit them to the Mixed Peruvian-Bolivian Commission for consideration and approval.

Article VI

When the studies referred to in Article V have been approved by the Mixed Peruvian-Bolivian Commission, both Governments shall invite tenders in the world market for the final studies and for the financing, in whole or in part, of the project.

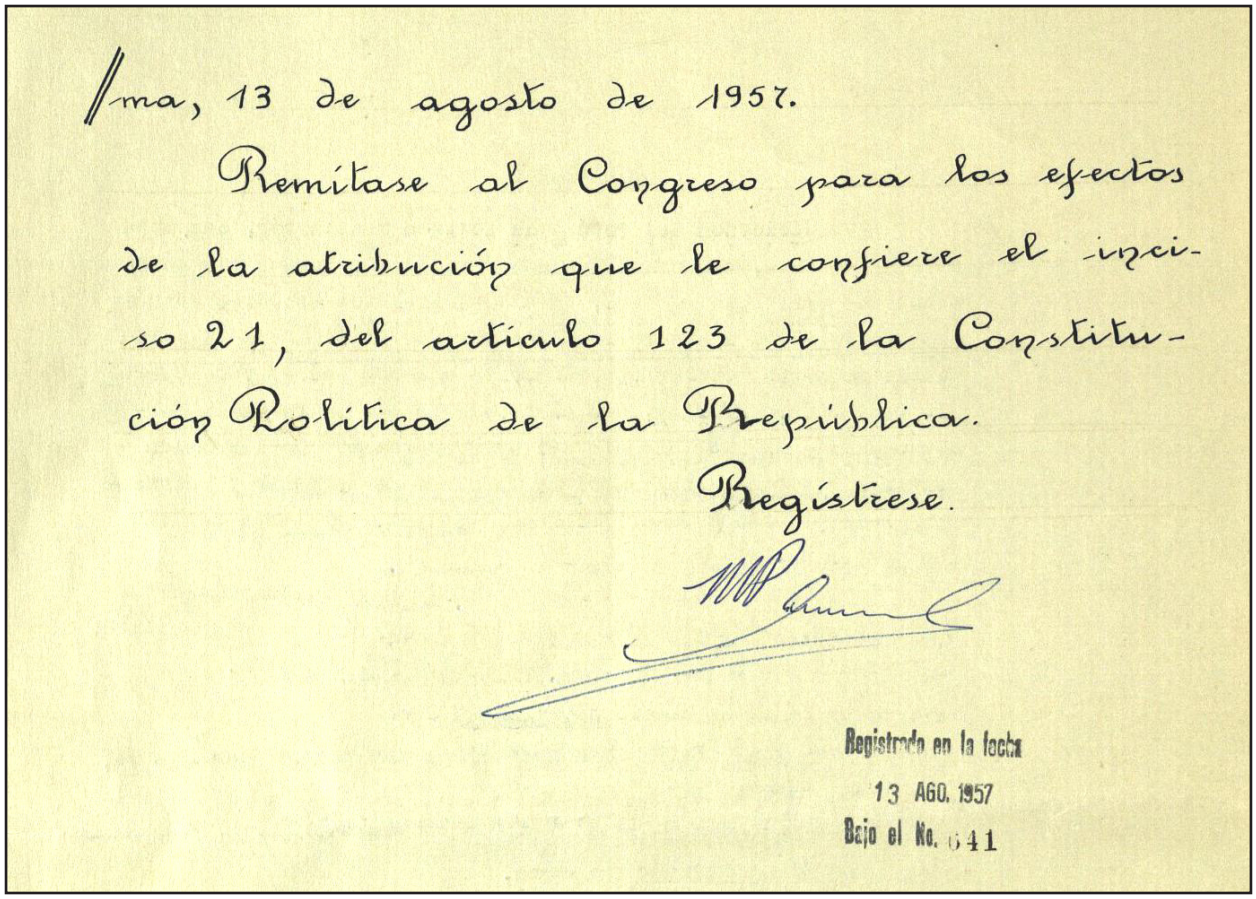
Article VII

This Agreement shall come into force immediately upon the exchange of the instruments of ratification, which shall take place as soon as practicable in the city of Lima.

In witness whereof, the abovementioned Plenipotentiaries sign two exact copies in La Paz on 19 February 1957.

[Signature of Humberto Fernández Dávila]

[Signature of Manuel Barrau Peláez]



Lima, 13 de agosto de 1957.

Remítase al Congreso para los efectos de la atribución que le confiere el inciso 21, del artículo 123 de la Constitución Política de la República.

Regístrese.

Registrado en la fecha
13 AGO. 1957
Bajo el No. 641

Lima, on 13 August 1957.

To be sent to Congress to the effects of the faculty conferred by paragraph 21, of article 123 of the Political Constitution of the Republic.

To be registered.

[Illegible Signature]

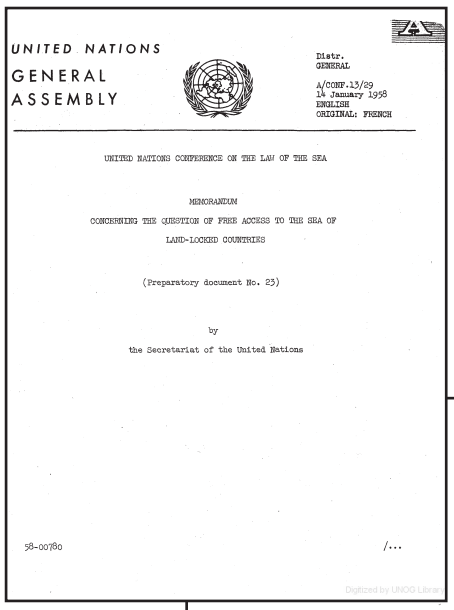
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Annex 410

Memorandum Concerning the Question of Free Access to the Sea of Land-Locked Countries by the Secretariat of the UN Conference on the Law of the Sea, A/Conf.13/29, 14 January 1958, pp 22-39 (extract)

(Original in English)

United Nations, <http://www.un.org/ga/search/view_doc.asp?symbol=A%2FConf.13%2F29&Submit=Search&Lang=E>



UNITED NATIONS
GENERAL ASSEMBLY

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A/CONF.13/29
14 January 1958
ENGLISH
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UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA

MEMORANDUM
CONCERNING THE QUESTION OF FREE ACCESS TO THE SEA OF
LAND-LOCKED COUNTRIES

(Preparatory document No. 23)

by
the Secretariat of the United Nations

58-00780 /...

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CHAPTER III

The problems of transit and access to the sea: solutions offered by bilateral agreements

1. Provisions from some older treaties

45. Among the older bilateral treaties designed to facilitate transit the first noteworthy one is that of 16 March 1816[1] between Sardinia, the Swiss Confederation and the Canton of Geneva, which contains some provisions concerning the transit of Savoyard goods through the territory of the Canton in consignment to the city of Geneva. Article V exempts from all transit duties goods and produce from the free port of Genoa carried over the Simplon route, through the Canton of Valais and the State of Geneva. Article VI provides that customs duty is chargeable on these goods but that if, on entering Swiss territory, they are declared to be in transit, the duty is reimbursable at the point of departure from Swiss territory. Lastly, article VIII safeguarded the freedom of trade communications between the provinces of Savoy through the State of Geneva.

46. Under article V of a treaty[2] between Great Britain and Ethiopia signed at Addis Ababa on 15 May 1902 relative to the Frontiers between the latter country and the Sudan His Britannic Majesty's Government was granted the right to construct a railway through Abyssinian territory to connect the Sudan with Uganda.

47. A Convention of 24 July 1890[3] between Great Britain and the South African Republic for the Settlement of the Affairs of Swaziland recognized, in article 7, the right of the South African Republic to construct railways in Swaziland and to navigate and make waterways. Under article 8 the South African Republic was permitted to acquire the ownership of land for the purpose of construction of a railway across Swaziland, while Her Majesty's Government retained the right of passage across the land so acquired and the railway constructed by the South African Republic.

1/ De Martens, Nouveaux Suppléments au Recueil de traités, vol. I, 1761-1829, No. 69, p. 473.

2/ De Martens, Nouveau Recueil général de traités, Troisième Série, vol. II, p. 826.

3/ Ibid., Deuxième Série, vol. XVI, pp. 905 et seq.

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48. An Agreement concluded between Great Britain and Portugal[4] on 14 November 1890 related to the freedom of navigation of the Zambesi. Under article II the King of Portugal engaged to permit and facilitate transit over the waterways of the Zambesi, the Shiré, and the Pungué, and also over the land-ways where those rivers are not navigable. Under article III the King of Portugal further engaged to facilitate communications between Portuguese ports and the territories included in the sphere of action of Great Britain, especially as regards the transport service and postal and telegraphic communications.

49. On 2 August 1929 a Convention was concluded between Italy and Ethiopia[5] concerning, firstly, the construction of a motor road from Assab to Dessie and, secondly, the grant to the Ethiopian Government of a free zone in the port of Assab. Since at the time Ethiopia had no direct access to the sea this Convention is of some interest.

50. The Ethiopian Government undertook to build the sector of the motor road running from Dessie to its frontier and the Italian Government that from the frontier to Assab (article 2). An Italo-Ethiopian company was formed which was to have the monopoly of the carriage of goods and passengers (article 31). In addition, the Italian Government ceded to the Ethiopian Government, for a term of 130 years, a zone in the port of Assab suitable as an anchorage and undertook to give sympathetic consideration to any request addressed to it by the Ethiopian Government in the future for the enlargement of that zone. The Ethiopian Government was permitted to build a warehouse in the zone, and goods stored therein were to be exempt from all customs duties.

2. Some conventions concluded in consequence of the Treaty of Versailles and of the Conferences of Barcelona and Geneva

51. One of the first of these conventions was that concluded on 21 April 1921 between Germany, Poland and the Free City of Danzig concerning freedom of transit between East Prussia and the rest of Germany.[6] East Prussia had been separated from the rest of the Reich by the "Polish corridor", which gave Poland free

4/ Ibid., p. 942.

5/ Ibid., Troisième Série, vol. XXX, pp. 335 et seq.

6/ League of Nations Treaty Series, vol. XII, 1922, No. 308, pp. 63 et seq.

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access to Danzig and to the sea but which made East Prussia a German enclave in foreign territory. The Convention's eleven chapters deal with the following subjects:

1. General Clauses (chapter I)
2. Railways (chapter II)
3. Military Transit (chapter III)
4. Posts, Telegraphs and Telephones (chapter IV)
5. Navigation (chapter V)
6. Motor Cars and Motor Cycles (chapter VI)
7. Customs (chapter VII)
8. Passports (chapter VIII)
9. Supplementary Clauses (chapter IX)
10. Rules for the Application of the Convention (chapter X)
11. Final Provisions (chapter XI).

52. Inasmuch as only the principles adopted by the parties are relevant to the purposes of this memorandum, the passages which follow will do no more than summarize succinctly the principles embodied in this long Convention.

53. Article 1 laid down the guiding principle of the Convention, viz. Poland accords to Germany freedom of transit over the territory (including territorial waters) ceded by Germany in virtue of the Treaty of Versailles; it was provided that this freedom of transit was to extend

> "... to all ways of communication and all means and methods of transport by land or by water. Among other matters it shall extend to the postal, telegraph and telephone services."

The same obligation was laid on the Free City of Danzig, while Germany promised Poland and Danzig the same freedom of transit over German territory situated on the right bank of the Vistula. Goods in transit were to be

> "exempt from all customs or other similar dues" (article 2)

and, subject to special provisions, no discrimination was to be exercised in respect of the nationality of individuals and goods, the origin of goods or their destination (article 3). The same privilege was guaranteed to travellers, who were to enjoy in addition the special protection of the local authorities concerned (article 6). It was stipulated that the provisions of the Convention were not

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ipso facto to be rendered invalid in the event of war (article 9), and disputes arising out of the interpretation and application of the Convention were to be referred to a Tribunal of Arbitration sitting in Danzig (article 11).

54. With regard to railways, Poland undertook to forward by its own means traffic proceeding through the territory from one part of Germany to the other (article 22), and the parties undertook to maintain in good condition the railway lines employed for transit (article 25). Poland further undertook to develop the capacity of its railways so as to enable it to comply with the obligations it had assumed. The transit of soldiers was regulated in detail in the rules for the application of the Convention and in articles 44 to 49. In this context it is sufficient to say that under article 44, paragraph 6, one military goods train per week was permitted to run in each direction.

55. Germany had the right to use the railway lines appointed for transit in accordance with the requirements of its postal traffic (articles 50 and 51), and telegraphic and telephonic communication in transit was to be effected by means of the appropriate direct lines (article 62).

56. With regard to navigation the Convention provided:

> "There shall be free transit between East Prussia and the rest of Germany by water on all waterways suitable for navigation or rafting in the territory ceded by Germany..." (article 67).

No dues were to be collected on the voyage (article 68).

57. Motor cars and motor cycles in transit were to use such roads as were appointed for the purpose by the authorities of the country through which they passed (article 75).

58. With regard to customs, it was provided that goods trains would travel under the seals of the parties (article 79); passengers in transit and their luggage were exempt from all customs duties or other similar duties (article 81). Such passengers did not require either passports or identification papers (article 97).7/

7/ Cf. also Polish-German Agreement of 24 June 1922 regarding Privileged Transit Traffic between Polish Upper Silesia and the Remainder of Poland through German Upper Silesia (text in League of Nations Treaty Series, vol. XXVI, 1-4, 1924, No. 653, pp. 313 et seq.).

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59. On 9 November 1920 Poland also concluded a Treaty concerning its relations with the Free City of Danzig,[8] articles 8, 10, 18, 24 and 26 of which contain provisions pertinent to the subject of this memorandum. Under article 8 Poland was permitted to establish at Danizg

> "the necessary Polish administrative organisation ... for the registration and for the inspection of the seaworthiness of Polish ships, and for the engagement of crews."

Under article 10, the Free City of Danzig agreed to grant to Polish ships the same treatment in the port as that given to ships flying the flag of Danzig. Under article 18, an existing free zone in the port of Danzig was to be maintained and placed under the administration of a "Danzig Port and Waterways Board" composed of an equal number of Polish and Danzig representatives (article 19). One of the Board's functions was to assure the free passage of immigrants and emigrants from or to Poland (article 24); in addition, the Board was to guarantee to Poland

> "the free use and service of the port and the means of communication referred to in article 20, [9] without any restriction and in so far as may be necessary for Polish imports and exports...".

60. Another convention of interest in this context is that of 28 October 1922 between Finland and the Soviet Union concerning free transit through the territory of Petsamo.[10]

61. Under article 1, Finland granted to the Russian authorities and to Russian nationals free passage through the said territory from Russia to Norway and vice versa. The same principle was applicable to goods. Goods and cattle in transit were free of customs duties and transit or other dues (article 3) and persons and consignments of goods were not to break their journey unless it was necessary for them to do so in the ordinary course of travel. Unarmed Russian aircraft were granted the right to carry on air traffic between Russia and Norway over the said territory (article 9).

8/ De Martens, Nouveau Recueil général de traités, Troisième Série, vol. XIV, pp. 45 et seq.

9/ Under this article, the Board was entrusted with the administration and exploitation of the port and waterways and the whole railway system specially serving the port.

10/ League of Nations Treaty Series, vol. XIX, 1923, No. 493, pp. 208 et seq.

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62. Of particular interest is the Convention between Greece and the Kingdom of the Serbs, Croats and Slovenes for the regulation of transit via Salonika, signed at Belgrade on 10 May 1923.[11]

63. Under article 1 of this Convention, the Greek Government ceded to the Yugoslav Government[12] for a period of fifty years

> "... a site in the port of Salonika, which shall be set apart for the use and placed under the customs administration of /Yugoslavia/".

While remaining an integral part of Greece and subject to Greek laws the said zone was to be administered by the Yugoslav customs authorities (article 2), which were to appoint all the officials and staff of the zone (article 4). In addition,

> "the berthing of vessels, the supervision of all loading and unloading operations, and, speaking generally, all harbour-master's duties, shall be carried out by an official who shall be a Serbian subject, but under the control of the Governor of the port of Salonika." (ibid.)

Only the Governor of the port was allowed to enter the zone in order to ensure the carrying out of the police and judicial services (ibid).

64. All goods dispatched from the Yugoslav frontier to the zone and vice versa were regarded, from the Greek point of view, as goods in transit (article 5) and nothing could be done to hamper this passage.

65. The cost of the operations and construction to be carried out in the zone were to be borne by the Yugoslav Government, the existing installations being ceded to that Government (article 6).

66. In addition to these benefits, it was provided by article 8 that the Yugoslav Government was to be granted most-favoured-nation status in the case of any other free zones which might be created.

67. Article 12 vested in the Permanent Court of International Justice competence to settle any dispute arising in regard to the application of the agreement.

11/ Ibid., vol. XXV, pp. 442 et seq.

12/ For the sake of convenience, the expression "Yugoslav" is used instead of "Kingdom of the Serbs, Croats and Slovenes", which was the official name of Yugoslavia at the time of the Convention.

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68. A "Protocol A" regulated railway traffic between the two countries, which was to be governed by the International Convention of Berne, 1890, the International Convention signed at Stresa in 1921 and the Barcelona Convention on Freedom of Transit (article 3).

69. A "Protocol A.2" regulated postal, telegraph and telephone communications in a very liberal spirit, and "Protocol C" dealt with customs formalities: in the zone, the customs service was to be operated by Yugoslav officials (article 1) who were to affix customs seals to the wagons at the dispatching station (article 3). No customs examination by Greek customs offices was permitted (article 4) but the Greek officials were, without charge, to affix customs seals at the exit or entrance stations besides the seals affixed by the Yugoslav customs officials (article 6). Vessels calling at the zone were entitled to do so without previous notification to the Greek authorities and without undergoing any control or supervision on the part of these authorities (article 8).

70. These, in outline, are the provisions of this famous Convention, which has been the subject of much comment. It was supplemented,over the years, by several protocols which interpreted and regulated the application of a number of clauses. It seems unnecessary to discuss them more fully in this memorandum.13/

71. An important convention relating to ports is that between Italy and Czechoslovakia of 23 March 1921 regarding concessions and facilities to be granted to Czechoslovakia in the port of Trieste.14/

72. By virtue of this Convention Czechoslovakia obtained the use of a shed to be utilized for the loading of goods to be exported immediately and for the unloading of goods to be forwarded immediately by rail; the Italian Government ceded the shed to Czechoslovakia to be administered by the latter for a rental which was calculated in accordance with the provisions of article 8 of the Agreement. Under article 11, the Italian Government guaranteed to Czechoslovak nationals equality of treatment with Italian citizens; the same article contains a most-favoured-nation clause. Czechoslovakia installed its own customs office in the warehouses

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13/ The text of these instruments is reproduced in De Martens, Nouveau Recueil général de traités, Troisième Série, vol. XXI, pp. 708 et seq.

14/ League of Nations Treaty Series, vol. XXXII, 1925, pp. 250 et seq.

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in question and the Italian administration permitted the use of a Czechoslovak transit customs seal affixed to vehicles coming from the port and crossing Italian territory.

73. Another pertinent convention is that of 8 March 1923 between Hungary and Czechoslovakia concerning the passage of Czechoslovak trains over the Hungarian section of the Cata-Lucenec line.15/

74. Under article 1, passage over the said line was guaranteed to passenger and goods of all kinds proceeding from Czechoslovakia. These consignments enjoyed

> "... treatment at least as favourable, in all respects, as that enjoyed by consignments which are Hungarian as regards origin, country of export, ownership or dispatching station."

This free passage was granted, under article 2,

> "... irrespective of the nationality of travellers, the origin or destination of goods, or the nationality of the sender or addressee."

The goods remained exempt from all duty and taxes on Hungarian territory (article 3). The passengers and luggage in transit were to be under the "special protection" of the country crossed in transit (article 9), but military transports could be made only with the consent of, and subject to the conditions laid down by, the Hungarian Government.

75. Many of the provisions of the Convention were purely technical and hence will not be commented on here; reference should, however, be made to the arbitration clause (article 15) under which each of the Contracting Parties could refer disputes concerning the interpretation or carrying into effect of the Convention to a court of arbitration empowered to decide the issue

> "... in accordance with the provisions of the present Convention and general principles of law and equity."

3.4 Examples of Latin American treaties

76. In Latin America, Bolivia, a land-locked country, has concluded a number of treaties with its neighbours assuring it of free communication with the sea. Some pertinent clauses extracted from these instruments are reproduced below.

15/ League of Nations Treaty Series, vol. XLVIII, 1926, No. 1167, pp. 258 et seq.

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Treaties between Bolivia and Argentina

77. Article 3 of the Convention concerning the transport of petroleum[16] provides:

> "No transit dues or charges of any kind, whether national, provincial or municipal, shall be levied on petroleum, or on any petroleum product, which originates in Bolivia and passes through Argentine territory. The petroleum and petroleum products in question shall be loaded in tank-cars or drums and transported to the territory of Bolivia solely by the State Railways. Rail charges for this transport shall not be greater than those paid in Argentina by Yacimientos Petrolíferos Fiscales under similar conditions."

The Treaty of Friendship, Commerce and Navigation of 9 July 1868 contains some clauses which are of interest in this context:[17]

> "Article 11. The two Contracting Parties declare and recognize the free transit of home and foreign articles of commerce which exists and may exist by the sea and river ports of the one and the other Republic, by road, and by the railways which may be established, without further charges than the very moderate charges of storage, and bridge and road tolls which, on their creation, shall be respectively communicated by the Governments, in order that they may be subject to the strictest reciprocity. For this purpose the two Governments will, in due course, designate in a special Agreement the sea and river ports and depots, and the overland places of entry and depots on which they may agree, stipulating at the same time the formalities of transit, and all other conditions which may be necessary, with a view to the most ample privileges.
>
> "Article 12. The Contracting Parties concede mutually to one another the free navigation of the river Plata and its respective tributaries, in accordance with arrangements to be agreed on in a special Convention.
>
> "There will not be imposed on Bolivian ships in Argentine ports, nor on Argentine ships in Bolivian ports, other or higher dues for tonnage, lighterage, anchorage, or other dues, affecting the hull of the ship, than those which, in the same circumstances, are recoverable from ships of the nation to which the port belongs.

16/ Dated 19 November 1937; text in Colección de tratados vigentes de la República de Bolivia, vol. 4, p. 121.

17/ Ibid., p. 35.

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"The importation or exportation of merchandise or effects which it is or may be lawful to import or export from either of the territories of the Contracting Parties will pay the same duties, whether made in Bolivian or Argentine ships; and the rebates and exemptions to which merchandise or effects imported or exported in ships of the country may be entitled, will be extended to those imported or exported in ships of each of the contracting countries respectively.

"No prohibition, restriction or charge may be imposed on the reciprocal commerce of both countries, unless in virtue of a general arrangement applicable to the commerce of all other nations. If this prohibition, restriction or charge should devolve on importation or exportation, the ships of the respective countries will not be subject to it unless it is also applicable to importation or exportation in ships of the country itself.

"Bolivian and Argentine ships respectively will be permitted to enter all ports of each other's territory to which entry is permitted to ships of that country."

Treaties between Bolivia and Brazil

78. For some time now Brazil and Bolivia have regulated by contractual provisions the transit rights granted to Bolivia in Brazilian territory. Mention should be made firstly of articles 6 to 9 of the Treaty of Friendship, Commerce, Navigation and Extradition of 27 March 1867, which read as follows:[18/]

"Article 6. The Republic of Bolivia and His Majesty the Emperor of Brazil agree in declaring the communication between the two countries to be free over the common frontier; and the transit of passengers and of luggage over the same exempt from every national or municipal impost, and only subject to the police and fiscal regulations which each of the two Governments will establish in its territories.

"Article 7. His Majesty the Emperor of Brazil permits, as a special favour, the waters of the navigable rivers running through Brazilian territory, to the ocean, to be free to the commercial navigation of the Republic of Bolivia.

"The Republic of Bolivia also reciprocally permits the navigable waters of its rivers to be free to the trade and commercial navigation of Brazil.

18/ Ibid., p. 175.

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"It is, however, understood and declared that this navigation does not include that from port to port of the same nation, or the river coasting trade, which the High Contracting Parties reserve for their subjects and citizens.

"Article 8. The navigation of the river Madeira, from the waterfall of Santo Antonio upwards, shall only be permitted to the two High Contracting Parties, even should Brazil open the said river up to that point to third nations. Nevertheless, the subjects of these other nations shall enjoy the privilege of loading merchandise in Brazilian or Bolivian vessels employed in that trade.

"Article 9. Brazil undertakes to grant at once to Bolivia, under the same police and excise conditions as those imposed on its own subjects, saving the fiscal dues, the use of any road which it may hereafter open from the first waterfall, on the right bank of the river Mamoré, to that of Santo Antonio on the river Madeira, in order that the citizens of the Republic may avail themselves of the means which Brazilian navigation may afford, below the said waterfall of Santo Antonio, for the passage of persons and carriage of merchandise."

Article 7 of the Treaty of Petropolis, which deals with the construction on Brazilian territory of a railway usable by Bolivia for its communications with the port of Santo Antonio, is also relevant. It reads as follows:19/

"Article 7. The United States of Brazil undertakes to construct on Brazilian territory, either as a public or a private undertaking, a railway from the port of Santo Antonio on the river Madeira to Guajará-Mirim, on the Mamoré, with a branch which, passing through Villa-Murtinho or some spot near (State of Matto-Grosso), shall reach Villa-Bella (Bolivia) at the confluence of the Beni and the Mamoré. Both countries shall make use of this railway, which Brazil shall endeavour to finish within four years, with equal rights as to tariffs and privileges."

The question of river navigation is dealt with in some important clauses of the Bolivian-Brazilian Treaty of Commerce and River Navigation of 12 August 1910:20/

"Article 1. The Republic of Bolivia and the United States of Brazil, persevering in the sincere desire to provide all possible facilities and guarantees for the most complete freedom

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19/ Treaty dated 17 November 1903, ibid., p. 198.

20/ Ibid., p. 226.

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of land and river transit for each of the two nations in the territory of the other, this being the right of free transit which the High Contracting Parties recognized reciprocally in perpetuity in article 5 of the Treaty of 17 November 1903, agree to declare the transit of passengers, baggage and merchandise exempt from any national, state or municipal charges, subject to observance of the fiscal and police regulations now or hereafter in force, such regulations not to conflict, however, with the generality of the rights reciprocally recognized.

"Article 2. As a consequence of the principle laid down in article 5 of the Treaty of 17 November 1903, merchant vessels of all nations may freely navigate not only, as at present, the Paraguay river, between the Bolivian-Brazilian frontier south of Combra and the Brazilian port of Corumbá, but the Tamengo canal and Lake Cáceres between Corumbá and the Bolivian port of Guachalla, on the said lake.

"Article 3. By virtue of the same principle, Bolivian and Brazilian vessels may freely navigate the rivers, lakes and canals recognized as common to Bolivia and Brazil under the aforesaid Treaty of 17 November 1903; and Bolivian vessels shall have free access to the ports of Bolivia and free exit from them to the ocean through the river waters which are under the exclusive sovereignty of Brazil.

"Article 4. In the exercise of the right affirmed in the preceding articles, Brazilian merchant vessels may proceed freely through the Brazilian waters of the Paraguay river from Corumbá to the Mandioré, Gahyba and Uberaba lakes, as soon as Bolivia has established, after six months' prior notice, customs posts on any of these lakes for which corresponding Brazilian fiscal stations shall be established.

"Article 8. No charge shall be levied on the merchandise in transit carried on the Amazon, Madeira and Paraguay rivers from or to Bolivia in vessels of any nationality, or carried in transit on the other rivers to which this Treaty refers in Bolivian or Brazilian vessels, even if it is necessary to trans-ship such merchandise from one vessel to another in the customs ports of the two countries or it is necessary for them to pass through and wait at intermediate ports or river and land depots whence they are to be forwarded by another vessel.

"In the latter case, warehousing and labour charges shall be levied in accordance with the legislation of each country.

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"Article 14. With the exception of labour and warehousing charges (article 8) and the document or stamp duties referred to in article 10, no charge of any kind, either direct or indirect and regardless of its name or purpose, shall be levied in respect of either land or river transit."

Treaties between Bolivia and Chile

79. Bolivia has also entered into some important treaties with Chile. The first of these is the Treaty of Peace and Friendship of 20 October 1904,[21/] which contains the following provisions:

"Article 3. With the object of strengthening the political and commercial relations of both Republics, the High Contracting Parties engage to unite the port of Arica with the Alto de la Paz by a railway the construction of which will be contracted by the Chilean Government at its own cost within the term of one year to be reckoned from the ratification of the present Treaty.

"The property of the Bolivian section of this railway shall be vested in Bolivia at the expiration of fifteen years to be reckoned from the day of its completion.

"For the same purpose Chile engages to pay the obligations that might be incurred by Bolivia for guaranteeing up to 5 per cent on the capital invested in the following railways, the construction of which may be undertaken within a term of thirty years: Uyuni to Potosí; Oruro to La Paz; Oruro, via Cochabamba, to Santa Cruz; from La Paz to the Beni region; and from Potosí, via Sucre and Lagunillas to Santa Cruz.

"This obligation cannot bind Chile to an outlay larger than £100,000 sterling annually nor exceed the sum of £1,700,000 sterling, which is fixed as the maximum amount that Chile shall assign to the construction of the Bolivian section of the railway from Arica to the Alto de La Paz, and to the guarantees above referred to, and shall be null and void at the end of the said thirty years.

"The construction of the Bolivian section of the railway from Arica to the Alto de La Paz, as well as that of the other railways that may be constructed with the guarantee of the Chilean Government, shall be made the subject of special Agreements between the two Governments, and therein shall be taken into consideration the facilities that should be given to the commercial intercourse between the two countries.

21/ Ibid., p. 394.

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"The cost of the said section shall be regulated by the amount of the tender which may be accepted in the respective contract for construction.

"Article 6. The Republic of Chile recognizes in favour of that of Bolivia, and in perpetuity, the fullest and most unrestricted right of commercial transit through its territory and ports on the Pacific.

"Both Governments will make, by special Agreements, the necessary regulations to insure, without prejudice to their respective fiscal interests, the purpose above referred to.

"Article 7. The Republic of Bolivia shall have the right to establish custom-house agencies at such ports as it may select for carrying on its trade. For the present it selects as such ports for its trade Antofagasta and Arica.

"The agencies shall take care that the goods intended for transit are sent direct from the pier to the railway station, and that they are conveyed to the Bolivian custom-houses in closed and sealed wagons, and accompanied by way-bills indicating the number of packages, weight and mark, number and contents, which shall be delivered against exchange way-bills.

"Article 8. Until the High Contracting Parties shall have concluded a special Commercial Treaty, the commercial intercourse between the two Republics shall be regulated by rules of the strictest equality with those applied to other nations, and under no consideration shall the products of either of the two Parties be placed in conditions of inferiority to those of a third. In consequence, the raw and manufactured products of Bolivia, as well as those of Chile, shall be subject, on being imported and consumed in one or the other country, to the payment of the same dues as those levied on those of other countries, and any favours, exemptions and privileges that either of the two Parties may grant to a third may, the conditions being the same, be claimed by the other.

"The High Contracting Parties mutually agree to apply to the national products of one or the other country carried over all the railways crossing their respective territories the same tariff that they may resolve to apply to the most favoured nation."

Further provisions relating to the subject of transit are contained in the Bolivian-Chilean Treaty of Commerce of 6 August 1912,[22/] article 1 of which refers to the Treaty of Peace (see above). Articles 1 and 14 of the Treaty of 1912 provide:

22/ Ibid., p. 463.

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"Article 1. The Government of Chile, in conformity with article 6 of the Treaty of Peace of 1904, guarantees free transit through its territory of foreign merchandise which is disembarked therein with destination for Bolivia, or which, proceeding from Bolivia, is embarked at any of the principal ports of the Republic of Chile with destination for foreign countries.

"Article 14. The exportation of Bolivian products from Chilean ports shall be made without any other formality than that of exhibiting to the Chilean customs authorities on the wharf the marks, numbering and quantity of packages, together with the manifest for the goods in bulk or the certificate of carriage by the railway which shall be visé beforehand by the Bolivian customs agency. If the goods are not to be embarked immediately they shall be deposited in the warehouses for goods in transit, the exhibition of their markings, etc., being made when the goods are unloaded."

Similarly, article 1 of the Convention concerning transit[23/] reaffirms a principle which is laid in several of the bilateral treaties cited above. This article reads as follows:

"Article 1. The Government of Chile, in conformity with article 6 of the Treaty of Peace and Friendship of 1904, recognizes and guarantees the fullest and most unrestricted right of transit through its territory and major ports for passengers and freight crossing its territory to and from Bolivia. Within the provisions in force between Bolivia and Chile, free transit shall be understood to extend to every kind of freight at any time, without any exception."

Treaties between Bolivia and Paraguay

80. The Treaty of Peace and Friendship entered into between Bolivia and Paraguay on 21 July 1938[24/] contains similar provisions:

"Article 7. The Republic of Paraguay guarantees the fullest freedom of transit through its territory, and especially through the zone of Puerto Casado, for merchandise arriving from abroad for Bolivia and for products leaving Bolivia for shipment abroad through the said zone of Puerto Casado. Bolivia shall be entitled to establish customs offices and to construct depots and warehouses in the zone of the said port.

23/ Dated 16 August 1937; text ibid., p. 499.

24/ Ibid., p. 331.

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"Regulations for the application of this article shall be embodied in a commercial convention to be concluded later between the Governments of the two Republics."

Treaties between Bolivia and Peru

81. Bolivia has also signed several treaties with Peru guaranteeing its right of transit; for example, the Treaty of Peace and Friendship of 5 November 1863[25] contains the following provisions:

"Article 23. Both the Contracting Parties bind themselves to enter, after the conclusion of the present Treaty, and at the latest within four months from its having been signed by the Plenipotentiaries, into a Treaty of Commerce and Customs, in which a Consular Convention shall be included, and it is understood that from now the establishment of consuls is permitted, as is the case with the most favoured nations, and with their respective consular assistants.

"They also agree to give the most ample freedom for the reciprocal commerce of both countries, and to establish full exemption from duties on the natural products of both. Consequently, only those /duties/ shall be collected which are known as 'municipal', such as highway, bridge and other dues reputed as a remuneration for services which the merchant receives and not as an imposition."

The Treaty of Commerce and Customs of 27 November 1905[26] contains the following provisions relating to transit:

"Article 1. Bolivia and Peru establish their commercial relations on the basis of the most complete reciprocity.

"Article 2. Both countries agree to free commercial transit for all the natural products and industries of the two countries, and for the foreign products which are introduced by the routes of Mollendo and Puno to La Paz, and of Mollendo to Pelechuco via Cojata or vice versa.

"Article 4. Both countries bind themselves to grant reciprocally the same advantages or commercial immunities which they concede to the most favoured nation, in such a manner that if one of the Contracting Parties stipulates or has stipulated with a third Power that its natural, industrial or manufactured products shall

25/ Ibid., p. 373.

26/ Ibid., p. 420.

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be introduced into its territories free of import or consumption duties, or that those to be paid are less than those which have to be paid on merchandise of the other Contracting Party, the latter will at once have the right to enjoy the same reductions, immunities and concessions; therefore, in no case can either of the Contracting Nations be charged by the other with higher taxes, duties, charges or tariffs than those already existing for similar products of the most favoured nation, nor shall they be placed in a less advantageous position than those of any other country."

The Convention of 21 January 1917[27/] concerning commercial traffic through Mollendo (Peru) contains certain guarantees in favour of Bolivia:

"Article 1. The Government of Peru guarantees free transit through its territory in respect of merchandise arriving at the port of Mollendo which is consigned to Bolivia and in respect of products originating in Bolivia which are to be shipped through Mollendo, in conformity with the provisions of the Treaty of Commerce and Customs of 27 November 1905.

"Article 19. This Convention shall apply to traffic through the port of Ilo or through any other port which the Government of Peru designates for transit traffic to Bolivia."

A Protocol of 2 June 1917[28/] concerning traffic through Santiago de Huata is also of interest in this connexion. It consists of the following single clause:

"Single article. Meeting in the Ministry of Foreign Affairs at La Paz on 2 June 1917, their Excellencies, Mr. Plácido Sánchez, Minister of Foreign Affairs of Bolivia, and Mr. Felipe de Cama, Envoy Extraordinary and Minister Plenipotentiary of Peru, have agreed that the rules established by the Convention signed on 21 January 1917 shall be extended to imports brought in through Santiago de Huata and to exports shipped from that port; it being understood that, until the Government of Peru appoints a customs agent to be on duty at Santiago de Huata, the return receipt referred to in article 11, signed by the customs officer of Santiago de Huata, shall constitute a sufficiently valid document."

27/ Ibid., p. 452.

28/ Ibid., p. 461.

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The last provisions to be cited in this section are taken from the Treaty of Friendship and Non-aggression entered into between Bolivia and Peru on 14 September 1936,[29] by which the two Parties grant each other the fullest freedom of transit through their respective territories:

> "Article 5. In conformity with tradition and with the principles guiding their international relations, Bolivia and Peru grant and guarantee to each other the most complete freedom of transit through their respective territories for persons, merchandise and material of any kind crossing those territories en route for or proceeding from either State or other countries. If necessary, the application of this Treaty shall be regulated by special treaties or regulations, but the absence or lapse of such treaties or regulations shall not suspend or restrict the application of this Treaty.
>
> "Article 6. Bolivia and Peru grant to each other the most complete freedom of commerce and navigation on their common rivers, subject only to fiscal, police and health regulations."

4. Examples of treaties effective in Africa and Asia

82. The first convention to be mentioned here is that of 17 June 1950 between the United Kingdom and the Republic of Portugal relative to the Port of Beira and Connected Railways,[30] the purpose of which was to secure additional outlets to the sea for some African territories under British administration, viz. Bechuanaland, Nyasaland, Southern Rhodesia, Northern Rhodesia, Basutoland and Swaziland.

83. The Contracting Governments undertook not to permit any discrimination in railway freight rates within the territories concerned or alterations of railway freight rates which might contribute materially to the diversion of normal traffic from the Port of Beira (article II).

84. The Portuguese Government undertook to maintain the Port of Beira and the Beira Railway in a state of efficiency adequate to the requirements of the traffic proceeding to or from Southern Rhodesia, Northern Rhodesia and Nyasaland (article III). In the interest of these territories, a free zone was established

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29/ Ibid., p. 493.

30/ H.M. Stationery Office, Cmd. 8061 (London).

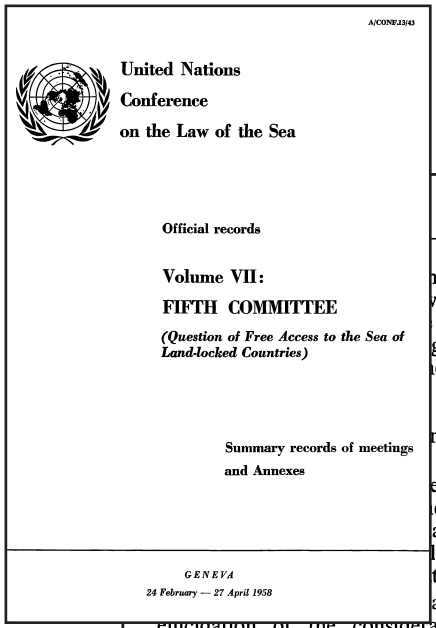
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Annex 411

UN Conference on the Law of the Sea, Official Records Volume VII: 5th Committee (Question of Free Access to the Sea of Land-locked Countries), Summary Records of Meetings and Annexes, A/Conf.13/43, 24 February – 27 April 1958, pp 18-19 (extract)

(Original in English)

United Nations, <http://legal.un.org/docs/?path=../diplomaticconferences/1958_los/docs/english/vol_7.pdf&lang=E>



A/CONF.13/43

United Nations
Conference
on the Law of the Sea

Official records

Volume VII:
FIFTH COMMITTEE
(Question of Free Access to the Sea of Land-locked Countries)

Summary records of meetings and Annexes

GENEVA
24 February — 27 April 1958

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elucidation of the considerandum contained in the preamble to the principles, to the effect that other States which are not placed in the same geographic situation should not be requested to apply the most-favoured-nation clause. It could, however, accept the first three principles and considered that there must be a genuine link between the vessel and the State whose flag it flew. It could also accept principle IV on condition that the same treatment was accorded to maritime States. Principle V should be broadened and the right made subject to reciprocity. His delegation saw no objection to principles VI and VII.

45. Since the Committee had not the benefit of any work by so authoritative a body as the International Law Commission, it would be better not to attempt to frame a detailed convention but to adopt a declaration stating a few general principles which should assist States in negotiating agreements with their neighbours. Accession to existing multilateral conventions, such as the Barcelona and Geneva conventions and the General Agreement on Tariffs and Trade, should also be recommended. The declaration should emphasize the vital importance of the freedom of the seas and of free access to the seas for the development of trade between all nations.

46. Mr. L. EL-YAFI (United Arab Republic) declared that the delegation of the United Arab Republic would spare no effort to establish with other States equitable bases for the law of the sea. The Conference could meet the legitimate hopes and claims of all members of the international community and especially of the land-locked States, which were entitled to access to the sea and to free navigation upon it and must enjoy complete equality with other States.

47. The sea was an international public domain, destined for the common use of organized communities. Its use must be governed by a body of rules fixing the rights and duties of all and excluding any monopoly either in peace or war. Such a written and constructive set of rules must leave every State free to take all necessary steps to police its shipping.

48. His delegation supported generally the Czechoslovak draft articles on access to the sea of land-locked countries, which could serve as a basis for the formulation of fundamental principles. It would in due course submit two amendments. The first related to the drafting of a universal declaration which would serve as a preamble to the Czechoslovak draft and enunciate the right of free access to the sea for all countries, the right to fly a flag, the right of transit by all means of communication, the principle of equality of rights and duties for all, and the right of all to use submarine resources. The second related to the principle of the settlement of disputes either by a permanent international organ under the United Nations or by the International Court of Justice.

The meeting rose at 4.55 p.m.

EIGHTH MEETING

Thursday, 20 March 1958, at 3.25 p.m.

Chairman: Mr. Jaroslav ZOUREK (Czechoslovakia)

Study of the question of free access to the sea of land-locked countries *(continued)*

General debate (continued)

STATEMENTS BY MR. GUEVARA ARZE (BOLIVIA), MR. OHYE (JAPAN), MR. DRAGUSTIN (YUGOSLAVIA) AND MR. TABIBI (AFGHANISTAN)

1. Mr. GUEVARA ARZE (Bolivia) said that his delegation would support compromise solutions. He hoped that the Conference would bear in mind the lessons of The Hague Conference of 1930 for the codification of international law, which had been a failure although agreement had been reached on various important points, and would decide that at least the principles confirmed by custom, practice and treaties should be codified in the future convention on the law of the sea.

2. Bolivia was situated in the middle of South America ; its river system was connected with the basins of the Amazon and the River Plate and other routes of communication linked the country to the Pacific. It had therefore been interested at all times in the law relating to international rivers and lakes ; but its main concern had been access to the Pacific Ocean. Furthermore, the railways and roads of neighbouring States converged on Bolivian territory. Another question to be settled was that of the use of pipelines to convey Bolivian petroleum to the sea.

3. Bolivia imported from overseas more than 30% of the foodstuffs consumed in the country, and more than 90% of its foreign currency earnings were accounted for by its exports of minerals, which were likewise carried by sea. It was the third-largest producer of tin in the world, and any difficulty in the transport of tin ores would adversely affect industry in other countries.

4. It was only since the Pacific War of 1879 that Bolivia had been a land-locked State. The Treaty of Peace and Friendship concluded with Chile in 1904 had accorded to Bolivia in perpetuity the fullest and most unrestricted freedom of commercial transit through Chilean territory and had authorized Bolivia to establish customs offices in the Chilean Pacific ports. The clauses in question had been confirmed by the Treaty of Commerce of 1912.

5. In consequence of its experiences during the Chaco war, when it had had difficulty in importing arms and supplies for the army — the supplies not having been

recognized as " merchandise " — Bolivia had in 1937 entered into another convention with Chile, which recognized freedom of transit in respect of passengers and every kind of freight without exception.

6. After a judicial decision had been rendered in Chile authorizing private persons to seize goods consigned to the nationalized mines of Bolivia, the States concerned had signed in 1953 the Declaration of Arica, which stated that consignments in transit to Bolivia through Chile would not be subject to the jurisdiction of the Chilean authorities.

7. With regard to pipelines, the Treaty of Economic Co-ordination concluded by Bolivia and Chile in 1955 stipulated that the governments of the two States would grant each other every facility for the construction, maintenance and operation of the installations required for the conveyance of Bolivian petroleum to a Chilean port.

8. The system set up under the agreements he had mentioned was functioning normally. Nevertheless, the Bolivian people would continue to yearn to possess a part of the Pacific coast.

9. The excellent memorandum prepared by the secretariat (A/CONF.13/29 and Add.1) reproduced the essential terms of the agreements which Bolivia had concluded with its other neighbours for the purpose of establishing a system of free transit based on reciprocity.

10. The conclusions to be drawn from his remarks were that the regulation of Bolivia's right of access to the sea concerned all countries in South America ; that that right had been confirmed by numerous treaties ; that the system established under those instruments was comparable to that established by treaties concluded by other land-locked States (and hence it could be said that there was a body of common rules concerning the right of free access to the sea) ; and that the difficulties experienced by Bolivia proved how urgent it was to codify in an instrument applicable throughout the world the rules at present embodied in bilateral agreements.

11. The part of the law of the sea which concerned land-locked States should deal, first, with the universally accepted absolute equality of land-locked and coastal States for the purposes of freedom of navigation, innocent passage, fishing on the high seas and the laying of cables and pipelines. It had been said that articles 15, 27, 28, 49 and 61 of the International Law Commission's draft, which covered those questions, referred by implication to the position of land-locked States ; but the Commission had not apparently intended them to be interpreted in that way. It should therefore be explicitly stated in the convention or its commentaries that those articles in fact also related to land-locked States.

12. Secondly, the right of free access to the sea of land-locked countries should be studied, as recommended in General Assembly resolution 1105 (XI) ; the Assembly had recognized the need of land-locked countries for transit facilities and, in resolution 1028 (XI), it had invited Member States to accord them such facilities.

13. The right of free access to the sea of land-locked countries comprised the right of free transit through the territory of the coastal State for persons and goods, irrespective of the mode of transport used ; exemption from the coastal State's customs regulations and duties and from any payment other than payment for services rendered ; exemption from the coastal State's jurisdiction over goods in transit ; the use of port installations on the same footing as the coastal State itself ; and the right of innocent passage in the internal waters of that State.

14. Certain delegations maintained that the latter right of land-locked States was not inherent in the right of free access to the sea and that the Conference should therefore not deal with it. To accept that argument would be to deny land-locked countries that right of free access to the sea which was recognized in practice and under existing treaties.

15. The problem of transit was a special problem in the more general context of the right of access to the sea. The freedom of transit referred to in the conventions of Barcelona (1921) and Geneva (1923) was based on reciprocity. The same was not necessarily true of the freedom of transit as an element of the right of access to the sea. That was a special right which was the core of the right of free access to the sea of land-locked countries. As the latter right was a necessary part of the law of the sea, the Conference could not postpone its codification.

16. The existing agreements did not constitute universally valid international law. Besides, they could be denounced. Hence, access to the sea depended at the moment on the consent of the coastal State. Nor was it always easy to apply the agreements. The Conference should therefore embody in the law of the sea rules which would protect the right of free access to the sea of land-locked countries, in the interests of international peace and prosperity. It was true that the Conference did not have at its disposal any studies by the International Law Commission on the question ; but the problem was less complicated than others. The secretariat memorandum (A/CONF.13/29 and Add.1), the statement made by the Chairman of the Committee (A/CONF.13/C.5/L.2) at the third meeting and those made by delegates, together with the memorandum of the Preliminary Conference (A/CONF.13/C.5/L.1), provided an adequate basis.

17. The right of free access to the sea of land-locked countries should be embodied in the positive international law, of world-wide validity, for otherwise the principle of the legal equality of States, the right to independence and the principle of the freedom of the high seas would be disregarded.

18. Mr. OHYE (Japan) assured the Committee that his country appreciated the importance of the problem of free access to and use of the sea by non-coastal States.

19. The freedom of the high seas, the corner-stone of the régime of the sea, had been established for the purpose of promoting the interest and welfare of the entire international community. In other words, the high seas were open to all nations alike, whether land-locked or coastal. There was no doubt that the land-locked countries were entitled to enjoy to the fullest extent all rights inherent in the freedom of the high seas. In that connexion, free access to the sea by the land-locked countries could be recognized as a matter of principle. The Japanese delegation considered, however, that free access to the sea by such countries should be worked

Annex 412

Confidential Aide Mémoire from the Ministry of Foreign Affairs of Chile for the personal information of Ambassador Ríos Gallardo, 6 August 1963

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

JHRS/pmb

DEPARTAMENTO POLITICO

A I D E - M E M O I R E C O N F I D E N C I A L

Antecedentes para información personal del Embajador don Conrado Ríos Gallardo.

1. El Tratado de Paz de 1904, libremente negociado por las Partes, firmado 24 años despues de concluidas las hostilidades con Bolivia, libremente ratificado por ese pais y que tiene ya casi 60 años de vigencia, es intangible. (Del discurso del Min. de RR.EE. de 28/III/63).

2. Chile no está dispuesto a ceder parte alguna de su territorio nacional. Siempre estará, en cambio, dispuesto a estudiar con Bolivia los medios accesorios que faciliten aún más sus sistemas de comunicacion a traves de Chile y ello, no en violacion del Tratado de 1904, sino en aplicación de dicho Tratado y de todos los convenios posteriores que Bolivia ha suscrito con nuestro pais (Del mismo discurso del Canciller sobre política exterior de Chile).

3. Fracasadas las conversaciones directas iniciadas en octubre de 1962 entre los Cancilleres de Chile y Bolivia, durante la Asamblea de las Naciones Unidas y durante la Reunión Informal de Cancilleres, y fracasada la gestión personal y extraoficial del Embajador costarricense doctor Gonzalo Facio, para la solución del problema del Lauca, único asunto que produjo la ruptura de relaciones con Bolivia, caben sólo los caminos jurídicos, ya sea de la Corte Internacional de Justicia o del arbitraje en derecho.

4. En caso de existir en el futuro el proposito de que se reanuden las relaciones diplomaticas, simultaneamente con el acuerdo de esta naturaleza deberia formalizarse el acuerdo de solucionar el problema del Lauca mediante los procedimientos juridicos indicados. Se dice en el futuro, porque se prefiere mantener la situacion actual, dados los peligros que existirían de que una reanudacion de relaciones sea muy luego seguida por nueva ruptura de Bolivia, con propositos de política interna.

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POLITICAL DEPARTMENT

REPUBLIC OF CHILE
MINISTRY OF FOREIGN AFFAIRS
JHRS/pmb

CONFIDENTIAL AIDE-MEMOIRE
Antecedents for the personal information
of Ambassador Conrado Ríos Gallardo.

1. The Peace Treaty of 1904, freely negotiated by the parties, signed 24 years after the hostilities with Bolivia had ceased, freely ratified by Bolivia and in effect for almost 60 years, is inviolable. (From the speech of the Minister of Foreign Affairs of 28 March 1963).

2. Chile is not willing to cede any part of its national territory. On the other hand, it will always be willing to consider with Bolivia ancillary means to facilitate even more its systems of communication through Chile, not in violation of the Treaty of 1904, but pursuant to that treaty, and all the subsequent agreements that Bolivia has signed with our country. (From the same speech by the Foreign Minister on Chile's foreign policy).

3. After the failure of the direct conversations between the Foreign Ministers of Chile and Bolivia initiated in October 1962 during the United Nations General Assembly and during the informal meeting of Foreign Ministers, and the failure of the personal and unofficial demarches by Costa Rican Ambassador Gonzalo Facio to resolve the problem of the River Lauca, the sole issue that caused the rupture of relations with Bolivia, only legal paths are left, either the International Court of Justice or legal arbitration.

4. If in the future there is the purpose of resuming diplomatic relations, then simultaneously with an agreement of that nature, an agreement should be formalized to solve the problem of the River Lauca through the legal means mentioned above. We say "in the future," because we prefer to maintain the current situation, given the danger that resuming relations may very soon be followed by a new rupture with Bolivia, for purposes of internal policy.

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REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

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5. Fuera del problema del rio Lauca, no existe ningun otro problema con Bolivia y "una vez reanudadas las relaciones diplomaticas con Bolivia, (Chile) no esta dispuesto a entrar en conversaciones que puedan afectar la soberania nacional o significar cesión territorial de ninguna especie" (Nota de la Cancillería al Embajador Facio, de 4 de marzo de 1963). En la misma nota se expresó: "Para mi pais, los limites con Bolivia fueron fijados por tratados internacionales libremente consentidos, que están en plena vigencia y que son definitivos".

6. El Canciller boliviano ha aludido a "instrumentos" - señalando la nota de 1950 del Canciller Walker y el Memorandum de 1961 del Embajador Trucco - como si fuesen compromisos contractuales y que ellos tuviesen vigencia. La nota de 1950 contestó una nota boliviana para que ambos paises "ingresen formalmente a una negociación directa". Por razones de la política interna boliviana, no se llegó a "ingresar a una negociación directa" con lo cual caducó la gestión de aquella fecha y el alcance de aquella nota. En cuanto al Memorandum del Embajador Trucco, bien sabemos que no tuvo sino el caracter de simple exposición de puntos de vista en un momento determinado y ese caracter precario lo reconoció Bolivia, ya que el documento fue archivado y solo siete meses más tarde, un nuevo Canciller boliviano (el señor Fellman Velarde) pretendió usarlo para agitar el "problema portuario". Dicho documento está también definitivamente caducado.

Santiago, 6 de agosto de 1963.

REPUBLIC OF CHILE
MINISTRY OF FOREIGN AFFAIRS

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5. Aside from the problem of the River Lauca, there is no other problem with Bolivia, and "once diplomatic relations with Bolivia are resumed, (Chile) is not willing to enter conversations that may affect its national sovereignty or involve a cession of territory of any kind" (Note from the Foreign Ministry to Ambassador Facio of 4 March 1963). The same note stated: "As far as my country is concerned, the borders with Bolivia were established by international treaties that were freely agreed to, are in full force and effect and are final".

6. The Bolivian Foreign Minister has alluded to "instruments" – pointing to the note of 1950 from Foreign Minister Walker and the memorandum of 1961 from Ambassador Trucco – as if they were contractual commitments and were in effect. The note of 1950 answered a Bolivian note so that both countries "would formally enter into direct negotiations". For reasons of domestic politics in Bolivia, they did not "enter into direct negotiations", and therefore, the efforts that date and the scope of that note lapsed. As for the memorandum from Ambassador Trucco, we well know that it was merely an expression of points of view at a certain point in time, and Bolivia has recognized said precarious character because the document was archived, and only seven months later did a new Bolivian Foreign Minister (Mr. Fellman Velarde) attempt to use it to stir up the "port problem". Said document has also definitely lapsed.

Santiago, 6 August 1963.

Annex 413

Memorandum from the Ministry of Foreign Affairs of Chile to Ambassador Ríos Gallardo, 8 August 1963

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

MEMORANDUM CONFIDENCIAL
(Para Embajador señor Conrado Ríos Gallardo)

1. Para el caso de que el Canciller de Bolivia o el Jefe de su Delegación, se acercaran al Señor Embajador, a fin de conversar sobre los problemas que actualmente están pendientes entre Chile y Bolivia, las recomendaciones que el Ministro se permite hacer son las siguientes:

a) Escuchar lo que el representante boliviano desea manifestar.

b) Si se hiciera alguna proposición, contestar que la transmitirá a nuestro Gobierno, sin emitir ningún pronunciamiento u opinión sobre ella.

c) Si durante la conversación, el representante boliviano adujera en favor de su tesis hechos o juicios erróneos, rebatirlos objetivamente.

d) No dar pie en la conversación para que Bolivia pueda creer que Chile abandona o titubea en su firme posición de:

I: El Tratado de 1904 fijó definitivamente las fronteras de ambos países y Chile no está dispuesto a entrar en conversaciones que puedan afectar su soberanía nacional o que puedan significar cesión territorial de ninguna especie.

II: El único diferendo que existe con Bolivia es el problema del Lauca, que motivó ruptura relaciones de parte Gobierno La Paz.

III: Siendo el problema del Lauca de índole jurídica, Chile ha ofrecido y sigue ofreciendo como medio de solución la Corte Internacional de Justicia o el arbitraje en derecho.

IV: No hay ni puede haber relación entre el pro

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REPUBLIC OF CHILE
MINISTRY OF FOREIGN AFFAIRS

CONFIDENTIAL MEMORANDUM

(To Ambassador Mr. Conrado Ríos Gallardo)

1. In case the Bolivian Foreign Minister or the Head of the Bolivian Delegation approached the Ambassador to discuss the problems that are currently pending between Chile and Bolivia, the Minister allows himself to make the following recommendations:

a) Listen to what the Bolivian representative wishes to state.

b) If a proposal is made, reply that it will be conveyed to our Government, without giving any pronouncement or opinion.

c) If, during the conversation, the Bolivian representative adduces erroneous facts or opinions in favor of his thesis, objectively rebut them.

d) During the conversation, avoid giving cause for Bolivia to believe that Chile may abandon or is hesitant about its firm position that:

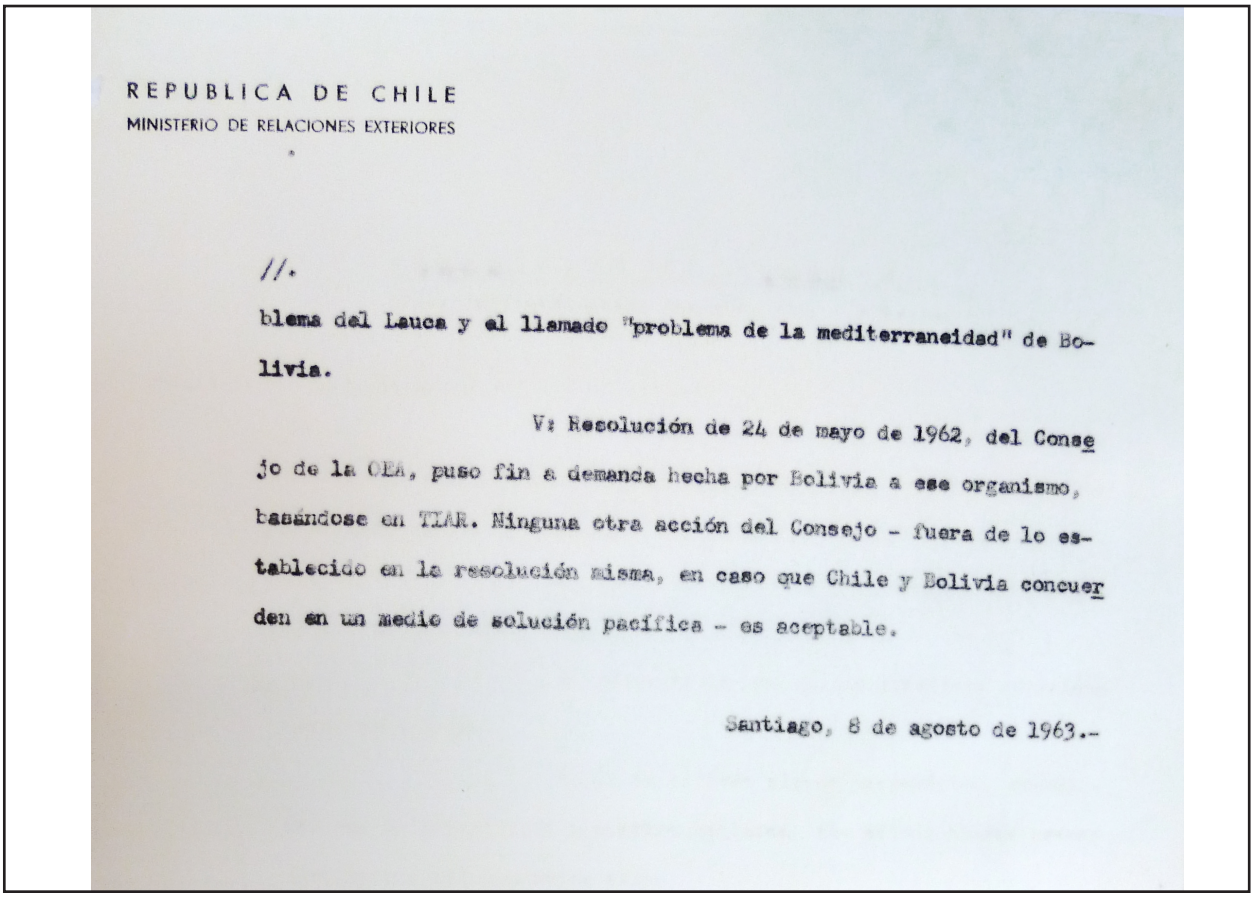
I: The borders of both countries were definitely established by the 1904 Treaty and Chile is not willing to engage in conversations that may affect its national sovereignty or that may entail any kind of territorial cession.

II: The only dispute that exists with Bolivia is the Lauca problem, which caused a rupture of relations on the part of the Government of La Paz.

III: As the Lauca problem is of a legal nature, Chile has offered and continues to offer as a means of dispute resolution the International Court of Justice or arbitration in law.

IV: There is, and can be, no relation between

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REPUBLICA DE CHILE
MINISTERIO DE RELACIONES EXTERIORES

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blema del Lauca y el llamado "problema de la mediterraneidad" de Bolivia.

V: Resolución de 24 de mayo de 1962, del Consejo de la OEA, puso fin a demanda hecha por Bolivia a ese organismo, basándose en TIAR. Ninguna otra acción del Consejo - fuera de lo establecido en la resolución misma, en caso que Chile y Bolivia concuerden en un medio de solución pacífica - es aceptable.

Santiago, 8 de agosto de 1963.-

REPUBLIC OF CHILE
MINISTRY OF FOREIGN AFFAIRS

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the Lauca issue and Bolivia's so-called 'landlocked problem'.

V: Resolution of 24 May 1962 of the OAS Council put an end to the claim brought by Bolivia before that body, based on the Inter-American Treaty of Reciprocal Assistance (ITRA). No other action by the Council — outside of what was provided for in the Resolution itself, in case Chile and Bolivia agree on a means of peaceful settlement— is acceptable.

Santiago, 8 August 1963.-

Annex 414

Telex from the Consulate General of Chile in Bolivia to the Ministry of Foreign Affairs of Chile, 26 April 1971

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

CONSULADO GENERAL DE CHILE
LA PAZ - BOLIVIA

MINRELACIONES
SANTIAGOCHILE

LA PAZ, 26 de abril de 1971.

TELEX RIA Nº 140

En conferencia de prensa concedida por Presidente Torres y ante pregunta formulada por periodista diario "Ultima Hora" del siguiente tenor:

"Cree el Gobierno que se pueden restablecer las relaciones diplomáticas con Chile si ese país no se compromete a reparar un injusto enclaustramiento de Bolivia y llegar a una solución compensatoria por la desviación del rio Lauca", mandatario boliviano dio respuesta que transcribo a continuación:

"Voy a reiterar que soy un convencido de que los países latinoamericanos con identidad de cultura, de historia y, lo que es más drámático, sometidos y subdesarrollados por factores también comunes deben concertar acciones que les permitan la liberación integral de sus pueblos. El Gobierno revolucionario que presido profesa su fe en el destino compartido de los latinoamericanos y participa decididamente en el proceso integracionista continental. Creemos que las solidaridades existentes entre nuestros dos países -la mayoría de ellas nacidas de una angustia común: la dependencia- irán multiplicándose con tal proceso abriendo paso a nuevas formas de vinculación que permitan entendimientos mutuamente convenientes.

"Por ello, el restablecimiento de relaciones con la República de Chile debe traer aparejada la solución de todos los problemas pendientes entre nuestros dos países, incluyendo en primer lugar los referentes a nuestra mediterraneidad y al desvío del rio Lauca. En el discurso que pronuncié el 23 de marzo manifesté que creemos en la negociación y en el diálogo cosntructivo y honesto, desde que partan de la premisa insoslayable de que la salida soberana al Oceano Pacífico, no nes puede ser negada y que esperabamos que los pueblos de América especialmente aquellos que han levantado la bandera contra toda opresión y contra toda injusticia rompiesen la opresión e injusticia que significa el enclaustramiento que nos ha sido impuesto.

STEIN

GENERAL CONSULATE OF CHILE

La Paz – Bolivia

…

LA PAZ, 26 April 1971.

TELEX RIA No. 140

At a press conference held by President Torres, a reporter from newspaper *Última Hora* posed the following question:

"Does the Government believe that diplomatic relations can still be reestablished with Chile if that country does not commit itself to repair Bolivia's unjust landlocked status and to reach a compensatory solution for the diversion of the waters of the River Lauca,?", the Bolivian President answered as follows:

"Once again, I would like to say that I am convinced that Latin American countries with identical culture and history, and what is more dramatic, being equally subdued and underdeveloped due to factors that are also common to all of them must coordinate their actions to completely liberate their people. The revolutionary Government that I lead has faith in the destiny shared by the Latin Americans, and it fully participates in the process of continental integration. We believe that the solidarity between our two countries—born in large part from our shared sorrow: as is dependency—is going to multiply as that process unfolds, paving the way for new forms of forging ties that allow understandings that are mutually convenient.

"Therefore, the reestablishment of relations with Chile must bring with it a solution to all the pending problems between our two countries, including in the first place those referring to our landlocked status and the diversion of the river Lauca. In the speech I gave on 23 March I stated that we believe in negotiation and in constructive and honest dialogue, under the fundamental premise that we cannot be denied a sovereign outlet to the Pacific Ocean; this cannot be denied to us, and we hope that the American peoples, especially those who have raised their flag against oppression and injustice, would break away from the oppression and injustice that signify the landlocked status that was imposed on us.

STEIN

Annex 415

Memorandum by the Consulate General of Chile in Bolivia to the Minister of Foreign Affairs of Chile, 3 October 1973

(Original in Spanish, English translation)

Archives of the Ministry of Foreign Affairs of Chile

M E M O R A N D U M

AL: Señor MINISTRO DE RELACIONES EXTERIORES, VICEALMIRANTE ISMAEL HUERTA DIAZ,

DEL: CONSUL GENERAL DE CHILE EN BOLIVIA, OSCAR RUIZ BOURGEOIS.

REF.: POSIBLE CONVERSACION CON EL MINISTRO DE RELACIONES EXTERIORES DE BOLIVIA, Dr. MARIO GUTIERREZ, SOBRE EL TEMA "REANUDACION DE RELACIONES DIPLOMATICAS ENTRE BOLIVIA Y CHILE".

ANTECEDENTES: Planteamiento del Presidente de Bolivia, General de Brigada HUGO BANZER SUAREZ, al Cónsul General de Chile el 18 de Septiembre último.

a) Audiencia a invitación del Presidente Banzer desarrollada en un ambiente en extremo amable y amistoso. (Por primera vez después de la ruptura de relaciones-1962- un Presidente de Bolivia invita al representante de Chile a una conversación privada en el Palacio de Gobierno). El Presidente Banzer expresó:

1.- Sus mejores deseos para la pronta recuperación de Chile y su sincero aliento respecto del éxito de la gestión del nuevo Gobierno de Chile. Expresa su simpatía por la "revolución chilena, con la que se siente identificado, ya que ella determina el término de un clima de permanente tensión entre su Gobierno y el ex-gobierno marxista de Chile".

2.-"Su primer impulso, como expresión de real comprensión y amistad hacia las Fuerzas Armadas de Chile, fue restablecer de inmediato las relaciones, pero consideró que, por razones de imagen frente a su pueblo (ya que la ruptura se había originado por la situación del río Lauca que no había podido ser superada satisfactoriamente), era conveniente que el Gobierno de Chile le facilitara este paso tan trascendental "mediante una muestra concreta de buena disposición que le permitiera justificarlo". Señaló que bastaría el otorgamiento de "una compensación no negociable o proyectos concretos de integración entre ambos países"; expresamente dijo: "estudien un paquete".

3.- Puso de manifiesto que el Canciller Gutiérrez era un gran amigo de Chile ya que se había formado universitariamente en nuestro país. (Las actitudes del Canciller Gutiérres no confirman la apreciación del Presidente Banzer, ya que ha sido el paladín de la campaña que señala a "Bolivia como país enclaustrado por su mediterraneidad que le impide su desarrollo económico-social" y de la condición previa para la reanudación de relaciones "que Chile se comprometa a entregar una solución concreta a la mediterraneidad de Bolivia mediante una salida propia y soberana al océano Pacífico".

4,- Me pidió que me abocara al pronto estudio de la fórmula que le permitiera la reanudación de relaciones y que

TO: VICE ADMIRAL ISMAEL HUERTA DÍAZ, MINISTER OF FOREIGN AFFAIRS.

FROM: OSCAR RUIZ BOURGEOIS, CONSUL GENERAL OF CHILE IN BOLIVIA.

REF.: POSSIBLE CONVERSATION WITH THE MINISTER OF FOREIGN AFFAIRS OF BOLIVIA, MARIO GUTIÉRREZ, ABOUT "THE RESUMPTION OF DIPLOMATIC RELATIONS BETWEEN BOLIVIA AND CHILE".

ANTECEDENTS: Proposal made by Bolivia's President, Brigade General HUGO BANZER SUÁREZ, to Consul General of Chile on last 18 September:

a) A meeting at the invitation of President Banzer developed in an extremely friendly and amicable environment. (For the first time after the rupture of relations in 1962 - a Bolivian President invited a representative of Chile to a private conversation in the Government's Palace). President Banzer expressed:

1.- His best wishes for Chile's prompt recovery as well as his sincere support for a successful administration for Chile's new Government. He expressed sympathy for the "Chilean revolution, to which he feels identified with, since it marks the end of a climate of permanent tension between his Government and Chile's former Marxist government."

2.- "His first reaction, as an expression of true understanding and friendliness toward the Armed Forces of Chile, was to resume relations immediately; however, he believed that, because of his image in front of his people, (as the rupture originated from the issue of the river Lauca, which could not be overcome satisfactorily), it was convenient that the Chilean Government make this transcendental step easier for him "by means of a specific sign of good will that will allow him to justify it". He pointed out that "granting non-negotiable compensation or specific projects for integration between both countries" would suffice; he expressly said: "study a package."

3.- He highlighted that Minister of Foreign Affairs Gutiérrez was an old friend of Chile, since he had done his university studies in our country. (Minister of Foreign Affairs Gutiérrez's behavior is not consistent with President Banzer 's assertions, since the Minister has been a fierce advocate for the campaign claiming that "Bolivia's landlocked status, hinders its economic and social development"; and that "Chile must commit to provide a concrete solution to Bolivia's landlocked status by means of a sovereign outlet of its own to the Pacific Ocean" as a prior condition for the resumption of relations.

4.- He asked me promptly to study a formula that will allow the resumption of relations, and

para ello recurriera la cualquiera de los personeros de su Gobierno, haciendo uso de sus propósitos, y que desde pronto contara con su sincera amistad para dialogar sobre el tema u otras materias que estimara de interés.

b) Con respecto a los planteamientos del Presidente Banzer habría que tenerv presente lo siguiente:

1.- Su indisimulado acercamiento a Brasil país que ejerce la mayor influencia en Bolivia. Hace dos meses el Canciller brasileño visitó los países andinos, a excepción de Chile, y a su paso por Bolivia consolidó el respaldo a esta nación a través de acuerdos tendientes a una efectiva ayuda a su desarrollo económico. Ello significó que Argentina tuviera que solucionar el problema de reajuste de precios del contrato de compra de gas de petróleo a Bolivia, situación que había postergado por mucho tiempo con grave perjuicio para la economía boliviana. También, con ocasión de la visita del Presidente Banzer a Paraguay, en fecha coincidente con la del Canciller de Brasil a Bolivia, quedo público testimonio de la tuición de Brasil sobre ambos países en abierta actitud perjudicial para los intereses de Argentina.

2.- De inmediato a la visita del Canciller Barboza a los países del Grupo Andino inició una gira por los mismos el Presidente Banzer. En casi todos ellos obtuvo que en las Declaraciones Conjuntas con los respectivos Jefes de Estado se dejara constancia de la "situación mediterranea de Bolivia que era causa principal de su subdesarrollo". Aun cuando en algunas Declaraciones el planteamiento apareció como unilateral por parte del Presidente Banzer (Colombia) en otras se hace presente los deseos conjuntos de los firmantes que se encuentre una solución al problema dentro de las pautas del derecho internacional (Ecuador y Venezuela). El caso del Perú fue de claro apoyo a la posición de Bolivia. Al regreso a país se enalteció el éxito de la gira del Presidente Banzer, quién consolidó su situación política.

3.- El Presidente Banzer ha conseguido un indiscutido prestigio nacional, es realmente un líder en las Fuerzas Armadas, domina con habilidad a los partidos políticos de Gobierno a los que últimamente "puso en jaque" cuando se observó públicamente un enfrentamiento entre el MNR (partido mayoritario cuyo líder es Victor Paz Estenssoro) y la Falange Popular Socialista (presidida por el Canciller Mario Gutiérrez, partido que hace dos meses tuvo una crisis que le significó una grave división a cargo del Dr. V alverde, quién posteriormente participó en un movimiento sedicioso y abandonó el país; finalmente se le ha acusado de estar implicado en delitos de contrabando, lo que pareciera efectivo). De la crisis política entre el MNR y la FPS, que en conjunto con las FF.AA. conforman el Gabinete al que el Presidente Banzer pidió la renuncia y dió a los partidos 48 para que llegaran a acuerdo, el Presidente obtuvo un señalado triunfo político y logró en plenitud su objetivo; adicionalmente, planteó su condición de aceptar la candidatura presidencial sobre la base de listas separadas de los dos partidos principales y un movimiento campesino formado bajo su instancia, el que debilita en forma seria al MNR cuyas bases principales están en el campesinado; en todas las listas Banzer figuraría como candidato presidencial.

4.- El desinterés del Presidente Banzer sobre el asunto del Lauca y el desvío de este problema, respecto de Chi-

to that effect he said that I could contact any official of his Government in pursuit of his intentions, and that from then on, I could rely on him as a sincere friend to discuss this topic or any other matters that I might consider of interest.

b) In light of President Banzer 's explanation, it is important to highlight the following points:

1- He established an open rapprochement with Brazil, a country exerting the most influence on Bolivia. Two months ago, the Brazilian Minister of Foreign Affairs visited the Andean countries, except for Chile, on his visit to Bolivia, he confirmed support to this nation by means of agreements leading to an effective help for its economic development. That meant that Argentina had to solve the problem of price readjustment under the Petroleum Gas Purchase and Sale Contract entered into with Bolivia, situation that had been long postponed, seriously harming Bolivia's economy. Likewise, on the visit that President Banzer paid to Paraguay on the same date the Brazilian Minister visited Bolivia, it was made public that Brazil tutored both countries, plainly to the detriment of Argentina's interest.

2- Immediately after Minister of Foreign Affairs Barboza's visit to the Andean countries, President Banzer began a tour around such countries. Virtually in all of these countries he obtained that in Joint Declarations with the respective Heads of State record was made of "Bolivia's landlocked status, which was the main cause for its underdevelopment". Even though in some instances the Declarations appeared to be a unilateral statement by President Banzer (Colombia) and in others finding a solution to the problem within the framework of international law appeared as joint wish of the undersigned (Ecuador and Venezuela). Peru's case was clear evidence of support for Bolivia's stance. Upon returning to his country, President Banzer was highly praised for his successful tour, consolidating his political situation.

3- President Banzer has gained undisputed national prestige, he is a true leader of the Armed Forces and he skillfully dominates political parties which he has lately "challenged", when there was a public conflict between the MNR (the majority political party headed by Victor Paz Estenssoro) and Falange Popular Socialista (headed by Mario Gutiérrez, the Minister of Foreign Affairs, a party which two months ago, underwent a crisis that meant a grave division led by Valverde, who was later involved in a seditious movement and left the country and, eventually, was accused of smuggling, an allegation that seems to be true). The political crisis between the MNR and the FPS, which along with the Armed Forces make up the Cabinet whom President Banzer demanded their resignations, and gave the parties 48 hours to reach an agreement, gave the President the aforementioned political triumph, and he fully achieved his goal; additionally, he stated that he would accept standing as a presidential candidate on the basis of separate slates between the two main parties and a farmers' movement formed at his instance, which seriously weakens the MNR, the foundations of which lie in the farmers; on each of these slates, Banzer appears as a presidential candidate.

4- The disinterest of President Banzer's over the Lauca issue and the deviation of this problem, with respect to Chile

...s, hacia los planteamientos mediterráneos, principalmente por parte del Canciller Gutiérrez (quién es claramente un incondicional amigo de Brasil), obedece que la argumentación boliviana sobre el Lauca es contradictoria a los intereses de Brasil en su problema con Argentina en uso de aguas de ríos de la Cuenca del Plata.

5.- Frente a la actitud de Chile de no aceptar condiciones para restablecer relaciones diplomáticas con Bolivia, el Canciller Gutiérrez ha tomado una posición particular de buscar la oportunidad de discutir con Chile "al mas alto nivel", ya sea entre Cancilleres o plenipotenciarios, el tema global "Factores de integración". Incluso habría comprometido al ex-Canciller Orlando Letelier a una reunión en Cochabamba en base a esa tema. La finalidad que persigue en encausarlo hacia el problema de la mediterraneidad, prueba de ello es que cuando el ex-Canciller Almeyda desvió el alcance de la reunión de Cochabamba (que estaba programada para el 15 del presente) a una reunión de la Comisión Mixta de Integración Chileno-Boliviana cuyo temario sería rutinario y con diversos puntos de carácter comercial, tecnológico y de proyectos específicos de integración industrial, el Canciller Gutiérrez pidió que la agenda se resumiera al tema "Factores de inegración" y de éste en la propia reunión se resolviera su subdivisión. Frente a este planteamiento el suscrito pidió una aclaración al Director de Integración Juan Pereira (día 10 de Septiembre, cuyo cable informativo no alcanzó a llegar a Santiago por los acontecimientos del día 11), el interpelado me manifestó que el tema permitiría abrir conversaciones sobre "el problema de fondo que afecta el entendimiento entre ambos países". Me precisó que la solución de la mediterraneidad podría centrarse en: "el otorgamiento de un corredor en la frontera con Perú, en un enclave en Iquique o Mejillones o en el usufructo a perpetuidad de una zona de nuestra costa, también habló de la internacionalización del puerto de Arica"; en cuanto a pretensiones bolivianas de integración, señaló: "electricidad para Tarapacá y Antofagasta, empresas binacionales de ácido sulfúrico, siderúrgia y metalurgia no ferrosa, química pesada, programación metal-mecánica y complejo petroquímico".

6.- Respecto al complejo petroquímico, Bolivia y Perú habían llegado a acuerdo en principio de programarlo en conjunto, pero finalmente se ha informado a la opinión pública boliviana del fracaso de las negociaciones, que debían haber culminado el 20 de Septiembre, debido a que Bolivia se mentuvo en su posición de realizarlo en la frontera altiplánica (Desaguadero) y Perú en la costa al lado de la frontera con Chile. Según planteamientos hechos al suscrito por funcionarios e industriales bolivianos interesados en el proyecto, el Ministro de Hidrocarburos de Bolivia era partidario que éste se realizara con Chile y, eventualmente, con la participación de Brasil (por razones de mercado) y/o Venezuela (para asegurar adecuada materia prima); el Presidente Banzer estaría detrás de la pretensión de su Ministro y ello puede ser efectivo porque en la conversación del 18 de Septiembre el Presidente se mostró interesado en que Chile se asociara con Bolivia en dicho proyecto.

Además, el Ing. Juan Tampier, ex-Gerente de nuestra Industria petroquímica y actual asesor de la Junta del Acuerdo de Carragena en materia petroquímica, recibió encargo de las autoridades bolivianas del sector de sondear a Chile.

towards the landlocked proposals, particularly by Minister of Foreign Affairs Gutiérrez (who clearly is an unconditional friend of Brazil), lies in the fact that Bolivia's stance on the Lauca contradicts Brazil's interest in its problem with Argentina over the use of the rivers in the de la Plata Basin.

5- In light of Chile's stance of not accepting conditions to re-establish diplomatic relations with Bolivia, Minister of Foreign Affairs Gutiérrez has adopted a particular stance seeking an opportunity to discuss the global matter of "Integration Factors" with Chile at "the highest level" either between the Ministers of Foreign Affairs or plenipotentiaries. He had even arranged for a meeting about this issue with former Minister of Foreign Affairs Orlando Letelier in Cochabamba. The purpose he was seeking by channeling it towards the landlocked problem was evidenced when former Minister of Foreign Affairs Almeyda deviated the scope of the meeting in Cochabamba (scheduled for the 15th day of this month) towards a Mixed Commission for Integration between Chile and Bolivia, the agenda of which was routine and included a number of different commercial and technological items as well as specific projects for industrial integration, the Minister of Foreign Affairs Gutiérrez requested that the agenda be summed up to the issue of "Integration Factors" and that the issue itself be subdivided at that very meeting. In view of this proposal, the undersigned asked the Director for Integration Juan Pereira for clarification (10 September, the informative cable of which did not arrive to Santiago due to the events that occurred on 11 September), he stated that this topic would allow for discussion about "the underlying problem affecting the understanding between both countries." He specified that the solution to the landlocked status might be centered on "granting a corridor on the border with Peru, an enclave in Iquique or Mejillones, or a perpetual usufruct in an area of our coast"; he also mentioned "the internationalization of the Port of Arica;" as for the requirements for integration laid down by Bolivia, he indicated as follows: "electricity supply for Tarapacá and Antofagasta, binational companies of sulfuric acid, iron and steel, non-ferrous metallurgy, heavy chemical industry, metalworking programming, and a petrochemical complex."

6- Regarding the petrochemical complex, Bolivia and Peru had reached a preliminary agreement to jointly program its installation; eventually, however, the Bolivian public opinion was informed that the negotiations expected to conclude on 20 September had failed, because Bolivia insisted on setting it up on the Plateau border (Desaguadero) and Peru, wanted to install it on the coast next to the border with Chile. Bolivian officials and industrialists interested in the project have said to me that the Bolivian Minister of Hydrocarbons was in favor of the project being carried out with Chile and that eventually, with the participation of Brazil (for market reasons) and/or Venezuela (in order to secure adequate raw material); President Banzer might be behind his Minister's stance and this might be effective since the President, in the conversation of 18 September, showed interest in the possibility of an association between Chile and Bolivia for this project.

In addition, Engineer Juan Tampier, the former Manager of our petrochemical company and the current petrochemical Advisor of the Cartagena Agreement Board, was commissioned by Bolivian authorities of such sector to conduct a preliminary exploration of Chile.

CONCLUSIONES: A) Parecería sincero el propósito del Presidente Banzer de posibilitar la reanudación de relaciones diplomáticas con Chile y no subordinar esta actitud al problema mediterraneo. Sin embargo, habría que tener presente los antecedentes similares de posiciones de otros gobernantes bolivianos, no obstante hay que considerar que las condiciones políticas eran diferentes. A pesar de ello, no debe dejarse de tener en cuenta lo difícil que es borrar las pretenciones marítimas de Bolivia, a cuyo pueblo se le ha inculcado por decenas de años esta consigna.

Es posible que el planteamiento de Banzer exista influencia de Brasil, país al que le conviene un mayor acercamiento con Chile - incluso para facilitar su acceso al Pacífico a través de la Carretera Crumbá-Arica, que puede ser una realidad a muy corto plazo, crear una acción política mancomunada entre Chile, Brasil y Bolivia, a la que a la zaga podría llevar a Paraguay, Uruguay y talvez a Ecuador; ello le permitiría neutralizar a Argentina y, posiblemente, piense también en la distancia política que tiene con el actual Gobierno del Perú, además, adquiriría gran influencia en el Acuerdo de Cartagena por sobre Argentina y México.

B) Talvez convendría no perder esta propicia oportunidad para reanudar las relaciones con Bolivia y, al existir acuerdo de nuestro Gobierno en ese sentido, habría que hacerlo muy pronto ya que las posiciones de Bolivia son muy cambiantes. Sin embargo, no sería conveniente abandonar el principio de incondicionalidad para establecer las relaciones, aún cuando sería del caso ablandar un tanto esta actitud comprometiendo una reunión de la Comisión Mixta de Integración Chileno-Boliviana avanzando un temario como el siguiente:

1) Análisis del intercambio comercial (Chile ha comprometido compras este año por mas de US 25.000.000 en productos que puede consolidar el suministro boliviano (azúcar, petróleo, carne, azufre etc). Ello significa una espléndida herramienta negociadora para obtener ventajas en materia de complementación industrial, principalmente en base a la industria ariqueña que tiene grandes posibilidades en el mercado boliviano).

2) Solución de problémas de infraestructura (tarifas de fletes marítimos, seguridad operacional y mejor acondicionamiento de los puertos de Arica y Antofagasta, acuerdo definitivo para la construcción del camino Arica-Patacamaya (se contaría con pleno apoyo de

CONCLUSIONS: A) President Banzer seems to have sincere intentions to allow the resumption of diplomatic relations with Chile, and not subordinating it to the landlocked problem. However, similar stances taken by previous Bolivian leaders should be borne in mind, although it is worth noting that the political conditions at that time were different. And yet it must be taken into account that it is difficult to erase Bolivia's maritime ambitions, since this motto has been instilled into the Bolivian people for years.

It is possible that Banzer's proposal has been influenced by Brazil, since the latter would benefit from closer ties with Chile —including an easier access to the Pacific Ocean through the Corumbá-Arica road—, which might become a reality in the short term and result in joint political action involving Chile, Brazil and Bolivia, and eventually Paraguay, Uruguay, and perhaps Ecuador; this will allow it to neutralize Argentina and, perhaps, it will think of the political distance that it has with the current Government of Peru; likewise, it would gain greater influence on the Cartagena Agreement, surpassing Argentina and Mexico.

B) Perhaps it would be advisable not to miss this favourable opportunity to resume relations with Bolivia, and since there is agreement of our Government in this sense, this would have to be done soon since Bolivia's stance is always changing. However, it would not be advisable to abandon the principle of unconditionally in order to resume relations, even if this stance needs to be softened to arrange for a meeting of the Mixed Commission for Integration between Chile and Bolivia with the following agenda:

1) Analysis of the trade exchange (this year Chile has purchased over USD 25,000,000 in goods that can strengthen Bolivian supply (e.g. sugar, petroleum, meat, sulfur, etc.). This is an excellent tool for negotiation, which can lead to advantages related to industrial complementation, especially in terms of Arica's industry, which stands high chances in the Bolivian market).

2) Solution to infrastructure problems (sea freight rates, operational safety and an enhanced reconditioning of the Port of Arica and the Port of Antofagasta, and a final agreement for the construction of the Arica-Patacamaya road (this would have the full support

parte de Brasil).

3.- Suscripción inmediata del Convenio para la ampliación del oleoducto Sica-Sica/ Arica y construcción de nuevos tanques petreleros en Arica.

4.- Estaudio de la programación conjunta entre Chile y Bolivia de proyectos específicos de integración industrial:
a) Complejo petroquímico en Arica;
b) Complementación entre empresas chilenas y bolivianas para la expansión del parque industrial de Arica en base principal al mercado de Bolivia y con perspectivas a los países del Acuerdo de Cartagena
c) Otros proyectos a considerar en el futuro (para cuyo efecto se crearía un Grupo de Trabajo Permanente) .

5.- Consideración, por parte de Chile, de la transformación de Arica en un gran puerto franco que sirviera, entre otros países, a Bolivia, para su desarrollo industrial y comercial. Ello favorecería especialmente a Bolivia, frente a otros países, en atención a su condición de país de menor desarrollo relativo.

C) En el orden político talvez convendría tener en cuanta los deseos de Brasil de un acercamiento mas estrecho con Chile y Bolivia. (Esto lo ha hecho presente al suscrito el Embajado de Brasil en La Paz, con quien he conseguido una buena amistad). Sin embargo, este eventual acuerdo debería ser "de facto" para no dañar nuestras relaciones con Argentina; no obstante, nos permitiría restaurar nuestras tradicionales buenas relaciones con Brasil: y, además, crear un sistema de adecuado equilibrio frente a eventuales dificultades con Argentina y Perú.

Santiago, Octubre 3 de 1973.

Oscar Ruiz Bourgeois.

of Brazil).

3) Promptly entering into an Agreement to expand the Sica-Sica/Arica oil pipeline and construct new oil tanks in Arica.

4) Study of the specific industrial integration projects jointly planned by Chile and Bolivia:

   a) Petrochemical complex in Arica;

   b) Complementation between Chilean and Bolivian companies to expand the industrial park in Arica focusing mainly on Bolivia's market and aimed at the countries involved in the Cartagena Agreement.

   c) Other projects for future consideration (in pursuance of which a Permanent Working Group could be formed).

5) Assessment, on the part of Chile, of transforming Arica in a free port to encourage Bolivia and other countries' industrial and commercial development. This would be particularly favourable to Bolivia, as opposed to other countries, considering Bolivia's condition as a country relatively less developed.

C) In the political order, perhaps it would be advisable to bear in mind Brazil's wishes of a closer rapprochement with Chile and Bolivia. (This was mentioned to me by the Brazilian Ambassador to La Paz, with whom I have established a close friendship). If reached, however, this should be a "de facto" agreement, so that our relations with Argentina are not weakened; still, this would allow us to resume our traditionally good relations with Brazil and, at the same time, create an adequately balanced system in view of potential difficulties with Argentina and Peru.

Santiago, 3 October 1973.

[Signature].

Oscar Ruiz Bourgeois.